

By Senator Baxley

12-00583-20

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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:  
20

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 physician  
29       reasonably believes is approximately 30 7 days old or younger at

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30 the time the child is left at a hospital, an emergency medical  
31 services station, or a fire station.

32 (b) "Newborn safety device" means a fixture installed in an  
33 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 located inside the hospital, emergency  
43 medical services station, or fire station;

44 2. Located in an area that is conspicuous and visible to  
45 the employees of the hospital, emergency medical services  
46 station, or fire station; and

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

49 (b) A hospital, an emergency medical services station, or a  
50 fire station that uses a newborn safety device to accept  
51 surrendered newborn infants must visually check the device at  
52 least twice a day and must test the device at least once a week  
53 to ensure the alarm system is in working order.

54 (4) ~~(3)~~ Each emergency medical services station or fire  
55 station staffed with ~~full-time~~ firefighters, emergency medical  
56 technicians, or paramedics 24 hours per day shall accept any  
57 newborn infant left with a firefighter, an emergency medical  
58 technician, or a paramedic, or in a newborn safety device that

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59 is physically part of the emergency medical services station or  
60 fire station. The firefighter, emergency medical technician, or  
61 paramedic shall consider these actions as implied consent to and  
62 shall:

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

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

68  
69 A licensee as defined in s. 401.23, a fire department, or an  
70 employee or agent of a licensee or fire department may treat and  
71 transport a newborn infant pursuant to this section. If a  
72 newborn infant is placed in the physical custody of an employee  
73 or agent of a licensee or fire department, or in a newborn  
74 safety device that is physically part of an emergency medical  
75 services station or a fire station, such placement shall be  
76 considered implied consent for treatment and transport. A  
77 licensee, a fire department, or an employee or agent of a  
78 licensee or fire department is immune from criminal or civil  
79 liability for acting in good faith pursuant to this section.  
80 Nothing in this subsection limits liability for negligence.

81 (6) ~~(5)~~ Except when there is actual or suspected child abuse  
82 or neglect, any parent who leaves a newborn infant in a newborn  
83 safety device or with a firefighter, an emergency medical  
84 technician, or a paramedic at a fire station or emergency  
85 medical services station, leaves a newborn infant in a newborn  
86 safety device at a hospital, or brings a newborn infant to an  
87 emergency room of a hospital and expresses an intent to leave

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88 the newborn infant and not return, has the absolute right to  
89 remain anonymous and to leave at any time and may not be pursued  
90 or followed unless the parent seeks to reclaim the newborn  
91 infant. When an infant is born in a hospital and the mother  
92 expresses intent to leave the infant and not return, upon the  
93 mother's request, the hospital or registrar shall complete the  
94 infant's birth certificate without naming the mother thereon.

95 (11)~~(10)~~ A criminal investigation shall not be initiated  
96 solely because a newborn infant is left at a hospital, an  
97 emergency medical services station, or a fire station under this  
98 section unless there is actual or suspected child abuse or  
99 neglect.

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

102 63.0423 Procedures with respect to surrendered infants.—

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

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117 the department shall provide instruction to contact a licensed  
118 child-placing agency and may not take custody of the infant  
119 unless reasonable efforts to contact a licensed child-placing  
120 agency to accept the infant have not been successful.

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