

By the Committee on Children, Families, and Elder Affairs; and  
Senators Burton and Garcia

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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           infant safety device"; authorizing certain hospitals,  
6           emergency medical services stations, and fire stations  
7           to use newborn infant safety devices to accept  
8           surrendered newborn infants if the device meets  
9           specified criteria; requiring such hospitals,  
10          emergency medical services stations, and fire stations  
11          to monitor the inside of the device 24 hours per day  
12          and physically check and test the devices at specified  
13          intervals; providing additional requirements for  
14          certain fire stations using such devices; conforming  
15          provisions to changes made by the act; authorizing a  
16          parent to leave a newborn infant with medical staff or  
17          a licensed health care professional at a hospital  
18          after the delivery of the newborn infant under certain  
19          circumstances; conforming provisions to changes made  
20          by the act; authorizing a parent to surrender a  
21          newborn infant by calling 911 and requesting an  
22          emergency medical services provider to meet at a  
23          specified location to retrieve the newborn infant;  
24          requiring the parent to stay with the newborn infant  
25          until the emergency medical services provider arrives;  
26          amending s. 63.0423, F.S.; conforming a cross-  
27          reference; making conforming changes; providing an  
28          effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 383.50, Florida Statutes, is amended to  
33 read:

34 383.50 Treatment of surrendered newborn infant.—

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

36 (a) "Newborn infant" means a child who a licensed physician  
37 reasonably believes is approximately 30 7 days old or younger at  
38 the time the child is surrendered under this section ~~left at a~~  
39 ~~hospital, emergency medical services station, or fire station.~~

40 (b) "Newborn infant safety device" means a device that is  
41 installed in a supporting wall of a hospital, an emergency  
42 medical services station, or a fire station and that has an  
43 exterior point of access allowing an individual to place a  
44 newborn infant inside and an interior point of access allowing  
45 individuals inside the building to safely retrieve the newborn  
46 infant.

47 (2) There is a presumption that the parent who leaves the  
48 newborn infant in accordance with this section intended to leave  
49 the newborn infant and consented to termination of parental  
50 rights.

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

55 1. Physically part of the hospital, emergency medical  
56 services station, or fire station.

57 2. Temperature-controlled and ventilated for the safety of  
58 newborns.

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59       3. Equipped with a dual alarm system connected to the  
60 physical location of the device which automatically triggers an  
61 alarm inside the building when a newborn infant is placed in the  
62 device.

63       4. Equipped with a surveillance system that allows  
64 employees of the hospital, emergency medical services station,  
65 or fire station to monitor the inside of the device 24 hours per  
66 day.

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

70       (b) A hospital, an emergency medical services station, or a  
71 fire station that uses a newborn infant safety device to accept  
72 surrendered newborn infants shall use the device's surveillance  
73 system to monitor the inside of the newborn infant safety device  
74 24 hours per day and shall physically check the device at least  
75 twice daily and test the device at least weekly to ensure that  
76 the alarm system is in working order. A fire station that is  
77 staffed 24 hours per day except when all firefighter first  
78 responders are dispatched from the fire station for an emergency  
79 must use the dual alarm system of the newborn infant safety  
80 device to immediately dispatch the nearest first responder to  
81 retrieve any newborn infant left in the newborn infant safety  
82 device.

83       (4)~~(3)~~ Each emergency medical services station or fire  
84 station that is staffed with full-time firefighters, emergency  
85 medical technicians, or paramedics shall accept any newborn  
86 infant left with a firefighter, an emergency medical technician,  
87 or a paramedic or in a newborn infant safety device. The

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88 firefighter, emergency medical technician, or paramedic shall  
89 consider these actions as implied consent to and shall:

90 (a) Provide emergency medical services to the newborn  
91 infant to the extent that he or she is trained to provide those  
92 services, and

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

95  
96 A licensee as defined in s. 401.23, a fire department, or an  
97 employee or agent of a licensee or fire department may treat and  
98 transport a newborn infant pursuant to this section. If a  
99 newborn infant is placed in the physical custody of an employee  
100 or agent of a licensee or fire department or is placed in a  
101 newborn infant safety device, such placement is ~~shall be~~  
102 considered implied consent for treatment and transport. A  
103 licensee, a fire department, or an employee or agent of a  
104 licensee or fire department is immune from criminal or civil  
105 liability for acting in good faith pursuant to this section.  
106 Nothing in this subsection limits liability for negligence.

