

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 775 Surrendered Infants

**SPONSOR(S):** Health & Human Services Committee, Canady and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 790

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**FINAL HOUSE FLOOR ACTION:** 117 Y's

0 N's

**GOVERNOR'S ACTION:** Pending

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### SUMMARY ANALYSIS

CS/HB 775 passed the House on February 15, 2024, and subsequently passed the Senate on February 21, 2024.

Florida law allows parents who are unwilling or unable to care for their newborn infants to safely relinquish them at hospitals, fire stations, and emergency medical services stations. This 'safe haven law' currently allows parents to anonymously surrender newborn infants up to 7 days old and grants the parents immunity from criminal prosecution unless there is actual or suspected child abuse or neglect.

CS/HB 775 increases the age that an infant may be surrendered from 7 days old to 30 days old, preventing unsafe abandonment by allowing more time for parents to decide whether to surrender a child. The bill changes the term "newborn infant" to "infant" to reflect the extended age.

The bill authorizes a parent, after delivery of an infant in a hospital, to leave the infant with hospital medical staff. The parent of the infant must notify the staff that the parent is voluntarily surrendering the infant and does not intend to return. The bill also authorizes a parent to call 911 and request that an emergency medical services provider meet the surrendering parent at a specified location for the purpose of surrendering the infant.

The bill has no fiscal impact on state or local government.

Subject to the Governor's veto powers, the bill is effective July 1, 2024.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Background**

##### **Safe Haven Laws**

Safe haven laws allow parents or agents of parents to safely relinquish babies at designated locations while remaining anonymous, and confer immunity from criminal liability and prosecution for child endangerment, abandonment or neglect.<sup>1</sup> The purpose of safe haven laws is to ensure that abandoned infants are left with those who can provide immediate care necessary for the children's safety and well-being.<sup>2</sup>

In 1999, Texas was the first state to enact safe haven legislation.<sup>3</sup> Today, all 50 states, the District of Columbia, and Puerto Rico have variations of safe haven laws which designate the places or personnel authorized to accept an infant.<sup>4</sup>

Policy choices vary among the states. For example, thirty-five states and the District of Columbia expressly allow the person relinquishing an infant to remain anonymous.<sup>5</sup> Eight states and Puerto Rico<sup>6</sup> require infants to be under 72 hours old to be relinquished at a designated safe haven,<sup>7</sup> while 19 states include infants up to 30 days old.<sup>8</sup> The District of Columbia and 46 states authorize health care providers, such as hospitals or health clinic employees, to accept an infant, and 43 states authorize emergency services personnel, including emergency medical technicians, firefighters and law enforcement officers, to accept an infant or allow relinquishment through the 911 emergency system.<sup>9</sup>

##### **Florida Safe Haven Law**

In 2000, Florida enacted safe haven legislation in response to tragedies<sup>10</sup> concerning newborn abandonment at unsafe locations, such as public restrooms or trash receptacles.<sup>11</sup> Current law authorizes parents to surrender a newborn infant up to 7 days old at a hospital, fire station, or emergency medical service station.

Since 2000, approximately 380 newborns have been surrendered at a safe haven in Florida.<sup>12</sup> In that time, 63 infants are known to have been unsafely abandoned, of which 31 survived and 32 died.<sup>13</sup>

#### *Procedures and Protections for Surrendered Newborn Infants and Parents*

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<sup>1</sup> *Infant Safe Haven Laws*, Child Welfare Information Gateway (Sept. 2021), [https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/safehaven.pdf?VersionId=G0ledWIFvcxOELUST1S5\\_SUTWdYScIB\\_](https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/safehaven.pdf?VersionId=G0ledWIFvcxOELUST1S5_SUTWdYScIB_) (last visited March 15, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> NY Legislative Counsel Bureau, *A Study of Infant Abandonment Legislation*, <https://www.leg.state.nv.us/Division/Research/Publications/Bkground/BP01-03.pdf> (last visited March 15, 2024).

<sup>4</sup> *supra* note 1

<sup>5</sup> Infant Abandonment, Guttmacher Institute (Sep. 2023), <https://www.guttmacher.org/state-policy/explore/infant-abandonment> (last visited March 15, 2024)

<sup>6</sup> *supra* note 1

<sup>7</sup> *supra* note 5

<sup>8</sup> *Id.* This data is as of 2023.

