

By Senator Yarborough

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1                                   A bill to be entitled  
2       An act relating to surrendered infants; amending s.  
3       383.50, F.S.; changing the term "newborn infant" to  
4       "infant"; increasing the age at which a child is  
5       considered an infant; authorizing a parent to leave an  
6       infant with medical staff or a licensed health care  
7       professional at a hospital after the delivery of the  
8       infant, upon the parent giving a certain notification;  
9       authorizing a parent to surrender an infant by calling  
10      911 to request that an emergency medical services  
11      provider meet the surrendering parent at a specified  
12      location; requiring the surrendering parent to stay  
13      with the infant until the emergency medical services  
14      provider arrives to take custody of the infant;  
15      amending ss. 39.01, 39.201, 63.0423, 63.167, 383.51,  
16      827.035, and 827.10, F.S.; conforming provisions to  
17      changes made by the act; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21       Section 1. Section 383.50, Florida Statutes, is amended to  
22       read:

23       383.50 Treatment of surrendered ~~newborn~~ infant.—

24       (1) As used in this section, the term "~~newborn~~ infant"  
25       means a child who a licensed physician reasonably believes is  
26       approximately 30 ~~7~~ days old or younger at the time the child is  
27       left at a hospital, an emergency medical services station, or a  
28       fire station.

29       (2) There is a presumption that the parent who leaves the

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30 ~~newborn~~ infant in accordance with this section intended to leave  
31 the ~~newborn~~ infant and consented to termination of parental  
32 rights.

33 (3) Each emergency medical services station or fire station  
34 that is staffed with full-time firefighters, emergency medical  
35 technicians, or paramedics shall accept any ~~newborn~~ infant left  
36 with a firefighter, an emergency medical technician, or a  
37 paramedic. The firefighter, emergency medical technician, or  
38 paramedic shall consider these actions as implied consent to and  
39 shall:

40 (a) Provide emergency medical services to the ~~newborn~~  
41 infant to the extent that he or she is trained to provide those  
42 services; ~~and~~

43 (b) Arrange for the immediate transportation of the ~~newborn~~  
44 infant to the nearest hospital having emergency services.

45  
46 A licensee as defined in s. 401.23, a fire department, or an  
47 employee or agent of a licensee or fire department may treat and  
48 transport an ~~a newborn~~ infant pursuant to this section. If an ~~a~~  
49 ~~newborn~~ infant is placed in the physical custody of an employee  
50 or agent of a licensee or fire department, such placement is  
51 ~~shall be~~ considered implied consent for treatment and transport.

52 A licensee, a fire department, or an employee or agent of a  
53 licensee or fire department is immune from criminal or civil  
54 liability for acting in good faith pursuant to this section.  
55 ~~Nothing in~~ This subsection does not limit ~~limits~~ liability for  
56 negligence.

57 (4) (a) After the delivery of an infant in a hospital, a  
58 parent of the infant may leave the infant with medical staff or

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59 a licensed health care professional at the hospital if the  
60 parent notifies such medical staff or licensed health care  
61 professional that the parent is voluntarily surrendering the  
62 infant and does not intend to return.

63 (b) Each hospital of this state subject to s. 395.1041  
64 shall, and any other hospital may, admit and provide all  
65 necessary emergency services and care, as defined in s.  
66 395.002(9), to any ~~newborn~~ infant left with the hospital in  
67 accordance with this section. The hospital or any of its medical  
68 staff or licensed health care professionals shall consider these  
69 actions as implied consent for treatment, and a hospital  
70 accepting physical custody of an ~~a newborn~~ infant has implied  
71 consent to perform all necessary emergency services and care.  
72 The hospital or any of its medical staff or licensed health care  
73 professionals are ~~is~~ immune from criminal or civil liability for  
74 acting in good faith in accordance with this section. ~~Nothing in~~  
75 This subsection does not limit ~~limits~~ liability for negligence.

76 (5) Except when there is actual or suspected child abuse or  
77 neglect, any parent who leaves an ~~a newborn~~ infant with a  
78 firefighter, an emergency medical technician, or a paramedic at  
79 a fire station or an emergency medical services station, or  
80 brings an ~~a newborn~~ infant to an emergency room of a hospital  
81 and expresses an intent to leave the ~~newborn~~ infant and not  
82 return, has the absolute right to remain anonymous and to leave  
83 at any time and may not be pursued or followed unless the parent  
84 seeks to reclaim the ~~newborn~~ infant. When an infant is born in a  
85 hospital and the mother expresses intent to leave the infant and  
86 not return, upon the mother's request, the hospital or registrar  
87 shall complete the infant's birth certificate without naming the

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88 mother thereon.

