

HB 1217

2020

1 A bill to be entitled

2 An act relating to surrendered newborn infants;
3 amending s. 383.50, F.S.; revising the definition of
4 the term "newborn infant"; defining the term "newborn
5 safety device"; authorizing hospitals, emergency
6 medical services stations, and fire stations to use
7 newborn safety devices to accept surrendered newborn
8 infants under certain circumstances; requiring such
9 hospital, emergency medical services station, or fire
10 station to visually check and test the device within
11 specified timeframes; conforming provisions to changes
12 made by the act; providing additional locations under
13 which the prohibition on the initiation of criminal
14 investigations based solely on the surrendering of a
15 newborn infant applies; amending s. 63.0423, F.S.;
16 conforming a cross-reference; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Present subsections (2) through (10) of section
22 383.50, Florida Statutes, are redesignated as subsections (3)
23 through (11), respectively, a new subsection (2) is added to
24 that section, and present subsections (1), (3), (5), and (10) of
25 that section are amended, to read:

26 | 383.50 Treatment of surrendered newborn infant.—

27 | (1) As used in this section, the term:

28 | (a) "Newborn infant" means a child who a licensed
 29 | physician reasonably believes is approximately 30 7 days old or
 30 | younger at the time the child is left at a hospital, an
 31 | emergency medical services station, or a fire station.

32 | (b) "Newborn safety device" means a fixture installed in
 33 | an exterior wall of a building which has an exterior point of
 34 | access that locks and automatically triggers an alarm inside the
 35 | building upon placement of a newborn infant inside and which has
 36 | an interior point of access that allows individuals inside the
 37 | building to safely retrieve the newborn infant.

38 | (2) (a) A hospital, an emergency medical services station,
 39 | or a fire station that is staffed 24 hours per day may use a
 40 | newborn safety device to accept surrendered newborn infants
 41 | under this section if the device is:

42 | 1. Physically part of the hospital, emergency medical
 43 | services station, or fire station;

44 | 2. Located in such a way that the interior point of access
 45 | is in an area that is conspicuous and visible to the employees
 46 | of the hospital, emergency medical services station, or fire
 47 | station; and

48 | 3. Equipped with a dual alarm system connected to the
 49 | physical location of the device.

50 | (b) A hospital, an emergency medical services station, or

51 a fire station that uses a newborn safety device to accept
52 surrendered newborn infants must visually check the device at
53 least twice a day and must test the device at least once a week
54 to ensure the alarm system is in working order.

55 (4)(3) Each emergency medical services station or fire
56 station staffed with ~~full-time~~ firefighters, emergency medical
57 technicians, or paramedics 24 hours per day shall accept any
58 newborn infant left with a firefighter, an emergency medical
59 technician, or a paramedic, or in a newborn safety device that
60 is physically part of the emergency medical services station or
61 fire station. The firefighter, emergency medical technician, or
62 paramedic shall consider these actions as implied consent to and
63 shall:

64 (a) Provide emergency medical services to the newborn
65 infant to the extent he or she is trained to provide those
66 services, and

67 (b) Arrange for the immediate transportation of the
68 newborn infant to the nearest hospital having emergency
69 services.

70
71 A licensee as defined in s. 401.23, a fire department, or an
72 employee or agent of a licensee or fire department may treat and
73 transport a newborn infant pursuant to this section. If a
74 newborn infant is placed in the physical custody of an employee
75 or agent of a licensee or fire department, or in a newborn

76 | safety device that is physically part of an emergency medical
77 | services station or a fire station, such placement shall be
78 | considered implied consent for treatment and transport. A
79 | licensee, a fire department, or an employee or agent of a
80 | licensee or fire department is immune from criminal or civil
81 | liability for acting in good faith pursuant to this section.
82 | Nothing in this subsection limits liability for negligence.

83 | ~~(6)-(5)~~ Except when there is actual or suspected child
84 | abuse or neglect, any parent who leaves a newborn infant in a
85 | newborn safety device or with a firefighter, an emergency
86 | medical technician, or a paramedic at a fire station or
87 | emergency medical services station, leaves a newborn infant in a
88 | newborn safety device at a hospital, or brings a newborn infant
89 | to an emergency room of a hospital and expresses an intent to
90 | leave the newborn infant and not return, has the absolute right
91 | to remain anonymous and to leave at any time and may not be
92 | pursued or followed unless the parent seeks to reclaim the
93 | newborn infant. When an infant is born in a hospital and the
94 | mother expresses intent to leave the infant and not return, upon
95 | the mother's request, the hospital or registrar shall complete
96 | the infant's birth certificate without naming the mother
97 | thereon.

98 | ~~(11)-(10)~~ A criminal investigation shall not be initiated
99 | solely because a newborn infant is left at a hospital, an
100 | emergency medical services station, or a fire station under this

101 section unless there is actual or suspected child abuse or
 102 neglect.

103 Section 2. Subsection (4) of section 63.0423, Florida
 104 Statutes, is amended to read:

105 63.0423 Procedures with respect to surrendered infants.—

106 (4) The parent who surrenders the infant in accordance
 107 with s. 383.50 is presumed to have consented to termination of
 108 parental rights, and express consent is not required. Except
 109 when there is actual or suspected child abuse or neglect, the
 110 licensed child-placing agency shall not attempt to pursue,
 111 search for, or notify that parent as provided in s. 63.088 and
 112 chapter 49. For purposes of s. 383.50 and this section, an
 113 infant who tests positive for illegal drugs, narcotic
 114 prescription drugs, alcohol, or other substances, but shows no
 115 other signs of child abuse or neglect, shall be placed in the
 116 custody of a licensed child-placing agency. Such a placement
 117 does not eliminate the reporting requirement under s. 383.50(8)
 118 ~~s. 383.50(7)~~. When the department is contacted regarding an
 119 infant properly surrendered under this section and s. 383.50,
 120 the department shall provide instruction to contact a licensed
 121 child-placing agency and may not take custody of the infant
 122 unless reasonable efforts to contact a licensed child-placing
 123 agency to accept the infant have not been successful.

124 Section 3. This act shall take effect July 1, 2020.