

By the Committee on Judiciary and Senator Grant

308-1837A-00

1                                   A bill to be entitled  
2           An act relating to child protection; creating  
3           s. 383.50, F.S.; prescribing duties of  
4           hospitals and fire stations with respect to  
5           abandoned newborn infants, as defined;  
6           providing for anonymity of such infants'  
7           parents; amending s. 39.01, F.S.; redefining  
8           the term "abandoned"; amending s. 39.201, F.S.;  
9           revising duties of the central abuse hotline to  
10          accept specified reports of abandoned newborn  
11          infants and disclose names of eligible licensed  
12          child-placing agencies; amending s. 63.167,  
13          F.S.; providing duties of the state adoption  
14          information center with respect to maintaining  
15          a list of child-placing agencies with which  
16          abandoned newborns may be placed; creating s.  
17          63.0423, F.S.; prescribing rights, duties and  
18          procedures for licensed child-placing agencies  
19          with respect to custody, placement, and  
20          adoption of abandoned newborn infants;  
21          providing limited relief from judgment of  
22          termination of parental rights; amending s.  
23          63.182, F.S.; providing a statute of repose for  
24          setting aside adoptions; creating s. 409.163,  
25          F.S.; providing duties of the Department of  
26          Children and Family Services in conjunction  
27          with the Department of Health to produce media  
28          campaign with respect to abandoned newborns;  
29          creating s. 827.035, F.S.; providing that it is  
30          an affirmative defense to certain child-abuse  
31          charges that the parent of a newborn infant

1 arranged its placement under this act;  
2 providing an effective date.

3  
4 WHEREAS, in this state and in the nation, newborn  
5 infants have suffered and died as the result of abandonment in  
6 life-threatening situations, and

7 WHEREAS, the parents of newborn infants are often under  
8 severe emotional stress, and

9 WHEREAS, anonymity, confidentiality, and freedom from  
10 prosecution for parents may encourage them to leave a newborn  
11 infant safely and thus save the newborn infant's life, NOW,  
12 THEREFORE,

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 383.50, Florida Statutes, is  
17 created to read:

18 383.50 Treatment of abandoned newborn infant.--

19 (1) As used in this section, the term "newborn infant"  
20 means a child that a licensed physician reasonably believes to  
21 be approximately 3 days old or younger at the time the child  
22 is left at the hospital.

23 (2) Each fire station staffed with full-time  
24 firefighters or emergency medical technicians shall accept any  
25 newborn infant left with a fire fighter or emergency medical  
26 technician when the identity of the parents is unknown. Upon  
27 acceptance of the newborn infant, the firefighter or emergency  
28 medical technician shall provide emergency medical service to  
29 the extent he or she is trained to provide those services and  
30 shall arrange for transport of the newborn infant to the  
31 nearest hospital with emergency services. Any firefighter or

1 emergency medical technician accepting or providing emergency  
2 medical services to a newborn infant pursuant to this  
3 subsection is immune from criminal or civil liability for  
4 having performed the act. Nothing in this subsection limits  
5 liability for negligence.

6 (3) Each hospital of this state subject to s. 395.1041  
7 shall, and any other hospital may, admit and provide all  
8 necessary emergency services and care, as defined in s.  
9 395.002(10), to any newborn infant left with the hospital in  
10 accordance with this section. The hospital or any of its  
11 licensed health care professionals shall consider these  
12 actions as implied consent for treatment, and a hospital  
13 accepting physical custody of a newborn infant has implied  
14 consent to perform all necessary emergency services and care.  
15 The hospital or any of its licensed health care professionals  
16 is immune from criminal or civil liability for acting in good  
17 faith in accordance with this section. Nothing in this  
18 subsection limits liability for negligence.

19 (4) Except where there is actual or suspected child  
20 abuse or neglect, any parent who leaves a newborn infant with  
21 a firefighter or emergency medical technician at a fire  
22 station or brings a newborn infant to an emergency room of a  
23 hospital and expresses an intent to leave the newborn infant  
24 and not return has the absolute right to remain anonymous and  
25 to leave at any time and may not be pursued or followed unless  
26 the parent seeks to reclaim the newborn infant.

