



140998

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2023	.	
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The Committee on Children, Families, and Elder Affairs (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 132 - 321

and insert:

or neglect, any parent who leaves a newborn infant in accordance with this section ~~with a firefighter, emergency medical technician, or paramedic at a fire station or emergency medical services station,~~ or brings a newborn infant to an emergency room of a hospital and expresses an intent to leave the newborn infant and not return, has the absolute right to remain



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11 anonymous and to leave at any time and may not be pursued or
12 followed unless the parent seeks to reclaim the newborn infant.
13 When an infant is born in a hospital and the mother expresses
14 intent to leave the infant and not return, upon the mother's
15 request, the hospital or registrar must ~~shall~~ complete the
16 infant's birth certificate without naming the mother thereon.

17 (7) ~~(6)~~ A parent of a newborn infant surrendered ~~left at a~~
18 ~~hospital, emergency medical services station, or fire station~~
19 under this section may claim his or her newborn infant up until
20 the court enters a judgment terminating his or her parental
21 rights. A claim to the newborn infant must be made to the entity
22 having physical or legal custody of the newborn infant or to the
23 circuit court before whom proceedings involving the newborn
24 infant are pending.

25 (8) ~~(7)~~ Upon admitting a newborn infant under this section,
26 the hospital shall immediately contact a local licensed child-
27 placing agency or alternatively contact the statewide central
28 abuse hotline for the name of a licensed child-placing agency
29 for purposes of transferring physical custody of the newborn
30 infant. The hospital shall notify the licensed child-placing
31 agency that a newborn infant has been left with the hospital and
32 approximately when the licensed child-placing agency can take
33 physical custody of the child. In cases where there is actual or
34 suspected child abuse or neglect, the hospital or any of its
35 licensed health care professionals shall report the actual or
36 suspected child abuse or neglect in accordance with ss. 39.201
37 and 395.1023 in lieu of contacting a licensed child-placing
38 agency.

39 (9) ~~(8)~~ Any newborn infant admitted to a hospital in



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40 accordance with this section is presumed eligible for coverage
41 under Medicaid, subject to federal rules.

42 ~~(10)(9)~~ A newborn infant surrendered ~~left at a hospital,~~
43 ~~emergency medical services station, or fire station~~ in
44 accordance with this section is shall not be deemed abandoned or
45 ~~and~~ subject to reporting and investigation requirements under s.
46 39.201 unless there is actual or suspected child abuse or until
47 the Department of Health takes physical custody of the child.

48 (11) If the parent of a newborn infant is otherwise unable
49 to surrender the newborn infant in accordance with this section,
50 the parent may dial 911 to request that an emergency medical
51 services provider meet the surrendering parent at a specified
52 location. The surrendering parent must stay with the newborn
53 infant until the emergency medical services provider arrives to
54 take custody of the newborn infant.

55 ~~(12)(10)~~ A criminal investigation may shall not be
56 initiated solely because a newborn infant is surrendered ~~left at~~
57 ~~a hospital~~ under this section unless there is actual or
58 suspected child abuse or neglect.

59 Section 2. Subsections (1), (4), (7), (9), and (10) of
60 section 63.0423, Florida Statutes, are amended to read:

61 63.0423 Procedures with respect to surrendered infants.—

62 (1) Upon entry of final judgment terminating parental
63 rights, a licensed child-placing agency that takes physical
64 custody of an infant ~~surrendered at a hospital, emergency~~
65 ~~medical services station, or fire station~~ pursuant to s. 383.50
66 assumes responsibility for the medical and other costs
67 associated with the emergency services and care of the
68 surrendered infant from the time the licensed child-placing



