

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Canady offered the following:

4

5 **Amendment**

6 Remove lines 126-318 and insert:

7 (6)~~(5)~~ Except when there is actual or suspected child
 8 abuse or neglect, any parent who leaves a newborn infant in
 9 accordance with this section ~~with a firefighter, emergency~~
 10 ~~medical technician, or paramedic at a fire station or emergency~~
 11 ~~medical services station~~, or brings a newborn infant to an
 12 emergency room of a hospital and expresses an intent to leave
 13 the newborn infant and not return, has the absolute right to
 14 remain anonymous and to leave at any time and may not be pursued
 15 or followed unless the parent seeks to reclaim the newborn
 16 infant. When an infant is born in a hospital and the mother

Amendment No.

17 expresses intent to leave the infant and not return, upon the
18 mother's request, the hospital or registrar shall complete the
19 infant's birth certificate without naming the mother thereon.

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

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

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Amendment No.

42 ~~(9)-(8)~~ Any newborn infant admitted to a hospital in
43 accordance with this section is presumed eligible for coverage
44 under Medicaid, subject to federal rules.

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

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

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

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

64 63.0423 Procedures with respect to surrendered infants.-

65 (1) Upon entry of final judgment terminating parental
66 rights, a licensed child-placing agency that takes physical

Amendment No.

67 custody of an infant surrendered ~~at a hospital, emergency~~
68 ~~medical services station, or fire station~~ pursuant to s. 383.50
69 assumes responsibility for the medical and other costs
70 associated with the emergency services and care of the
71 surrendered infant from the time the licensed child-placing
72 agency takes physical custody of the surrendered infant.

73 (4) The parent who surrenders the infant in accordance
74 with s. 383.50 is presumed to have consented to termination of
75 parental rights, and express consent is not required. Except
76 when there is actual or suspected child abuse or neglect, the
77 licensed child-placing agency may ~~shall~~ not attempt to pursue,
78 search for, or notify that parent as provided in s. 63.088 and
79 chapter 49. For purposes of s. 383.50 and this section, an
80 infant who tests positive for illegal drugs, narcotic
81 prescription drugs, alcohol, or other substances, but shows no
82 other signs of child abuse or neglect, shall be placed in the
83 custody of a licensed child-placing agency. Such a placement
84 does not eliminate the reporting requirement under s. 383.50(8)
85 ~~s. 383.50(7)~~. When the department is contacted regarding an
86 infant properly surrendered under this section and s. 383.50,
87 the department shall provide instruction to contact a licensed
88 child-placing agency and may not take custody of the infant
89 unless reasonable efforts to contact a licensed child-placing
90 agency to accept the infant have not been successful.

Amendment No.

91 (7) If a claim of parental rights of a surrendered infant
92 is made before the judgment to terminate parental rights is
93 entered, the circuit court may hold the action for termination
94 of parental rights in abeyance for a period of time not to
95 exceed 60 days.

96 (a) The court may order scientific testing to determine
97 maternity or paternity at the expense of the parent claiming
98 parental rights.

99 (b) The court shall appoint a guardian ad litem for the
100 surrendered infant and order whatever investigation, home
101 evaluation, and psychological evaluation are necessary to
102 determine what is in the best interests of the surrendered
103 infant.

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

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

110 (9)(a) A judgment terminating parental rights to a
111 surrendered infant pending adoption is voidable, and any later
112 judgment of adoption of that child ~~minor~~ is voidable, if, upon
113 the motion of a parent, the court finds that a person knowingly
114 gave false information that prevented the parent from timely
115 making known his or her desire to assume parental

Amendment No.

116 responsibilities toward the child ~~minor~~ or from exercising his
117 or her parental rights. A motion under this subsection must be
118 filed with the court originally entering the judgment. The
119 motion must be filed within a reasonable time but not later than
120 1 year after the entry of the judgment terminating parental
121 rights.

122 (b) No later than 30 days after the filing of a motion
123 under this subsection, the court shall conduct a preliminary
124 hearing to determine what contact, if any, will be allowed
125 ~~permitted~~ between a parent and the child pending resolution of
126 the motion. Such contact may be allowed only if it is requested
127 by a parent who has appeared at the hearing and the court
128 determines that it is in the best interests of the child. If the
129 court orders contact between a parent and the child, the order
130 must be issued in writing as expeditiously as possible and must
131 state with specificity any provisions regarding contact with
132 persons other than those with whom the child resides.

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

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Amendment No.

141 | visitation only if it appears to be in the best interests of the
142 | child.

143 | (10) Except to the extent expressly provided in this
144 | section, proceedings initiated by a licensed child-placing
145 | agency for the termination of parental rights and subsequent
146 | adoption of a newborn infant surrendered ~~left at a hospital,~~
147 | ~~emergency medical services station, or fire station~~ in
148 | accordance with s. 383.50 shall be conducted pursuant to this
149 | chapter.

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