27 (5) Upon admitting a newborn infant under this  
28 section, the hospital shall immediately contact a local  
29 licensed child-placing agency or alternatively contact the  
30 statewide central abuse hotline for the names of three  
31 licensed child-placing agencies for purposes of transferring

1 physical custody of the newborn infant. The hospital shall  
2 notify a licensed child-placing agency that a newborn infant  
3 has been left with the hospital and approximately when the  
4 licensed child-placing agency can take physical custody of the  
5 child. If none of the licensed child-placing agencies  
6 contacted will take custody of the newborn infant, the  
7 hospital shall contact the Department of Children and Family  
8 Services via the statewide central abuse hotline. The  
9 department shall assume physical custody of the newborn infant  
10 as if the infant had been voluntarily surrendered. In cases  
11 where there is actual or suspected child abuse or neglect, the  
12 hospital or any of its licensed health care professionals  
13 shall report the actual or suspected child abuse or neglect in  
14 accordance with ss. 39.1023 and 395.1023 in lieu of contacting  
15 a licensed child-placing agency.

16 (6) Each hospital or fire station taking physical  
17 custody of a newborn infant under this section shall make a  
18 good-faith effort to obtain the health, medical, and social  
19 history concerning the newborn infant and the parents,  
20 including a physical description of the parents if reasonably  
21 ascertainable. The hospital or fire station may offer  
22 materials to the parent leaving the newborn infant, including:

23 (a) Information on the importance of the medical,  
24 health, and social history regarding the newborn infant and  
25 notice that such information may be given anonymously; and

26 (b) Written notification that failure to contact the  
27 entity having physical or legal custody of the newborn infant,  
28 or, alternatively the court if proceedings have already been  
29 initiated or are pending and assert a claim of parental rights  
30 within 30 days after the newborn infant is left at the  
31 hospital or the fire station shall result in the commencement

1 of proceedings for termination of parental rights and  
2 subsequent adoption of the newborn infant.

3 (7) Any newborn infant admitted to a hospital in  
4 accordance with s. 383.50 is presumed eligible for coverage  
5 under Medicaid, subject to federal rules. Medicaid eligibility  
6 remains in effect until a licensed child-placing agency takes  
7 physical custody of the newborn infant.

8 (8) A newborn infant left at a fire station or a  
9 hospital in accordance with this section shall not be deemed  
10 abandoned subject to reporting and investigation requirements  
11 under s. 39.201 unless there is actual or suspected child  
12 abuse or until the department takes physical custody of the  
13 child.

14 (9) A criminal investigation shall not be initiated  
15 solely because a newborn infant is left at a hospital under s.  
16 383.50 unless there is actual or suspected child abuse or  
17 neglect.

18 Section 2. Subsections (1) and (30) of section 39.01,  
19 Florida Statutes, are amended to read:

20 39.01 Definitions.--When used in this chapter, unless  
21 the context otherwise requires:

22 (1) "Abandoned" means a situation in which the parent  
23 or legal custodian of a child or, in the absence of a parent  
24 or legal custodian, the caregiver responsible for the child's  
25 welfare, while being able, makes no provision for the child's  
26 support and makes no effort to communicate with the child,  
27 which situation is sufficient to evince a willful rejection of  
28 parental obligations. If the efforts of such parent or legal  
29 custodian, or caregiver primarily responsible for the child's  
30 welfare, to support and communicate with the child are, in the  
31 opinion of the court, only marginal efforts that do not evince

1 a settled purpose to assume all parental duties, the court may  
2 declare the child to be abandoned. The term "abandoned" does  
3 not include an abandoned newborn infant as described in s.  
4 383.50, a "child in need of services" as defined in chapter  
5 984, or a "family in need of services" as defined in chapter  
6 984. The incarceration of a parent, legal custodian, or  
7 caregiver responsible for a child's welfare may support a  
8 finding of abandonment.

