

By the Committee on Health Policy; and Senator Baxley

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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

588-02267-20

2020864c1

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 part of the hospital, emergency medical
43 services station, or fire station;

44 2. Located such that the interior point of access is in an
45 area that is conspicuous and visible to the employees of the
46 hospital, emergency medical services station, or fire station;
47 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 a
51 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

588-02267-20

2020864c1

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 newborn
68 infant to the nearest hospital having emergency services.

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

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

588-02267-20

2020864c1

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

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

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

103 63.0423 Procedures with respect to surrendered infants.—

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

588-02267-20

2020864c1

117 infant properly surrendered under this section and s. 383.50,
118 the department shall provide instruction to contact a licensed
119 child-placing agency and may not take custody of the infant
120 unless reasonable efforts to contact a licensed child-placing
121 agency to accept the infant have not been successful.

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