107 (5) (a) A newborn infant may be left with medical staff or a  
108 licensed health care professional after the delivery of the  
109 newborn infant in a hospital if the parent of the newborn infant  
110 notifies medical staff or a licensed health care professional  
111 that the parent is voluntarily surrendering the infant and does  
112 not intend to return.

113 (b) ~~(4)~~ Each hospital of this state subject to s. 395.1041  
114 shall, and any other hospital may, admit and provide all  
115 necessary emergency services and care, as defined in s.  
116 395.002 (9), to any newborn infant left with the hospital in

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117 accordance with this section. The hospital or any of its  
118 licensed health care professionals shall consider these actions  
119 as implied consent for treatment, and a hospital accepting  
120 physical custody of a newborn infant has implied consent to  
121 perform all necessary emergency services and care. The hospital  
122 or any of its licensed health care professionals is immune from  
123 criminal or civil liability for acting in good faith in  
124 accordance with this section. Nothing in this subsection limits  
125 liability for negligence.

126 (6)~~(5)~~ Except when there is actual or suspected child abuse  
127 or neglect, any parent who leaves a newborn infant in accordance  
128 with this section ~~with a firefighter, emergency medical~~  
129 ~~technician, or paramedic at a fire station or emergency medical~~  
130 ~~services station,~~ or brings a newborn infant to an emergency  
131 room of a hospital and expresses an intent to leave the newborn  
132 infant and not return, has the absolute right to remain  
133 anonymous and to leave at any time and may not be pursued or  
134 followed unless the parent seeks to reclaim the newborn infant.  
135 When an infant is born in a hospital and the mother expresses  
136 intent to leave the infant and not return, upon the mother's  
137 request, the hospital or registrar must ~~shall~~ complete the  
138 infant's birth certificate without naming the mother thereon.

139 (7)~~(6)~~ A parent of a newborn infant surrendered ~~left at a~~  
140 ~~hospital, emergency medical services station, or fire station~~  
141 under this section may claim his or her newborn infant up until  
142 the court enters a judgment terminating his or her parental  
143 rights. A claim to the newborn infant must be made to the entity  
144 having physical or legal custody of the newborn infant or to the  
145 circuit court before whom proceedings involving the newborn

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146 infant are pending.

147 (8)~~(7)~~ Upon admitting a newborn infant under this section,  
148 the hospital shall immediately contact a local licensed child-  
149 placing agency or alternatively contact the statewide central  
150 abuse hotline for the name of a licensed child-placing agency  
151 for purposes of transferring physical custody of the newborn  
152 infant. The hospital shall notify the licensed child-placing  
153 agency that a newborn infant has been left with the hospital and  
154 approximately when the licensed child-placing agency can take  
155 physical custody of the child. In cases where there is actual or  
156 suspected child abuse or neglect, the hospital or any of its  
157 licensed health care professionals shall report the actual or  
158 suspected child abuse or neglect in accordance with ss. 39.201  
159 and 395.1023 in lieu of contacting a licensed child-placing  
160 agency.

161 (9)~~(8)~~ Any newborn infant admitted to a hospital in  
162 accordance with this section is presumed eligible for coverage  
163 under Medicaid, subject to federal rules.

164 (10)~~(9)~~ A newborn infant surrendered ~~left at a hospital,~~  
165 ~~emergency medical services station, or fire station~~ in  
166 accordance with this section is ~~shall~~ not be deemed abandoned or  
167 ~~and~~ subject to reporting and investigation requirements under s.  
168 39.201 unless there is actual or suspected child abuse or until  
169 the Department of Health takes physical custody of the child.

170 (11) If the parent of a newborn infant is otherwise unable  
171 to surrender the newborn infant in accordance with this section,  
172 the parent may dial 911 to request that an emergency medical  
173 services provider meet the surrendering parent at a specified  
174 location. The surrendering parent must stay with the newborn

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175 infant until the emergency medical services provider arrives to  
176 take custody of the newborn infant.

177 (12)~~(10)~~ A criminal investigation may ~~shall~~ not be  
178 initiated solely because a newborn infant is surrendered ~~left at~~  
179 ~~a hospital~~ under this section unless there is actual or  
180 suspected child abuse or neglect.