9 (30) "Harm" to a child's health or welfare can occur  
10 when any person:

11 (a) Inflicts or allows to be inflicted upon the child  
12 physical, mental, or emotional injury. In determining whether  
13 harm has occurred, the following factors must be considered in  
14 evaluating any physical, mental, or emotional injury to a  
15 child: the age of the child; any prior history of injuries to  
16 the child; the location of the injury on the body of the  
17 child; the multiplicity of the injury; and the type of trauma  
18 inflicted. Such injury includes, but is not limited to:

19 1. Willful acts that produce the following specific  
20 injuries:

- 21 a. Sprains, dislocations, or cartilage damage.  
22 b. Bone or skull fractures.  
23 c. Brain or spinal cord damage.  
24 d. Intracranial hemorrhage or injury to other internal  
25 organs.  
26 e. Asphyxiation, suffocation, or drowning.  
27 f. Injury resulting from the use of a deadly weapon.  
28 g. Burns or scalding.  
29 h. Cuts, lacerations, punctures, or bites.  
30 i. Permanent or temporary disfigurement.  
31

1           j. Permanent or temporary loss or impairment of a body  
2 part or function.

3  
4 As used in this subparagraph, the term "willful" refers to the  
5 intent to perform an action, not to the intent to achieve a  
6 result or to cause an injury.

7           2. Purposely giving a child poison, alcohol, drugs, or  
8 other substances that substantially affect the child's  
9 behavior, motor coordination, or judgment or that result in  
10 sickness or internal injury. For the purposes of this  
11 subparagraph, the term "drugs" means prescription drugs not  
12 prescribed for the child or not administered as prescribed,  
13 and controlled substances as outlined in Schedule I or  
14 Schedule II of s. 893.03.

15           3. Leaving a child without adult supervision or  
16 arrangement appropriate for the child's age or mental or  
17 physical condition, so that the child is unable to care for  
18 the child's own needs or another's basic needs or is unable to  
19 exercise good judgment in responding to any kind of physical  
20 or emotional crisis.

21           4. Inappropriate or excessively harsh disciplinary  
22 action that is likely to result in physical injury, mental  
23 injury as defined in this section, or emotional injury. The  
24 significance of any injury must be evaluated in light of the  
25 following factors: the age of the child; any prior history of  
26 injuries to the child; the location of the injury on the body  
27 of the child; the multiplicity of the injury; and the type of  
28 trauma inflicted. Corporal discipline may be considered  
29 excessive or abusive when it results in any of the following  
30 or other similar injuries:

31           a. Sprains, dislocations, or cartilage damage.

- 1           b. Bone or skull fractures.  
2           c. Brain or spinal cord damage.  
3           d. Intracranial hemorrhage or injury to other internal  
4 organs.  
5           e. Asphyxiation, suffocation, or drowning.  
6           f. Injury resulting from the use of a deadly weapon.  
7           g. Burns or scalding.  
8           h. Cuts, lacerations, punctures, or bites.  
9           i. Permanent or temporary disfigurement.  
10          j. Permanent or temporary loss or impairment of a body  
11 part or function.  
12          k. Significant bruises or welts.  
13           (b) Commits, or allows to be committed, sexual  
14 battery, as defined in chapter 794, or lewd or lascivious  
15 acts, as defined in chapter 800, against the child.  
16           (c) Allows, encourages, or forces the sexual  
17 exploitation of a child, which includes allowing, encouraging,  
18 or forcing a child to:  
19           1. Solicit for or engage in prostitution; or  
20           2. Engage in a sexual performance, as defined by  
21 chapter 827.  
22           (d) Exploits a child, or allows a child to be  
23 exploited, as provided in s. 450.151.  
24           (e) Abandons the child. Within the context of the  
25 definition of "harm," the term "abandons the child" means that  
26 the parent or legal custodian of a child or, in the absence of  
27 a parent or legal custodian, the person responsible for the  
28 child's welfare, while being able, makes no provision for the  
29 child's support and makes no effort to communicate with the  
30 child, which situation is sufficient to evince a willful  
31 rejection of parental obligation. If the efforts of such a



1 parent or legal custodian or person primarily responsible for  
2 the child's welfare to support and communicate with the child  
3 are only marginal efforts that do not evince a settled purpose  
4 to assume all parental duties, the child may be determined to  
5 have been abandoned. The term "abandoned" does not include an  
6 abandoned newborn infant as described in s. 383.50.

