

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 864

INTRODUCER: Senator Baxley

SUBJECT: Surrendered Newborn Infants

DATE: January 13, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Williams	Brown	HP	Pre-meeting
2.			CF	
3.			RC	

I. Summary:

SB 864 modifies provisions relating to surrendered newborn infants, to increase from approximately seven days to approximately 30 days the age for relinquishment of an infant under the program and to authorize the placement of surrendered infants in a newborn safety device at a hospital, emergency medical services (EMS) station, or fire station, if such facility is staffed 24 hours per day. The bill provides specifications for the use of the devices.

The effective date of the bill is July 1, 2020.

II. Present Situation:

Infant Safe Haven Laws

All state legislatures have enacted laws to address infant abandonment and endangerment in response to a reported increase in the abandonment of infants in unsafe locations, such as public restrooms or trash receptacles. Since 1999, all states have enacted infant safe haven laws as an incentive for mothers in crisis to safely relinquish their babies at designated locations where the babies are protected and provided with care until a permanent home is found.

While there is great variability in the laws across states, safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven.¹

¹ See Infant Safe Haven Laws (Current Through December 2016) available at <https://www.childwelfare.gov/pubPDFs/safehaven.pdf> (last visited Dec. 30, 2019).

According to the National Safe Haven Alliance (NSHA),² 4,015 safe haven relinquishments have occurred since 1999 nationwide. During this time span, illegal abandonments total 1,465, with 476 alive and 827 deceased. These statistics are unofficial estimates, as there is no federally mandated safe haven reporting requirement. Therefore, the NSHA relies on county and state reporting. These statistics were last updated February 1, 2018.³

Surrender of Newborn Infants in Florida

The Florida Legislature enacted Florida's initial abandoned newborn infant law in 2000.⁴ The law authorized the abandonment of a newborn infant, defined as up to three days old or younger, at a hospital or a fire station and addressed: presumption of relinquishment of parental rights, implied consent to treatment, anonymity, and physical custody of the infant.⁵ The law also directed the Department of Health, in conjunction with the Department of Children and Families, to produce a media campaign to promote safe placement alternatives for newborn infants.

In 2001, s. 383.50, F.S., was amended to authorize EMS stations, in addition to hospitals and fire stations, as optional locations for the lawful relinquishment of a newborn infant.⁶

In 2008, multiple provisions of statute were modified to refer to "surrendered newborn infant" rather than "abandoned newborn infant." Additionally, the three-day age limit for surrender of a newborn infant was increased to a seven-day age limit. And, a provision was added to indicate that when an infant is born in a hospital and the mother expresses intent to leave the infant and not return, the hospital or registrar is directed, upon her request, to complete the infant's birth certificate without naming the mother.

According to the NSHA, there have been approximately 316 surrendered newborns in Florida since 2000. Of those, approximately 60 percent were hospital based and about 40 percent were non-hospital based.⁷

III. Effect of Proposed Changes:

Section 1 amends s. 383.50, F.S., relating to treatment of a surrendered newborn infant. The bill revises the definition of "newborn infant" to increase the allowable age for relinquishment of a newborn infant under the program from approximately seven days old to approximately 30 days old. A definition is added for the term "newborn safety device," which means "a fixture installed in an exterior wall of a building which has an exterior point of access that locks and automatically triggers an alarm inside the building upon placement of a newborn infant inside and which has an interior point of access that allows individuals inside the building to safely retrieve the newborn infant."

² See National Safe Haven Alliance website available at <https://www.nationalsafehavenalliance.org/> (last visited Dec. 30, 2019).

³ *Id.*

⁴ See ch. 2000-188, Laws of Fla.

⁵ See s. 383.50, F.S.

⁶ See ch. 2001-53, s. 15, Laws of Fla.

⁷ Conversation with Lars White, Florida Ambassador, National Safe Haven Alliance (Dec. 13, 2019).

The bill authorizes a hospital, an EMS station, or a fire station, that is staffed 24 hours per day, to utilize a newborn safety device for accepting surrendered newborn infants if the device is:

- Physically located inside the hospital, EMS station, or fire station;
- Located in an area that is conspicuous and visible to facility employees; and
- Equipped with a dual alarm system connected to the physical location of the device.

Facilities that use a newborn safety device are also required to:

- Check the device at least twice a day; and
- Test the device at least once a week to ensure that the alarm system is in working order.

The bill authorizes EMS stations and fire stations to accept newborn infants via a newborn safety device in addition to acceptance by a firefighter, an emergency medical technician or a paramedic, and to indicate that placement of a newborn infant in a newborn safety device is considered consent for treatment and transport of the infant.

The bill specifies that, except when there is actual or suspected child abuse or neglect, any person who leaves a newborn infant in a newborn safety device has the absolute right to remain anonymous, consistent with the current process for surrender of a newborn infant.

The bill stipulates that a criminal investigation shall not be initiated solely because a newborn infant is left at an EMS station or a fire station, unless there is actual or suspected child abuse or neglect, consistent with the current process for newborn infants surrendered at a hospital.

Section 2 amends s. 63.0423, F.S., to incorporate a conforming cross-reference revision.

Section 3 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Private sector facilities that opt to use a newborn safety device as a means for the relinquishment of a newborn will need to fund the acquisition and installation of the new device.

C. Government Sector Impact:

Public sector facilities that opt to use a newborn safety device as a means for the relinquishment of a newborn will need to fund the acquisition and installation of the new device.

VI. Technical Deficiencies:

There is potential lack of clarity in the bill regarding the location of the newborn safety devices in hospitals, EMS stations, and fire stations. It is unclear whether the devices must be in an exterior or interior wall and whether the devices must be in a direct line-of-site of facility staff.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 383.50 and 63.0423.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.