<sup>9</sup> *Id.*

<sup>10</sup> The Orlando Sentinel, "Teen Mom Charged with Attempted Murder," March 9, 2000, <https://www.orlandosentinel.com/news/os-xpm-2000-03-09-0003090076-story.html>, (last visited March 15, 2024), See also, Meyer, C. L., Oberman, M., White, K., Rone, M., Batra, P., & Proano, T. C. (2001). *Mothers Who Kill Their Children: Understanding the Acts of Moms from Susan Smith to the "Prom Mom"*. New York: New York University Press.

<sup>11</sup> S. 383.50, F.S.

<sup>12</sup> A Safe Haven for Newborns, *Safe Haven Statistics*, <https://asafehavenfornewborns.com/what-we-do/safe-haven-statistics/> (last visited March 15, 2024).

<sup>13</sup> *Id.*

The Florida safe haven law outlines procedures and protections concerning what happens after a baby is surrendered. If the parent surrenders a newborn infant born in a hospital, the hospital registrars must complete the infant's birth certificate without naming the mother, if she requests it and expresses an intent to leave without the infant and not return.<sup>14</sup>

The law requires hospitals, fire stations, and emergency medical services stations that are staffed with full-time firefighters or emergency medical technicians to accept any newborn infant left with a firefighter or emergency medical technician so that the newborn infant can receive any necessary immediate medical treatment, including transport to a hospital, if necessary.<sup>15</sup> The law holds emergency medical technicians, paramedics, and fire department staff accountable for criminal and civil liability for treatment and custody of a surrendered newborn infant, except in situations where the individual has acted in good faith concerning the surrendered infant.<sup>16</sup>

The law expressly grants parents surrendering a newborn infant the right to anonymity and to not be pursued, unless the parent seeks to reclaim the infant. The law also grants surrendering parents immunity from criminal prosecution unless there is actual or suspected abuse or neglect of the infant.

Current law creates a presumption that the parent consents to the termination of their parental rights<sup>17</sup> and to transport and medical treatment for the child.<sup>18</sup> A court may not terminate parental rights solely on the basis that the parent left the infant at a hospital, emergency medical services station, or fire station in accordance with Florida's safe haven provisions.<sup>19</sup>

Florida law also has procedures outlining the process for parents to seek to either claim or reclaim a surrendered newborn infant.<sup>20</sup> A parent who leaves a newborn infant at a hospital, emergency medical services station, or fire station under this section may claim his or her newborn infant up until the court enters a judgment terminating his or her parental rights, and a petition for termination of parental rights may not be filed until 30 days after the date the infant was surrendered.<sup>21</sup>

Current law<sup>22</sup> requires DOH to work in conjunction with the Department of Children and Families to prevent the unsafe abandonment of newborns through a media campaign, funded by a \$300,000 appropriation of recurring General Revenue.<sup>23</sup>

## **Effect of the Bill**

The bill expands eligibility for the use of safe havens, and creates additional methods to surrender an infant.

The bill increases the age limit for a parent to surrender an infant from 7 days old to 30 days old. This gives parents more time to make a decision, potentially preventing the unsafe abandonment of infants older than 7 days. The bill changes the term "newborn infant" to "infant" to reflect the extended age.

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<sup>14</sup> *Id.*

<sup>15</sup> S. 383.50, F.S.

<sup>16</sup> S. 383.50(3), F.S.

<sup>17</sup> S. 63.0423, F.S.

<sup>18</sup> S. 383.50, F.S.

<sup>19</sup> *Id.*

<sup>20</sup> S. 63.0423, F.S.

<sup>21</sup> *Id.*

<sup>22</sup> S. 7, Ch. 2000-188, Laws of Fla.

<sup>23</sup> Conference Report on HB 5001, *General Appropriations Act for Fiscal Year 2024-2025*, Item 549. DOH contracts with A Safe Haven for Newborns to perform this. A Safe Haven for Newborns, *Did you Know?*, <https://asafehavenfornewborns.com/a-safe-haven-for-newbornspublic-awareness-is-saving-lives/>, (last visited March 18, 2024).

The bill authorizes a parent, after delivery of an infant in a hospital, to leave the infant with medical staff or a licensed health care professional. The parent of the infant must notify the medical staff or a licensed health care professional that the parent is voluntarily surrendering the infant and does not intend to return.

The bill also authorizes a parent to call 911 and request that an emergency medical services provider meet the surrendering parent at a specified location. The bill requires the surrendering parent to stay with the infant until the medical services provider arrives to take custody of the infant.

The bill provides an effective date of July 1, 2024.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.