7 (f) Neglects the child. Within the context of the  
8 definition of "harm," the term "neglects the child" means that  
9 the parent or other person responsible for the child's welfare  
10 fails to supply the child with adequate food, clothing,  
11 shelter, or health care, although financially able to do so or  
12 although offered financial or other means to do so. However,  
13 a parent or legal custodian who, by reason of the legitimate  
14 practice of religious beliefs, does not provide specified  
15 medical treatment for a child may not be considered abusive or  
16 neglectful for that reason alone, but such an exception does  
17 not:

- 18 1. Eliminate the requirement that such a case be  
19 reported to the department;
- 20 2. Prevent the department from investigating such a  
21 case; or
- 22 3. Preclude a court from ordering, when the health of  
23 the child requires it, the provision of medical services by a  
24 physician, as defined in this section, or treatment by a duly  
25 accredited practitioner who relies solely on spiritual means  
26 for healing in accordance with the tenets and practices of a  
27 well-recognized church or religious organization.

28 (g) Exposes a child to a controlled substance or  
29 alcohol. Exposure to a controlled substance or alcohol is  
30 established by:

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1           1. Use by the mother of a controlled substance or  
2 alcohol during pregnancy when the child, at birth, is  
3 demonstrably adversely affected by such usage; or

4           2. Continued chronic and severe use of a controlled  
5 substance or alcohol by a parent when the child is  
6 demonstrably adversely affected by such usage.

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8 As used in this paragraph, the term "controlled substance"  
9 means prescription drugs not prescribed for the parent or not  
10 administered as prescribed and controlled substances as  
11 outlined in Schedule I or Schedule II of s. 893.03.

12           (h) Uses mechanical devices, unreasonable restraints,  
13 or extended periods of isolation to control a child.

14           (i) Engages in violent behavior that demonstrates a  
15 wanton disregard for the presence of a child and could  
16 reasonably result in serious injury to the child.

17           (j) Negligently fails to protect a child in his or her  
18 care from inflicted physical, mental, or sexual injury caused  
19 by the acts of another.

20           (k) Has allowed a child's sibling to die as a result  
21 of abuse, abandonment, or neglect.

22           (l) Makes the child unavailable for the purpose of  
23 impeding or avoiding a protective investigation unless the  
24 court determines that the parent, legal custodian, or  
25 caregiver was fleeing from a situation involving domestic  
26 violence.

27           Section 3. Present paragraphs (f) and (g) of  
28 subsection (2) of section 39.201, Florida Statutes, are  
29 redesignated as paragraphs (g) and (h), respectively, and a  
30 new paragraph (f) is added to that subsection to read:

31

1           39.201 Mandatory reports of child abuse, abandonment,  
2 or neglect; mandatory reports of death; central abuse  
3 hotline.--

4           (2)

5           (f) Reports involving abandoned newborn infants as  
6 described in s. 383.50 shall be made and received by the  
7 department.

8           1. If the report is of an abandoned newborn infant as  
9 described in s. 383.50 and there is no indication of abuse,  
10 neglect, or abandonment of the infant other than that  
11 necessarily entailed in the infant having been left at a fire  
12 station or hospital, the department shall provide to the  
13 caller the names of the three licensed child-placing agencies  
14 on a rotating basis of agencies eligible and willing to take  
15 custody of and place newborn infants left at a hospital or a  
16 fire station. The report shall not be considered a report of  
17 abuse, neglect, or abandonment solely because the infant has  
18 been left at a hospital pursuant to s. 383.50.