89 (6) A parent of an ~~a newborn~~ infant left at a hospital, an  
90 emergency medical services station, or a fire station under this  
91 section may claim his or her ~~newborn~~ infant up until the court  
92 enters a judgment terminating his or her parental rights. A  
93 claim to the ~~newborn~~ infant must be made to the entity having  
94 physical or legal custody of the ~~newborn~~ infant or to the  
95 circuit court before whom proceedings involving the ~~newborn~~  
96 infant are pending.

97 (7) Upon admitting an ~~a newborn~~ infant under this section,  
98 the hospital shall immediately contact a local licensed child-  
99 placing agency or alternatively contact the statewide central  
100 abuse hotline for the name of a licensed child-placing agency  
101 for purposes of transferring physical custody of the ~~newborn~~  
102 infant. The hospital shall notify the licensed child-placing  
103 agency that an ~~a newborn~~ infant has been left with the hospital  
104 and approximately when the licensed child-placing agency can  
105 take physical custody of the infant ~~child~~. In cases where there  
106 is actual or suspected child abuse or neglect, the hospital or  
107 any of its medical staff or licensed health care professionals  
108 shall report the actual or suspected child abuse or neglect in  
109 accordance with ss. 39.201 and 395.1023 in lieu of contacting a  
110 licensed child-placing agency.

111 (8) An ~~Any newborn~~ infant admitted to a hospital in  
112 accordance with this section is presumed eligible for coverage  
113 under Medicaid, subject to federal rules.

114 (9) An ~~a newborn~~ infant left at a hospital, an emergency  
115 medical services station, or a fire station in accordance with  
116 this section may ~~shall~~ not be deemed abandoned and subject to

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117 reporting and investigation requirements under s. 39.201 unless  
118 there is actual or suspected child abuse or until the Department  
119 of Health takes physical custody of the infant ~~child~~.

120 (10) If the parent of an infant is unable to surrender the  
121 infant in accordance with this section, the parent may call 911  
122 to request that an emergency medical services provider meet the  
123 surrendering parent at a specified location. The surrendering  
124 parent must stay with the infant until the emergency medical  
125 services provider arrives to take custody of the infant.

126 (11) A criminal investigation may ~~shall~~ not be initiated  
127 solely because an a newborn ~~an a newborn~~ infant is surrendered in accordance  
128 with ~~left at a hospital under~~ this section unless there is  
129 actual or suspected child abuse or neglect.

130 Section 2. Subsection (1) and paragraph (e) of subsection  
131 (34) of section 39.01, Florida Statutes, are amended to read:

132 39.01 Definitions.—When used in this chapter, unless the  
133 context otherwise requires:

134 (1) "Abandoned" or "abandonment" means a situation in which  
135 the parent or legal custodian of a child or, in the absence of a  
136 parent or legal custodian, the caregiver, while being able, has  
137 made no significant contribution to the child's care and  
138 maintenance or has failed to establish or maintain a substantial  
139 and positive relationship with the child, or both. For purposes  
140 of this subsection, "establish or maintain a substantial and  
141 positive relationship" includes, but is not limited to, frequent  
142 and regular contact with the child through frequent and regular  
143 visitation or frequent and regular communication to or with the  
144 child, and the exercise of parental rights and responsibilities.  
145 Marginal efforts and incidental or token visits or

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146 communications are not sufficient to establish or maintain a  
147 substantial and positive relationship with a child. A man's  
148 acknowledgment of paternity of the child does not limit the  
149 period of time considered in determining whether the child was  
150 abandoned. The term does not include a surrendered ~~newborn~~  
151 infant as described in s. 383.50, a "child in need of services"  
152 as defined in chapter 984, or a "family in need of services" as  
153 defined in chapter 984. The absence of a parent, legal  
154 custodian, or caregiver responsible for a child's welfare, who  
155 is a servicemember, by reason of deployment or anticipated  
156 deployment as defined in 50 U.S.C. s. 3938(e), may not be  
157 considered or used as a factor in determining abandonment. The  
158 incarceration, repeated incarceration, or extended incarceration  
159 of a parent, legal custodian, or caregiver responsible for a  
160 child's welfare may support a finding of abandonment.

