

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WITHDRAWN	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 199-302 and insert:

7 been left at a hospital, emergency medical services station, or
8 fire station under s. 383.50.

9 b. If the report involving a surrendered ~~newborn~~ infant
10 does not include indications of child abuse, abandonment, or
11 neglect other than that necessarily entailed in the infant
12 having been left at a hospital, emergency medical services
13 station, or fire station, the central abuse hotline must provide
14 to the person making the report the name of an eligible licensed
15 child-placing agency that is required to accept physical custody
16 of and to place surrendered ~~newborn~~ infants. The department

Amendment No.

17 shall provide names of eligible licensed child-placing agencies
18 on a rotating basis.

19 3. If the report includes indications of child abuse,
20 abandonment, or neglect beyond that necessarily entailed in the
21 infant having been left at a hospital, emergency medical
22 services station, or fire station, the report must be considered
23 as a report of child abuse, abandonment, or neglect and,
24 notwithstanding chapter 383, is subject to s. 39.395 and all
25 other relevant provisions of this chapter.

26 Section 4. Subsections (1) and (4), paragraph (c) of
27 subsection (7), and subsection (10) of section 63.0423, Florida
28 Statutes, are amended to read:

29 63.0423 Procedures with respect to surrendered infants.—

30 (1) Upon entry of final judgment terminating parental
31 rights, a licensed child-placing agency that takes physical
32 custody of an infant surrendered at a hospital, emergency
33 medical services station, or fire station pursuant to s. 383.50
34 assumes responsibility for the medical and other costs
35 associated with the emergency services and care of the
36 surrendered infant from the time the licensed child-placing
37 agency takes physical custody of the surrendered infant.

38 (4) The parent who surrenders the infant in accordance
39 with s. 383.50 is presumed to have consented to termination of
40 parental rights, and express consent is not required. Except
41 when there is actual or suspected child abuse or neglect, the

Amendment No.

42 licensed child-placing agency ~~may shall~~ not attempt to pursue,
43 search for, or notify that parent as provided in s. 63.088 and
44 chapter 49. For purposes of s. 383.50 and this section, an
45 infant who tests positive for illegal drugs, narcotic
46 prescription drugs, alcohol, or other substances, but shows no
47 other signs of child abuse or neglect, shall be placed in the
48 custody of a licensed child-placing agency. Such a placement
49 does not eliminate the reporting requirement under s. 383.50(7).
50 When the department is contacted regarding an infant properly
51 surrendered under this section and s. 383.50, the department
52 shall provide instruction to contact a licensed child-placing
53 agency and may not take custody of the infant unless reasonable
54 efforts to contact a licensed child-placing agency to accept the
55 infant have not been successful.

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

61 (c) The court may not terminate parental rights solely on
62 the basis that the parent left the infant at a hospital,
63 emergency medical services station, or fire station in
64 accordance with s. 383.50.

65 (10) Except to the extent expressly provided in this
66 section, proceedings initiated by a licensed child-placing

Amendment No.

67 agency for the termination of parental rights and subsequent
68 adoption of an infant ~~a newborn~~ left at a hospital, emergency
69 medical services station, or fire station in accordance with s.
70 383.50 shall be conducted pursuant to this chapter.

71 Section 5. Paragraph (f) of subsection (2) of section
72 63.167, Florida Statutes, is amended to read:

73 63.167 State adoption information center.—

74 (2) The functions of the state adoption information center
75 shall include:

76 (f) Maintaining a list of licensed child-placing agencies
77 eligible and willing to take custody of and place ~~newborn~~
78 infants left at a hospital, pursuant to s. 383.50. The names and
79 contact information for the licensed child-placing agencies on
80 the list shall be provided on a rotating basis to the statewide
81 central abuse hotline.

82 Section 6. Section 383.51, Florida Statutes, is amended to
83 read:

84 383.51 Confidentiality; identification of parent leaving
85 ~~newborn~~ infant at hospital, emergency medical services station,
86 or fire station.—The identity of a parent who leaves an a
87 ~~newborn~~ infant at a hospital, emergency medical services
88 station, or fire station in accordance with s. 383.50 is
89 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
90 of the State Constitution. The identity of a parent leaving a

Amendment No.

91 child shall be disclosed to a person claiming to be a parent of
92 the ~~newborn~~ infant.

93 Section 7. Section 827.035, Florida Statutes, is amended
94 to read:

95 827.035 ~~Newborn~~ Infants.—It does ~~shall~~ not constitute
96 neglect of a child pursuant to s. 827.03 or contributing to the
97 dependency of a child pursuant to s. 827.04, if a parent leaves
98 an ~~a newborn~~ infant at a hospital, emergency medical services
99 station, or fire station or brings an ~~a newborn~~ infant to an
100 emergency room and expresses an intent to leave the infant and
101 not return, in compliance with s. 383.50.

102 Section 8. Subsection (3) of section 827.10, Florida
103 Statutes, is amended to read:

104 827.10 Unlawful desertion of a child.—

105 (3) This section does not apply to a person who surrenders
106 an ~~a newborn~~ infant in compliance with s. 383.50.

107