

By Senator Harrell

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1 A bill to be entitled
2 An act relating to placement of surrendered newborn
3 infants; amending s. 63.032, F.S.; defining the term
4 "community-based care lead agency"; amending s.
5 63.039, F.S.; requiring community-based care lead
6 agencies to establish and maintain a specified
7 registry; requiring that certain information be
8 removed from the registry under certain circumstances;
9 prohibiting the community-based care lead agency from
10 transferring certain costs to prospective adoptive
11 parents; conforming provisions to changes made by the
12 act; amending s. 63.0423, F.S.; revising the entity
13 responsible for surrendered infants from licensed
14 child-placing agencies to community-based care lead
15 agencies; requiring community-based care lead agencies
16 to seek an order for emergency custody of a
17 surrendered infant; requiring community-based care
18 lead agencies to place a surrendered infant with
19 certain prospective adoptive parents; providing
20 requirements that apply if an appropriate prospective
21 adoptive parent is not found in the registry;
22 conforming provisions to changes made by the act;
23 amending s. 383.50, F.S.; defining the term
24 "community-based care lead agency"; providing
25 requirements for the hospital once they take physical
26 custody of a surrendered newborn infant; conforming
27 provisions to changes made by the act; amending s.
28 39.201, F.S.; conforming provisions to changes made by
29 the act; providing an effective date.

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

Section 1. Present subsections (8) through (19) of section 63.032, Florida Statutes, are redesignated as subsections (9) through (20), respectively, and a new subsection (8) is added to that section, to read:

63.032 Definitions.—As used in this chapter, the term:
(8) "Community-based care lead agency" or "lead agency" has the same meaning as in s. 409.986(3).

Section 2. Present subsections (3), (4), and (5) of section 63.039, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and paragraph (b) of present subsection (5) of that section is amended, to read:

63.039 Duties ~~Duty~~ of adoption entity; ~~to~~ prospective adoptive parents of infants registries; sanctions.—

(3) (a) Each community-based care lead agency shall establish and maintain a registry of prospective adoptive parents of infants with the names, addresses, telephone numbers, and e-mail addresses of prospective adoptive parents who have received a favorable preliminary home study under s. 63.092 and have indicated the desire to be a prospective adoptive parent of a newborn infant surrendered under s. 383.50. The community-based care lead agency must remove the information of a prospective adoptive parent from the registry when the favorable preliminary home study for such prospective adoptive parent is no longer valid as provided in s. 63.092(3) or the prospective adoptive parent asks to be removed from the registry.

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59 (b) The community-based care lead agency may not transfer
60 the cost of establishing and maintaining the registry created
61 pursuant to this subsection to a prospective adoptive parent
62 through the cost of the home study or the cost of adoption of a
63 newborn infant under this section.

64 ~~(6)(5)~~ Within 30 days after the entry of an order of the
65 court finding sanctionable conduct on the part of an adoption
66 entity, the clerk of the court must forward to:

67 (b) The Department of Children and Families any order that
68 imposes sanctions under this section against a community-based
69 care lead licensed child-placing agency or a community-based
70 care lead child-placing agency ~~licensed~~ in another state which
71 ~~that~~ is qualified by the department.

72 Section 3. Subsections (1) through (4) and (10) of section
73 63.0423, Florida Statutes, are amended to read:

74 63.0423 Procedures with respect to surrendered infants.—

75 (1) Upon entry of final judgment terminating parental
76 rights, a community-based care lead licensed child-placing
77 agency that takes physical custody of an infant surrendered at a
78 hospital, emergency medical services station, or fire station
79 pursuant to s. 383.50 assumes responsibility for the medical and
80 other costs associated with the emergency services and care of
81 the surrendered infant from the time the community-based care
82 lead licensed child-placing agency takes physical custody of the
83 surrendered infant.

84 (2) Upon taking physical custody of a newborn infant
85 surrendered pursuant to s. 383.50, the community-based care lead
86 ~~licensed child-placing~~ agency shall immediately seek an order
87 from the circuit court for emergency custody of the surrendered

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88 infant. The emergency custody order remains ~~shall remain~~ in
89 effect until the court orders preliminary approval of placement
90 of the surrendered infant in a the prospective home, at which
91 time the prospective adoptive parent becomes the guardian of the
92 surrendered infant ~~parents become guardians~~ pending termination
93 of parental rights and finalization of adoption or until the
94 court orders otherwise. The guardianship of the prospective
95 adoptive parent is ~~parents shall remain~~ subject to the right of
96 the community-based care lead licensed child-placing agency to
97 remove the surrendered infant from the placement during the
98 pendency of the proceedings if such removal is deemed by the
99 community-based care lead licensed child-placing agency to be in
100 the best interests of the child. The community-based care lead
101 licensed child-placing agency shall ~~may~~ immediately seek to
102 place the surrendered infant in a prospective adoptive home with
103 a prospective adoptive parent from the registry maintained by
104 the community-based care lead agency under s. 63.039. If the
105 registry does not contain the name of an appropriate prospective
106 adoptive parent, the community-based care lead agency must
107 contact another community-based care lead agency and attempt to
108 place the surrendered infant with a prospective adoptive parent
109 from that lead agency's registry.

