

1                                   A bill to be entitled  
2           An act relating to surrendered newborn infants;  
3           amending s. 383.50, F.S.; revising and providing  
4           definitions; authorizing certain hospitals, emergency  
5           medical services stations, and fire stations to use  
6           newborn infant safety devices to accept surrendered  
7           newborn infants if the device meets specified  
8           criteria; requiring such hospitals, emergency medical  
9           services stations, or fire stations to physically  
10          check and test the devices at specified intervals;  
11          authorizing a parent to leave a newborn infant with  
12          medical staff or a licensed healthcare professional at  
13          a hospital after the delivery of the newborn infant  
14          under certain circumstances; providing additional  
15          locations to which the prohibition on the initiation  
16          of criminal investigations based solely on the  
17          surrendering of a newborn infant applies; authorizing  
18          a parent to surrender a newborn infant by calling 911  
19          and requesting an emergency medical services provider  
20          to meet at a specified location to retrieve the  
21          newborn infant; requiring the parent to stay with the  
22          newborn infant until the emergency medical services  
23          provider arrives; amending s. 63.0423, F.S.;  
24          conforming a cross-reference; making conforming  
25          changes; providing an effective date.

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

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

383.50 Treatment of surrendered newborn infant.—

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

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

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

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

(3) (a) A hospital, an emergency medical services station, or a fire station that is staffed 24 hours per day may use a

51 newborn infant safety device to accept surrendered newborn  
52 infants under this section if the device is:

53 1. Physically part of the hospital, emergency medical  
54 services station, or fire station.

55 2. Temperature-controlled and ventilated for the safety of  
56 newborns.

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

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

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

68 (b) A hospital, an emergency medical services station, or  
69 a fire station that uses a newborn infant safety device to  
70 accept surrendered newborn infants must use the device's  
71 surveillance system to monitor the inside of the newborn infant  
72 safety device 24 hours per day and shall physically check the  
73 device at least twice daily and test the device at least weekly  
74 to ensure that the alarm system is in working order. A fire  
75 station that is staffed 24 hours per day except when all

76 firefighter first responders are dispatched from the fire  
 77 station for an emergency must use the dual alarm system of the  
 78 newborn infant safety device to immediately dispatch the nearest  
 79 first responder to retrieve any newborn infant left in the  
 80 newborn infant safety device.

81 (4)-(3) Each emergency medical services station or fire  
 82 station that is staffed with full-time firefighters, emergency  
 83 medical technicians, or paramedics shall accept any newborn  
 84 infant left with a firefighter, an emergency medical technician,  
 85 or a paramedic or in a newborn infant safety device. The  
 86 firefighter, emergency medical technician, or paramedic shall  
 87 consider these actions as implied consent to and shall:

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

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

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 95 A licensee as defined in s. 401.23, a fire department, or an  
 96 employee or agent of a licensee or fire department may treat and  
 97 transport a newborn infant pursuant to this section. If a  
 98 newborn infant is placed in the physical custody of an employee  
 99 or agent of a licensee or fire department or is placed in a  
 100 newborn infant safety device at an emergency medical services

101 station or a fire station, such placement ~~is shall be~~ considered  
102 implied consent for treatment and transport. A licensee, a fire  
103 department, or an employee or agent of a licensee or fire  
104 department is immune from criminal or civil liability for acting  
105 in good faith pursuant to this section. Nothing in this  
106 subsection limits liability for negligence.

107 (5)(a) A newborn infant may be left with medical staff or  
108 a licensed health care professional after the delivery in a  
109 hospital when the parent of the newborn infant notifies medical  
110 staff or a licensed health care professional that the parent is  
111 voluntarily surrendering the infant and does not intend to  
112 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  
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  
127 abuse or neglect, any parent who leaves a newborn infant in  
128 accordance with this section ~~with a firefighter, emergency~~  
129 ~~medical technician, or paramedic at a fire station or emergency~~  
130 ~~medical services station~~, or brings a newborn infant to an  
131 emergency room of a hospital and expresses an intent to leave  
132 the newborn infant and not return, has the absolute right to  
133 remain anonymous and to leave at any time and may not be pursued  
134 or followed unless the parent seeks to reclaim the newborn  
135 infant. When an infant is born in a hospital and the mother  
136 expresses intent to leave the infant and not return, upon the  
137 mother's request, the hospital or registrar shall complete the  
138 infant's birth certificate without naming the mother thereon.

139        (7)~~(6)~~ A parent of a newborn infant left in accordance  
140 with at a hospital, emergency medical services station, or fire  
141 ~~station under~~ this section may claim his or her newborn infant  
142 up until the court enters a judgment terminating his or her  
143 parental rights. A claim to the newborn infant must be made to  
144 the entity having physical or legal custody of the newborn  
145 infant or to the circuit court before whom proceedings involving  
146 the newborn 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 left ~~at a hospital, emergency~~  
165 ~~medical services station, or fire station~~ in accordance with  
166 this section shall not be deemed abandoned and subject to  
167 reporting and investigation requirements under s. 39.201 unless  
168 there is actual or suspected child abuse or until the Department  
169 of Health takes physical custody of the child.

170 (11) If the parent of a newborn infant is unable to  
171 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  
175 infant until the emergency medical services provider arrives to

176 take custody of the infant.

177 ~~(12)(10)~~ A criminal investigation may ~~shall~~ not be  
178 initiated solely because a newborn infant is left in accordance  
179 with ~~at 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  
193 with 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)  
 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 whatever investigation, home  
 220 evaluation, 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  
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  
 253 determine the paternity or maternity of the child ~~minor~~ until  
 254 such time as the court determines that a previously entered  
 255 judgment terminating the parental rights of that parent is  
 256 voidable pursuant to paragraph (a), unless all parties agree  
 257 that such testing is in the best interests of the child. Upon  
 258 the filing of test results establishing that person's maternity  
 259 or 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.

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