19           2. If the caller reports indications of abuse or  
20 neglect beyond that necessarily entailed in the infant having  
21 been left at a fire station or hospital, the report shall be  
22 considered as a report of abuse, neglect, or abandonment and  
23 shall be subject to the requirements of s. 39.395 and all  
24 other relevant provisions of this chapter, notwithstanding any  
25 provisions of chapter 383.

26           Section 4. Paragraph (f) is added to subsection (2) of  
27 section 63.167, Florida Statutes, to read:

28           63.167 State adoption information center.--

29           (2) The functions of the state adoption information  
30 center shall include:  
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1           (f) Maintaining a list of licensed child-placing  
2 agencies eligible and willing to take custody of and place  
3 newborn infants left at a hospital, pursuant to s. 383.50. The  
4 names and contact information for the licensed child-placing  
5 agencies on the list shall be provided on a rotating basis to  
6 the statewide central abuse hotline.

7           Section 5. Section 63.0423, Florida Statutes, is  
8 created to read:

9           63.0423 Procedures with respect to abandoned  
10 newborns.--

11           (1) Upon notice from any hospital or any of its  
12 licensed health care professionals that a newborn infant has  
13 been left at a fire station or hospital pursuant to s. 383.50,  
14 a licensed child-placing agency may accept such infant. The  
15 licensed child-placing agency shall immediately seek an order  
16 for emergency custody of the newborn infant from the circuit  
17 court. A licensed child-placing agency accepting the newborn  
18 infant shall assume responsibility for all medical costs and  
19 all other costs associated with the emergency services and  
20 care of the newborn infant.

21           (2) The emergency-custody order shall remain in effect  
22 until the court orders preliminary approval of placement of  
23 the newborn infant in the prospective home, at which time the  
24 prospective adoptive parents become guardians pending  
25 finalization of adoption or until the court orders otherwise.

26           (3) Upon the newborn infant's transfer from the  
27 hospital, the licensed child-placing agency shall, when  
28 possible, place the newborn infant temporarily in a  
29 prospective adoptive home, at which time the prospective  
30 adoptive parents become guardians pending termination of  
31 parental rights and finalization of adoption.

1           (4) During the initial 30 days of placement, the  
2 licensed child-placing agency shall request assistance from  
3 law enforcement officials to investigate, through the Missing  
4 Children Information Clearinghouse, the National Center for  
5 Missing and Exploited Children, and any other national and  
6 state resources, to ensure that the newborn infant is not a  
7 missing child.

8           (5) A petition for termination of parental rights  
9 under this section may not be filed until 30 days after the  
10 placement of the newborn infant in the prospective adoptive  
11 home. A petition for termination of parental rights may not be  
12 granted until consent has been executed by the parents of the  
13 newborn infant as set forth in s. 63.062, except that a parent  
14 who has left a newborn infant in a hospital in accordance with  
15 s. 383.50 is presumptively deemed to have consented to  
16 termination of parental rights.

17           (6) Within 7 days after accepting physical custody of  
18 a newborn infant, a licensed child-placing agency must conduct  
19 a diligent search to notify and to obtain consent from a  
20 parent whose identity or location is unknown, other than a  
21 parent who has left a newborn infant at a fire station or a  
22 hospital in accordance with s. 383.50. The diligent search  
23 must include at a minimum, inquiries of all known relatives of  
24 the parent, inquiries of all offices of program areas of the  
25 department likely to have information about the parent,  
26 inquiries of other state and federal agencies likely to have  
27 information about the parent, inquiries of appropriate utility  
28 and postal providers, and inquiries of appropriate law  
29 enforcement agencies. Constructive notice must also be  
30 provided to that parent whose identity or location is unknown.  
31 Constructive notice shall be made as provided in chapter 49 in

1 the county where the newborn infant was left and in the county  
2 where the petition to terminate parental rights is filed or  
3 will be filed. The constructive notice must include  
4 information in the petition to terminate parental rights and  
5 information on whom the parent must contact in order to assert  
6 a claim of parental rights of the newborn infant and how to  
7 assert that claim. If a parent cannot be identified or located  
8 through a diligent search, the licensed child-placing agency  
9 shall file an affidavit of diligent search at the same time  
10 that the petition to terminate parental rights is filed.

