

By Senator Harrell

31-01169A-23

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1 A bill to be entitled
2 An act relating to placement of surrendered newborn
3 infants; amending s. 63.039, F.S.; requiring licensed
4 child-placing agencies to maintain a specified
5 registry; requiring that certain information be
6 removed from the registry under certain circumstances;
7 prohibiting the child-placing agency from transferring
8 certain costs to prospective adoptive parents;
9 amending s. 63.0423, F.S.; requiring licensed child-
10 placing agencies to immediately place a surrendered
11 newborn infant in the physical custody of an
12 identified prospective adoptive parent; providing that
13 the prospective adoptive parent becomes the guardian
14 of such infant under certain conditions for a certain
15 period of time; providing requirements that apply if a
16 certain prospective adoptive home is not available;
17 requiring the court to require the child-placing
18 agency to make certain reasonable efforts to identify
19 an appropriate prospective adoptive parent; conforming
20 provisions to changes made by the act; amending s.
21 383.50, F.S.; providing requirements for licensed
22 child-placing agencies once they take physical custody
23 of a surrendered newborn infant; conforming provisions
24 to changes made by the act; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Present subsections (3), (4), and (5) of section

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30 63.039, Florida Statutes, are redesignated as subsections (4),
31 (5), and (6), respectively, and a new subsection (3) is added to
32 that section, to read:

33 63.039 Duties ~~Duty~~ of adoption entity; ~~to~~ Prospective
34 Adoptive Parents of Infants registry; sanctions.—

35 (3) (a) A licensed child-placing agency shall establish and
36 maintain a registry of prospective adoptive parents of infants
37 with the names and addresses of prospective adoptive parents who
38 have received a favorable preliminary home study under s. 63.092
39 and have indicated the desire to be a prospective adoptive
40 parent only for a newborn infant surrendered under s. 383.50.

41 The licensed child-placing agency must remove the name and
42 address of a prospective adoptive parent from the registry when
43 the favorable preliminary home study for such prospective
44 adoptive parent is no longer valid as provided in s. 63.092(3).

45 (b) The child-placing agency may not transfer the cost of
46 establishing and maintaining the registry created pursuant to
47 this subsection to a prospective adoptive parent through either
48 the cost of the home study or through the cost of adoption of a
49 newborn infant under this section.

50 Section 2. Subsection (2) of section 63.0423, Florida
51 Statutes, is amended to read:

52 63.0423 Procedures with respect to surrendered infants.—

53 (2) Upon taking physical custody of a newborn infant
54 surrendered pursuant to s. 383.50, the licensed child-placing
55 agency shall immediately place the surrendered infant with an
56 identified prospective adoptive parent, at which time the
57 prospective adoptive parent becomes the guardian of the
58 surrendered infant pending termination of parental rights and

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59 finalization of adoption or until the court orders otherwise. If
60 a prospective adoptive parent from the registry is not
61 available, the licensed child-placing agency must seek an order
62 from the circuit court for emergency custody of the surrendered
63 infant. As a part of the emergency order, the court shall
64 require the licensed child-placing agency that has been unable
65 to identify a prospective adoptive parent for the surrendered
66 infant to make all reasonable efforts to identify an appropriate
67 prospective adoptive parent as soon as practicable, including
68 but not limited to, contacting all other licensed child-placing
69 agencies in this state to facilitate the identification of a
70 prospective adoptive parent from the registry described in s.
71 63.039. The emergency custody order ~~remains shall remain~~ in
72 effect until the court orders preliminary approval of placement
73 of the surrendered infant in a ~~the~~ prospective home, at which
74 time the prospective adoptive parent becomes ~~parents become~~
75 guardian ~~guardians~~ pending termination of parental rights and
76 finalization of adoption or until the court orders otherwise.
77 The guardianship of the prospective adoptive parent is ~~parents~~
78 ~~shall remain~~ subject to the right of the licensed child-placing
79 agency to remove the surrendered infant from the placement
80 during the pendency of the proceedings if such removal is deemed
81 by the licensed child-placing agency to be in the best interests
82 of the child. ~~The licensed child-placing agency may immediately~~
83 ~~seek to place the surrendered infant in a prospective adoptive~~
84 ~~home.~~

85 Section 3. Subsection (7) of section 383.50, Florida
86 Statutes, is amended to read:

87 383.50 Treatment of surrendered newborn infant.-

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88 (7) Upon admitting a newborn infant under this section, the
89 hospital shall immediately contact a local licensed child-
90 placing agency or alternatively contact the statewide central
91 abuse hotline for the name of a licensed child-placing agency
92 for purposes of transferring physical custody of the newborn
93 infant. The hospital shall notify the licensed child-placing
94 agency that a newborn infant has been left with the hospital and
95 approximately when the licensed child-placing agency can take
96 physical custody of the child. Once the licensed child-placing
97 agency takes physical custody of the newborn infant, the agency
98 shall immediately seek to place the surrendered newborn infant
99 with a prospective adoptive parent who is on the Prospective
100 Adoptive Parents of Infants registry established and maintained
101 under s. 63.039. If a prospective adoptive parent from the
102 registry is not available, the licensed child-placing agency
103 must follow the procedures in s. 63.0423. In cases where there
104 is actual or suspected child abuse or neglect, the hospital or
105 any of its licensed health care professionals shall report the
106 actual or suspected child abuse or neglect in accordance with
107 ss. 39.201 and 395.1023 in lieu of contacting a licensed child-
108 placing agency.

109 Section 4. This act shall take effect July 1, 2023.