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

183 63.0423 Procedures with respect to surrendered infants.—

184 (1) Upon entry of final judgment terminating parental  
185 rights, a licensed child-placing agency that takes physical  
186 custody of an infant ~~surrendered at a hospital, emergency~~  
187 ~~medical services station, or fire station~~ pursuant to s. 383.50  
188 assumes responsibility for the medical and other costs  
189 associated with the emergency services and care of the  
190 surrendered infant from the time the licensed child-placing  
191 agency takes physical custody of the surrendered infant.

192 (4) The parent who surrenders the infant in accordance with  
193 s. 383.50 is presumed to have consented to termination of  
194 parental rights, and express consent is not required. Except  
195 when there is actual or suspected child abuse or neglect, the  
196 licensed child-placing agency may ~~shall~~ not attempt to pursue,  
197 search for, or notify that parent as provided in s. 63.088 and  
198 chapter 49. For purposes of s. 383.50 and this section, an  
199 infant who tests positive for illegal drugs, narcotic  
200 prescription drugs, alcohol, or other substances, but shows no  
201 other signs of child abuse or neglect, shall be placed in the  
202 custody of a licensed child-placing agency. Such a placement  
203 does not eliminate the reporting requirement under s. 383.50(8)

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204 ~~s. 383.50(7)~~. When the department is contacted regarding an  
205 infant properly surrendered under this section and s. 383.50,  
206 the department shall provide instruction to contact a licensed  
207 child-placing agency and may not take custody of the infant  
208 unless reasonable efforts to contact a licensed child-placing  
209 agency to accept the infant have not been successful.

210 (7) If a claim of parental rights of a surrendered infant  
211 is made before the judgment to terminate parental rights is  
212 entered, the circuit court may hold the action for termination  
213 of parental rights in abeyance for a period of time not to  
214 exceed 60 days.

215 (a) The court may order scientific testing to determine  
216 maternity or paternity at the expense of the parent claiming  
217 parental rights.

218 (b) The court shall appoint a guardian ad litem for the  
219 surrendered infant and order any ~~whatever~~ investigation, home  
220 evaluation, or ~~and~~ psychological evaluation ~~are~~ necessary to  
221 determine what is in the best interests of the surrendered  
222 infant.

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

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

229 (9) (a) A judgment terminating parental rights to a  
230 surrendered infant pending adoption is voidable, and any later  
231 judgment of adoption of that child ~~minor~~ is voidable, if, upon  
232 the motion of a parent, the court finds that a person knowingly



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233 gave false information that prevented the parent from timely  
234 making known his or her desire to assume parental  
235 responsibilities toward the child ~~minor~~ or from exercising his  
236 or her parental rights. A motion under this subsection must be  
237 filed with the court originally entering the judgment. The  
238 motion must be filed within a reasonable time but not later than  
239 1 year after the entry of the judgment terminating parental  
240 rights.

241 (b) No later than 30 days after the filing of a motion  
242 under this subsection, the court shall conduct a preliminary  
243 hearing to determine what contact, if any, will be allowed  
244 ~~permitted~~ between a parent and the child pending resolution of  
245 the motion. Such contact may be allowed only if it is requested  
246 by a parent who has appeared at the hearing and the court  
247 determines that it is in the best interests of the child. If the  
248 court orders contact between a parent and the child, the order  
249 must be issued in writing as expeditiously as possible and must  
250 state with specificity any provisions regarding contact with  
251 persons other than those with whom the child resides.

252 (c) The court may not order scientific testing to determine  
253 the paternity or maternity of the child ~~minor~~ until such time as  
254 the court determines that a previously entered judgment  
255 terminating the parental rights of that parent is voidable  
256 pursuant to paragraph (a), unless all parties agree that such  
257 testing is in the best interests of the child. Upon the filing  
258 of test results establishing that person's maternity or  
259 paternity of the surrendered infant, the court may order  
260 visitation only if it appears to be in the best interests of the  
261 child.

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

266 (10) Except to the extent expressly provided in this  
267 section, proceedings initiated by a licensed child-placing  
268 agency for the termination of parental rights and subsequent  
269 adoption of a newborn infant surrendered ~~left at a hospital,~~  
270 ~~emergency medical services station, or fire station~~ in  
271 accordance with s. 383.50 shall be conducted pursuant to this  
272 chapter.

273 Section 3. This act shall take effect July 1, 2023.