

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 community-based care lead agencies

26 | once they take physical custody of a surrendered
 27 | newborn infant; conforming provisions to changes made
 28 | by the act; amending s. 39.201, F.S.; conforming
 29 | provisions to changes made by the act; providing an
 30 | effective date.

31 |

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

33 |

34 | Section 1. Subsections (8) through (19) of section 63.032,
 35 | Florida Statutes, are renumbered as subsections (9) through
 36 | (20), respectively, and a new subsection (8) is added to that
 37 | section, to read:

38 | 63.032 Definitions.—As used in this chapter, the term:

39 | (8) "Community-based care lead agency" or "lead agency"
 40 | has the same meaning as in s. 409.986(3).

41 | Section 2. Subsections (3), (4), and (5) of section
 42 | 63.039, Florida Statutes, are renumbered as subsections (4),
 43 | (5), and (6), respectively, paragraph (b) of present subsection
 44 | (5) is amended, and a new subsection (3) is added to that
 45 | section, to read:

46 | 63.039 Duties ~~Duty~~ of adoption entity; ~~to~~ Prospective
 47 | Adoptive Parents of Infants registries; sanctions.—

48 | (3)(a) Each community-based care lead agency shall
 49 | establish and maintain a registry of prospective adoptive
 50 | parents of infants with the names, addresses, telephone numbers,

51 and e-mail addresses of prospective adoptive parents who have
 52 received a favorable preliminary home study under s. 63.092 and
 53 have indicated the desire to be a prospective adoptive parent
 54 for a newborn infant surrendered under s. 383.50. The community-
 55 based care lead agency must remove the information of a
 56 prospective adoptive parent from the registry when the favorable
 57 preliminary home study for such prospective adoptive parent is
 58 no longer valid as provided in s. 63.092(3) or the prospective
 59 adoptive parent asks to be removed from the registry.

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

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

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

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

75 63.0423 Procedures with respect to surrendered infants.-

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

85 (2) Upon taking physical custody of a newborn infant
 86 surrendered pursuant to s. 383.50, the community-based care lead
 87 ~~licensed child-placing~~ agency shall immediately seek an order
 88 from the circuit court for emergency custody of the surrendered
 89 infant. The emergency custody order remains ~~shall remain~~ in
 90 effect until the court orders preliminary approval of placement
 91 of the surrendered infant in a ~~the~~ prospective home, at which
 92 time the prospective adoptive parent becomes the guardian of the
 93 surrendered infant ~~parents become guardians~~ pending termination
 94 of parental rights and finalization of adoption or until the
 95 court orders otherwise. The guardianship of the prospective
 96 adoptive parent is ~~parents shall remain~~ subject to the right of
 97 the community-based care lead ~~licensed child-placing~~ agency to
 98 remove the surrendered infant from the placement during the
 99 pendency of the proceedings if such removal is deemed by the
 100 community-based care lead ~~licensed child-placing~~ agency to be in

101 the best interests of the child. The community-based care lead
102 ~~licensed child-placing~~ agency shall ~~may~~ immediately seek to
103 place the surrendered infant in a prospective adoptive home with
104 a prospective adoptive parent from the registry maintained by
105 the community-based care lead agency under s. 63.039. If the
106 registry does not contain the name of an appropriate prospective
107 adoptive parent, the community-based care lead agency must
108 contact another community-based care lead agency and attempt to
109 place the surrendered infant with a prospective adoptive parent
110 from that lead agency's registry.

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

119 (4) The parent who surrenders the infant in accordance
120 with s. 383.50 is presumed to have consented to termination of
121 parental rights, and express consent is not required. Except
122 when there is actual or suspected child abuse or neglect, the
123 community-based care lead ~~licensed child-placing~~ agency may
124 ~~shall~~ not attempt to pursue, search for, or notify that parent
125 as provided in s. 63.088 and chapter 49. For purposes of s.

126 383.50 and this section, an infant who tests positive for
 127 illegal drugs, narcotic prescription drugs, alcohol, or other
 128 substances, but shows no other signs of child abuse or neglect,
 129 must ~~shall~~ be placed in the custody of a community-based care
 130 lead licensed child-placing agency. Such a placement does not
 131 eliminate the reporting requirement under s. 383.50(7). When the
 132 department is contacted regarding an infant properly surrendered
 133 under this section and s. 383.50, the department shall provide
 134 instruction to contact a community-based care lead licensed
 135 ~~child-placing~~ agency and may not take custody of the infant
 136 unless reasonable efforts to contact a community-based care lead
 137 ~~licensed child-placing~~ agency to accept the infant have not been
 138 successful.

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

146 Section 4. Subsections (1) and (7) of section 383.50,
 147 Florida Statutes, are amended to read:

148 383.50 Treatment of surrendered newborn infant.—

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

150 (a) "Community-based care lead agency" has the same

151 meaning as in s. 409.986(3).

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

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

172 Section 5. Paragraph (e) of subsection (3) of section
173 39.201, Florida Statutes, is amended to read:

174 39.201 Required reports of child abuse, abandonment, or
175 neglect, sexual abuse of a child, and juvenile sexual abuse;

176 required reports of death; reports involving a child who has
 177 exhibited inappropriate sexual behavior.—

178 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

179 (e) Surrendered newborn infants.—

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

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

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

197 3. If the report includes indications of child abuse,
 198 abandonment, or neglect beyond that necessarily entailed in the
 199 infant having been left at a hospital, emergency medical
 200 services station, or fire station, the report must be considered

HB 327

2024

201 | as a report of child abuse, abandonment, or neglect and,
202 | notwithstanding chapter 383, is subject to s. 39.395 and all
203 | other relevant provisions of this chapter.

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