69 agency takes physical custody of the surrendered infant.
70 (4) The parent who surrenders the infant in accordance with
71 s. 383.50 is presumed to have consented to termination of
72 parental rights, and express consent is not required. Except
73 when there is actual or suspected child abuse or neglect, the
74 licensed child-placing agency may ~~shall~~ not attempt to pursue,
75 search for, or notify that parent as provided in s. 63.088 and
76 chapter 49. For purposes of s. 383.50 and this section, an
77 infant who tests positive for illegal drugs, narcotic
78 prescription drugs, alcohol, or other substances, but shows no
79 other signs of child abuse or neglect, shall be placed in the
80 custody of a licensed child-placing agency. Such a placement
81 does not eliminate the reporting requirement under s. 383.50(8)
82 ~~s. 383.50(7)~~. When the department is contacted regarding an
83 infant properly surrendered under this section and s. 383.50,
84 the department shall provide instruction to contact a licensed
85 child-placing agency and may not take custody of the infant
86 unless reasonable efforts to contact a licensed child-placing
87 agency to accept the infant have not been successful.
88 (7) If a claim of parental rights of a surrendered infant
89 is made before the judgment to terminate parental rights is
90 entered, the circuit court may hold the action for termination
91 of parental rights in abeyance for a period of time not to
92 exceed 60 days.
93 (a) The court may order scientific testing to determine
94 maternity or paternity at the expense of the parent claiming
95 parental rights.
96 (b) The court shall appoint a guardian ad litem for the
97 surrendered infant and order any ~~whatever~~ investigation, home



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98 evaluation, or ~~and~~ psychological evaluation ~~are~~ necessary to
99 determine what is in the best interests of the surrendered
100 infant.

101 (c) The court may not terminate parental rights solely on
102 the basis that the parent surrendered ~~left~~ the infant ~~at a~~
103 ~~hospital, emergency medical services station, or fire station~~ in
104 accordance with s. 383.50.

105 (d) The court shall enter a judgment with written findings
106 of fact and conclusions of law.

107 (9) (a) A judgment terminating parental rights to a
108 surrendered infant pending adoption is voidable, and any later
109 judgment of adoption of that child ~~minor~~ is voidable, if, upon
110 the motion of a parent, the court finds that a person knowingly
111 gave false information that prevented the parent from timely
112 making known his or her desire to assume parental
113 responsibilities toward the child ~~minor~~ or from exercising his
114 or her parental rights. A motion under this subsection must be
115 filed with the court originally entering the judgment. The
116 motion must be filed within a reasonable time but not later than
117 1 year after the entry of the judgment terminating parental
118 rights.

119 (b) No later than 30 days after the filing of a motion
120 under this subsection, the court shall conduct a preliminary
121 hearing to determine what contact, if any, will be allowed
122 ~~permitted~~ between a parent and the child pending resolution of
123 the motion. Such contact may be allowed only if it is requested
124 by a parent who has appeared at the hearing and the court
125 determines that it is in the best interests of the child. If the
126 court orders contact between a parent and the child, the order



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127 must be issued in writing as expeditiously as possible and must
128 state with specificity any provisions regarding contact with
129 persons other than those with whom the child resides.

130 (c) The court may not order scientific testing to determine
131 the paternity or maternity of the child ~~minor~~ until such time as
132 the court determines that a previously entered judgment
133 terminating the parental rights of that parent is voidable
134 pursuant to paragraph (a), unless all parties agree that such
135 testing is in the best interests of the child. Upon the filing
136 of test results establishing that person's maternity or
137 paternity of the surrendered infant, the court may order
138 visitation only if it appears to be in the best interests of the
139 child.

140 (d) Within 45 days after the preliminary hearing, the court
141 shall conduct a final hearing on the motion to set aside the
142 judgment and shall enter its written order as expeditiously as
143 possible thereafter.

144 (10) Except to the extent expressly provided in this
145 section, proceedings initiated by a licensed child-placing
146 agency for the termination of parental rights and subsequent
147 adoption of a newborn infant surrendered ~~left at a hospital,~~
148 ~~emergency medical services station, or fire station~~ in
149 accordance with

150
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete lines 19 - 31

154 and insert:

155 circumstances; conforming provisions to changes made



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156 by the act; authorizing a parent to surrender a
157 newborn infant by calling 911 and requesting an
158 emergency medical services provider to meet at a
159 specified location to retrieve the newborn infant;
160 requiring the parent to stay with the newborn infant
161 until the emergency medical services provider arrives;
162 amending s. 63.0423, F.S.;