110 (3) The community-based care lead licensed child-placing
111 agency that takes physical custody of the surrendered infant
112 shall, within 24 hours thereafter, request assistance from law
113 enforcement officials to investigate and determine, through the
114 Missing Children Information Clearinghouse, the National Center
115 for Missing and Exploited Children, and any other national and
116 state resources, whether the surrendered infant is a missing

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117 child.

118 (4) The parent who surrenders the infant in accordance with
119 s. 383.50 is presumed to have consented to termination of
120 parental rights, and express consent is not required. Except
121 when there is actual or suspected child abuse or neglect, the
122 community-based care lead ~~licensed child-placing~~ agency may
123 ~~shall~~ not attempt to pursue, search for, or notify that parent
124 as provided in s. 63.088 and chapter 49. For purposes of s.
125 383.50 and this section, an infant who tests positive for
126 illegal drugs, narcotic prescription drugs, alcohol, or other
127 substances, but shows no other signs of child abuse or neglect,
128 must ~~shall~~ be placed in the custody of a community-based care
129 lead ~~licensed child-placing~~ agency. Such a placement does not
130 eliminate the reporting requirement under s. 383.50(7). When the
131 department is contacted regarding an infant properly surrendered
132 under this section and s. 383.50, the department shall provide
133 instruction to contact a community-based care lead ~~licensed~~
134 ~~child-placing~~ agency and may not take custody of the infant
135 unless reasonable efforts to contact a community-based care lead
136 ~~licensed child-placing~~ agency to accept the infant have not been
137 successful.

138 (10) Except to the extent expressly provided in this
139 section, proceedings initiated by a community-based care lead
140 ~~licensed child-placing~~ agency for the termination of parental
141 rights and subsequent adoption of a newborn left at a hospital,
142 emergency medical services station, or fire station in
143 accordance with s. 383.50 must ~~shall~~ be conducted pursuant to
144 this chapter.

145 Section 4. Subsections (1) and (7) of section 383.50,

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146 Florida Statutes, are amended to read:

147 383.50 Treatment of surrendered newborn infant.—

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

149 (a) "Community-based care lead agency" has the same meaning
150 as in s. 409.986(3).

151 (b) "Newborn infant" means a child who a licensed physician
152 reasonably believes is approximately 7 days old or younger at
153 the time the child is left at a hospital, emergency medical
154 services station, or fire station.

155 (7) Upon admitting a newborn infant under this section, the
156 hospital shall immediately contact the a local community-based
157 care lead licensed child-placing agency or alternatively contact
158 the statewide central abuse hotline for the name of a licensed
159 child-placing agency for purposes of transferring physical
160 custody of the newborn infant. The hospital shall notify the
161 community-based care lead licensed child-placing agency that a
162 newborn infant has been left with the hospital and approximately
163 when the community-based care lead licensed child-placing agency
164 can take physical custody of the child. In cases where there is
165 actual or suspected child abuse or neglect, the hospital or any
166 of its licensed health care professionals shall report the
167 actual or suspected child abuse or neglect in accordance with
168 ss. 39.201 and 395.1023 in lieu of contacting the local
169 community-based care lead a licensed child-placing agency.

170 Section 5. Paragraph (e) of subsection (3) of section
171 39.201, Florida Statutes, is amended to read:

172 39.201 Required reports of child abuse, abandonment, or
173 neglect, sexual abuse of a child, and juvenile sexual abuse;
174 required reports of death; reports involving a child who has

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175 exhibited inappropriate sexual behavior.—

176 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

177 (e) *Surrendered newborn infants.*—

178 1. The central abuse hotline must receive reports involving
179 surrendered newborn infants as described in s. 383.50.

180 2.a. A report may not be considered a report of child
181 abuse, abandonment, or neglect solely because the infant has
182 been left at a hospital, emergency medical services station, or
183 fire station under s. 383.50.

184 b. If the report involving a surrendered newborn infant
185 does not include indications of child abuse, abandonment, or
186 neglect other than that necessarily entailed in the infant
187 having been left at a hospital, emergency medical services
188 station, or fire station, the central abuse hotline must provide
189 to the person making the report the name of a local community-
190 based care lead ~~an eligible licensed child-placing~~ agency that
191 is required to accept physical custody of and to place
192 surrendered newborn infants. The department shall provide names
193 of eligible community-based care lead ~~licensed child-placing~~
194 agencies on a rotating basis.

195 3. If the report includes indications of child abuse,
196 abandonment, or neglect beyond that necessarily entailed in the
197 infant having been left at a hospital, emergency medical
198 services station, or fire station, the report must be considered
199 as a report of child abuse, abandonment, or neglect and,
200 notwithstanding chapter 383, is subject to s. 39.395 and all
201 other relevant provisions of this chapter.

202 Section 6. This act shall take effect July 1, 2024.