11 (7) A claim of parental rights of the newborn infant  
12 may not be made after the adjudicatory hearing on the petition  
13 to terminate parental rights by a parent other than a parent  
14 who is deemed to have consented pursuant to s. 383.50 and who  
15 has not executed a consent to adoption or an affidavit of  
16 nonpaternity, except as otherwise provided by subsection (10).

17 (8) If a claim of parental rights of the newborn  
18 infants is made to the entity having physical or legal custody  
19 of the newborn infant or to the court, before the adjudicatory  
20 hearing on the petition for termination of parental rights,  
21 the circuit court may hold the action for termination of  
22 parental rights and adoption in abeyance for a period of time  
23 not to exceed 60 days.

24 (a) During that period the circuit court shall order  
25 scientific testing to determine maternity or paternity at the  
26 expense of the claimant.

27 (b) The court may appoint a guardian ad litem for the  
28 newborn infant and order whatever investigation or evaluation  
29 is necessary to determine what is in the best interest of the  
30 newborn infant.

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1           (c) The court may not terminate parental rights solely  
2 on the basis that the parent left a newborn infant at a  
3 hospital or fire station in accordance with s. 383.50.

4           (9) The court shall enter a written judgment returning  
5 the newborn infant to the parent or terminating parental  
6 rights pending adoption to include findings of fact as to the  
7 grounds for judgment. Within 24 hours after filing the  
8 judgment, the clerk of the court shall mail a copy of the  
9 judgment to the department, the petitioner, and the persons  
10 whose consent were required, if known. The clerk shall execute  
11 a certificate of each mailing.

12           (10)(a) A judgment terminating parental rights pending  
13 adoption is voidable, and any later judgment of adoption of  
14 that minor is voidable, if, upon the motion of a parent, the  
15 court finds that a person knowingly gave false information  
16 that prevented the parent from timely making known his or her  
17 desire to assume parental responsibilities toward the minor or  
18 from exercising his or her parental rights. A motion under  
19 this subsection must be filed with the court originally  
20 entering the judgment. The motion must be filed within a  
21 reasonable time, but not later than 2 years after the entry of  
22 the judgment terminating parental rights.

23           (b) No later than 30 days after the filing of a motion  
24 under this subsection, the court must conduct a preliminary  
25 hearing to determine what contact, if any, will be permitted  
26 between a parent and the child pending resolution of the  
27 motion. Such contact may be allowed only if it is requested by  
28 a parent who has appeared at the hearing. If the court orders  
29 contact between a parent and child, the order must be issued  
30 in writing as expeditiously as possible and must state with  
31

1 specificity any provisions regarding contact with persons  
2 other than those with whom the child resides.

3 (c) At the preliminary hearing the court, upon the  
4 motion of any party or upon its own motion, may order  
5 scientific testing to determine the paternity or maternity of  
6 the minor if the person seeking to set aside the judgment is  
7 alleging to be the child's parent and that fact has not  
8 previously been determined by legal proceedings or scientific  
9 testing. The court may order supervised visitation with a  
10 person for whom scientific testing for paternity or maternity  
11 has been ordered. Such visitation shall be conditioned upon  
12 the filing of test results with the court and those results  
13 establishing that person's paternity or maternity of the  
14 minor.

15 (d) No later than 45 days after the preliminary  
16 hearing, the court must conduct a final hearing on the motion  
17 to set aside the judgment and enter its written order as  
18 expeditiously as possible thereafter.

