

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Harding offered the following:

**Amendment to Amendment (816820) (with title amendment)**

Remove lines 5-61 of the amendment and insert:

Section 1. Subsections (2) through (10) of section 383.50, Florida Statutes, are renumbered as subsections (3) through (11), respectively, subsection (1) and present subsections (3), (5), and (10) of that section are amended, and new subsections (2) and (12) are added to that section, to read:

383.50 Treatment of surrendered newborn infant.—

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

(a) "Department" means the Department of Health.

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13        (b) "Newborn infant" means a child who a licensed  
14 physician reasonably believes is approximately 30 7 days old or  
15 younger at the time the child is left at a hospital, an  
16 emergency medical services station, or a fire station.

17        (c) "Newborn infant safety device" means a device approved  
18 by the department under subsection (2) which is installed in an  
19 exterior wall of a hospital, an emergency medical services  
20 station, or a fire station and which has an exterior point of  
21 access that allows an individual to place a newborn infant  
22 inside and an interior point of access that allows individuals  
23 inside the building to safely retrieve the newborn infant.

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

28        1. Physically part of the hospital, emergency medical  
29 services station, or fire station.

30        2. Temperature-controlled and ventilated for the safety of  
31 newborns.

32        3. Equipped with an alarm system connected to the physical  
33 location of the device which automatically triggers an alarm  
34 inside the building and immediately transmits a signal or  
35 message to a public safety answering point, as defined in s.  
36 365.172 (3), when a newborn infant is placed in the device.

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37 4. Equipped with a surveillance system that allows  
38 employees of the hospital, emergency medical services station,  
39 or fire station to monitor the inside of the device 24 hours per  
40 day.

41 5. Located such that the interior point of access is in an  
42 area that is conspicuous and visible to the employees of the  
43 hospital, emergency medical services station, or fire station.

44 6. Approved by the department.

45 (b) A hospital, an emergency medical services station, or  
46 a fire station that uses a newborn infant safety device to  
47 accept surrendered newborn infants shall use the device's  
48 surveillance system to monitor the inside of the newborn infant  
49 safety device 24 hours per day and shall physically check the  
50 device at least twice daily and test the device at least weekly  
51 to ensure that the alarm system is in working order.

52 (4) Upon receipt of a signal or message transmitted under  
53 subparagraph (2)(a)3., a 911 public safety telecommunicator, as  
54 defined in s. 401.465(1), shall notify the hospital, emergency  
55 medical services station, or fire station where the newborn  
56 infant safety device is in use.

57 (5)-(3) Each emergency medical services station or fire  
58 station that is staffed 24 hours per day with full-time  
59 firefighters, emergency medical technicians, or paramedics shall  
60 accept any newborn infant left with a firefighter, an emergency  
61 medical technician, or a paramedic or in a newborn infant safety

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62 device that is physically part of the emergency medical services  
63 station or fire station. The firefighter, emergency medical  
64 technician, or paramedic shall consider these actions as implied  
65 consent to and shall:

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

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

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

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

101        (11)-(10) A criminal investigation may ~~shall~~ not be  
102 initiated solely because a newborn infant is left at a hospital,  
103 an emergency medical services station, or a fire station under  
104 this section unless there is actual or suspected child abuse or  
105 neglect.

106        (12) The department shall review and approve newborn  
107 infant safety devices for use under this section. The department  
108 may adopt rules necessary to implement the review and approval  
109 process.

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110 Section 2. Section 63.0423, Florida Statutes, is amended  
111 to read:

112 63.0423 Procedures with respect to surrendered newborn  
113 infants.—

114 (1) Upon entry of final judgment terminating parental  
115 rights, a licensed child-placing agency that takes physical  
116 custody of a newborn ~~an~~ infant surrendered at a hospital, an  
117 emergency medical services station, or a fire station pursuant  
118 to s. 383.50 assumes responsibility for the medical and other  
119 costs associated with the emergency services and care of the  
120 surrendered newborn infant from the time the licensed child-  
121 placing agency takes physical custody of the surrendered newborn  
122 infant.

123 (2) The licensed child-placing agency shall immediately  
124 seek an order from the circuit court for emergency custody of  
125 the surrendered newborn infant. The emergency custody order  
126 shall remain in effect until the court orders preliminary  
127 approval of placement of the surrendered newborn infant in the  
128 prospective home, at which time the prospective adoptive parents  
129 become guardians pending termination of parental rights and  
130 finalization of adoption or until the court orders otherwise.  
131 The guardianship of the prospective adoptive parents shall  
132 remain subject to the right of the licensed child-placing agency  
133 to remove the surrendered newborn infant from the placement  
134 during the pendency of the proceedings if such removal is deemed

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135 by the licensed child-placing agency to be in the best interests  
136 of the child. The licensed child-placing agency may immediately  
137 seek to place the surrendered newborn infant in a prospective  
138 adoptive home.

139 (3) The licensed child-placing agency that takes physical  
140 custody of the surrendered newborn infant shall, within 24 hours  
141 thereafter, request assistance from law enforcement officials to  
142 investigate and determine, through the Missing Children  
143 Information Clearinghouse, the National Center for Missing and  
144 Exploited Children, and any other national and state resources,  
145 whether the surrendered newborn infant is a missing child.

146 (4) The parent who surrenders the newborn infant in  
147 accordance with s. 383.50 is presumed to have consented to  
148 termination of parental rights, and express consent is not  
149 required. Except when there is actual or suspected child abuse  
150 or neglect, the licensed child-placing agency shall not attempt  
151 to pursue, search for, or notify that parent as provided in s.  
152 63.088 and chapter 49. For purposes of s. 383.50 and this  
153 section, a surrendered newborn ~~an~~ infant who tests positive for  
154 illegal drugs, narcotic prescription drugs, alcohol, or other  
155 substances, but shows no other signs of child abuse or neglect,  
156 shall be placed in the custody of a licensed child-placing  
157 agency. Such a placement does not eliminate the reporting  
158 requirement under s. 383.50(8) ~~s. 383.50(7)~~. When the department  
159 is contacted

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**T I T L E   A M E N D M E N T**

Remove lines 157-159 of the amendment and insert:  
amending s. 383.50, F.S.; revising and providing  
definitions; authorizing certain hospitals, emergency  
medical services stations, and fire stations to use  
newborn infant safety devices to accept surrendered  
newborn infants under certain circumstances; requiring  
a 911 public safety telecommunicator to notify such  
hospitals, emergency medical services stations, or  
fire stations where the newborn infant safety device  
is in use; requiring the hospitals, emergency medical  
services stations, or fire stations to physically  
check and test the devices at specified intervals;  
conforming provisions to changes made by the act;  
providing additional locations to which the  
prohibition on the initiation of criminal  
investigations based solely on the surrendering of a  
newborn infant applies; requiring the Department of  
Health to review and approve newborn infant safety  
devices; authorizing the department to adopt rules;  
amending s. 63.0423, F.S.; conforming provisions to  
changes made by the act; providing an

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