19 (11) To the extent that this section conflicts with  
20 chapter 63, proceedings for the termination of parental rights  
21 and the subsequent adoption of a newborn infant left in a  
22 hospital pursuant to s. 383.50 shall be conducted in  
23 accordance with chapter 63.

24 Section 6. Section 63.182, Florida Statutes, is  
25 amended to read:

26 (Substantial rewording of section. See  
27 s. 63.182, F.S., for present text.)  
28 63.182 Statute of repose.--Notwithstanding s. 95.031  
29 or s. 95.11 or any other statute:

30 (1) An action or proceeding of any kind to vacate, set  
31 aside, or otherwise nullify a judgment of adoption or an



1 underlying judgment terminating parental rights on any ground,  
2 including duress but excluding fraud, shall in no event be  
3 filed more than 1 year after entry of the judgment terminating  
4 parental rights.

5 (2) An action or proceeding of any kind to vacate, set  
6 aside, or otherwise nullify a judgment of adoption or an  
7 underlying judgment terminating parental rights on grounds of  
8 fraud shall in no event be filed more than 2 years after entry  
9 of the judgment terminating parental rights.

10 Section 7. Section 409.163, Florida Statutes, is  
11 created to read:

12 409.163 Department; duties with respect to abandoned  
13 newborns.--

14 (1) The department, in conjunction with the Department  
15 of Health, shall produce a media campaign to promote safe  
16 placement alternatives for newborn infants and inform the  
17 public concerning the confidentiality and limited immunity  
18 from criminal prosecution offered to birth parents, the rights  
19 of a parent who has left a newborn infant in accordance with  
20 s. 383.50 to reclaim the infant within 30 days after the  
21 newborn infant is left or to assert a claim prior to the  
22 adjudicatory hearing on the petition for termination of  
23 parental rights, and adoption procedures.

24 (2) The department shall provide to all hospitals the  
25 number for the statewide central abuse hotline along with the  
26 hours that the line will be available to provide information  
27 concerning licensed child-placing agencies.

28 Section 8. Section 827.035, Florida Statutes, is  
29 created to read:

30 827.035 Affirmative defense.--It is an affirmative  
31 defense to any prosecution under this chapter that the parent

1 of a newborn infant placed or arranged for placement of the  
2 infant with any hospital in accordance with s. 383.50.

3           Section 9. This act shall take effect July 1, 2000.  
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COMMITTEE SUBSTITUTE FOR

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4 Adds fire stations to the list of locations at which a parent  
5 immunity from prosecution under specified circumstances and  
sets forth the fire station's duty to treat and transfer  
7 Requires hospitals and fire stations to make good-faith  
attempts to collect medical and social information and the  
9 Provides presumption of Medicaid eligibility for abandoned  
newborn infants.  
11 Requires the licensed child-placing agency to assume health  
care and welfare needs and costs of the abandoned newborn  
12 Requires the Department of Children and Families to accept  
newborn infants who can not be placed with a licensed  
14 child-placing agency as if the infant had been voluntarily  
15 Revises the definition for the term "abandoned" in chapter 39,  
17 fire station, with the exception of those who have actual or  
suspected child abuse or neglect.  
19 abandoned newborn infant within specified time frames.  
20 diligent search and provide constructive notice for a parent  
whose identity or location is unknown and who is not otherwise  
22 Removes state involvement in the termination of parental  
rights proceedings in which a claim of parental rights is made  
24 unless the court requires such involvement.  
25 parentage in order to claim an abandoned newborn and to order  
whatever investigations or evaluations are necessary to  
27 Expands duties of the Department of Children and Families  
regarding calls to the statewide central abuse hotline.  
29 Provides a limited statute of repose for challenges to  
judgments of adoption and underlying termination of parental  
30 Requires the Department of Children and Families to work with  
campaign regarding safe alternatives to placement of newborn

1 infants.  
2 Specifies that criminal investigation for child abuse and  
3 neglect may not be initiated on the sole basis that the  
4 newborn infant has been abandoned at a fire station or  
5 hospital.  
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