161 (34) "Harm" to a child's health or welfare can occur when  
162 any person:

163 (e) Abandons the child. Within the context of the  
164 definition of "harm," the term "abandoned the child" or  
165 "abandonment of the child" means a situation in which the parent  
166 or legal custodian of a child or, in the absence of a parent or  
167 legal custodian, the caregiver, while being able, has made no  
168 significant contribution to the child's care and maintenance or  
169 has failed to establish or maintain a substantial and positive  
170 relationship with the child, or both. For purposes of this  
171 paragraph, "establish or maintain a substantial and positive  
172 relationship" includes, but is not limited to, frequent and  
173 regular contact with the child through frequent and regular  
174 visitation or frequent and regular communication to or with the

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175 child, and the exercise of parental rights and responsibilities.  
176 Marginal efforts and incidental or token visits or  
177 communications are not sufficient to establish or maintain a  
178 substantial and positive relationship with a child. The term  
179 "abandoned" does not include a surrendered ~~newborn~~ infant as  
180 described in s. 383.50, a child in need of services as defined  
181 in chapter 984, or a family in need of services as defined in  
182 chapter 984. The incarceration, repeated incarceration, or  
183 extended incarceration of a parent, legal custodian, or  
184 caregiver responsible for a child's welfare may support a  
185 finding of abandonment.

186 Section 3. Paragraph (e) of subsection (3) of section  
187 39.201, Florida Statutes, is amended to read:

188 39.201 Required reports of child abuse, abandonment, or  
189 neglect, sexual abuse of a child, and juvenile sexual abuse;  
190 required reports of death; reports involving a child who has  
191 exhibited inappropriate sexual behavior.—

192 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

193 (e) *Surrendered ~~newborn~~ infants.*—

194 1. The central abuse hotline must receive reports involving  
195 surrendered ~~newborn~~ infants as described in s. 383.50.

196 2.a. A report may not be considered a report of child  
197 abuse, abandonment, or neglect solely because the infant has  
198 been surrendered in accordance with ~~left at a hospital,~~  
199 ~~emergency medical services station, or fire station under s.~~  
200 383.50.

201 b. If the report involving a surrendered ~~newborn~~ infant  
202 does not include indications of child abuse, abandonment, or  
203 neglect other than that necessarily entailed in the infant

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204 having been surrendered ~~left at a hospital, emergency medical~~  
205 ~~services station, or fire station~~, the central abuse hotline  
206 must provide to the person making the report the name of an  
207 eligible licensed child-placing agency that is required to  
208 accept physical custody of and to place surrendered ~~newborn~~  
209 infants. The department shall provide names of eligible licensed  
210 child-placing agencies on a rotating basis.

211 3. If the report includes indications of child abuse,  
212 abandonment, or neglect beyond that necessarily entailed in the  
213 infant having been surrendered ~~left at a hospital, emergency~~  
214 ~~medical services station, or fire station~~, the report must be  
215 considered as a report of child abuse, abandonment, or neglect  
216 and, notwithstanding chapter 383, is subject to s. 39.395 and  
217 all other relevant provisions of this chapter.

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

221 63.0423 Procedures with respect to surrendered infants.—

222 (1) Upon entry of final judgment terminating parental  
223 rights, a licensed child-placing agency that takes physical  
224 custody of an infant surrendered in accordance with ~~at a~~  
225 ~~hospital, emergency medical services station, or fire station~~  
226 ~~pursuant to~~ s. 383.50 assumes responsibility for the medical and  
227 other costs associated with the emergency services and care of  
228 the surrendered infant from the time the licensed child-placing  
229 agency takes physical custody of the surrendered infant.

230 (4) The parent who surrenders the infant in accordance with  
231 s. 383.50 is presumed to have consented to termination of  
232 parental rights, and express consent is not required. Except



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233 when there is actual or suspected child abuse or neglect, the  
234 licensed child-placing agency may ~~shall~~ not attempt to pursue,  
235 search for, or notify that parent as provided in s. 63.088 and  
236 chapter 49. For purposes of s. 383.50 and this section, a  
237 surrendered ~~an~~ infant who tests positive for illegal drugs,  
238 narcotic prescription drugs, alcohol, or other substances, but  
239 shows no other signs of child abuse or neglect, shall be placed  
240 in the custody of a licensed child-placing agency. Such a  
241 placement does not eliminate the reporting requirement under s.  
242 383.50(7). When the department is contacted regarding an infant  
243 properly surrendered under this section and s. 383.50, the  
244 department shall provide instruction to contact a licensed  
245 child-placing agency and may not take custody of the infant  
246 unless reasonable efforts to contact a licensed child-placing  
247 agency to accept the infant have not been successful.

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

253 (c) The court may not terminate parental rights solely on  
254 the basis that the parent surrendered ~~left~~ the infant ~~at a~~  
255 ~~hospital, emergency medical services station, or fire station~~ in  
256 accordance with s. 383.50.

257 (10) Except to the extent expressly provided in this  
258 section, proceedings initiated by a licensed child-placing  
259 agency for the termination of parental rights and subsequent  
260 adoption of an infant surrendered ~~a newborn left at a hospital,~~  
261 ~~emergency medical services station, or fire station~~ in

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262 accordance with s. 383.50 shall be conducted pursuant to this  
263 chapter.

264 Section 5. Paragraph (f) of subsection (2) of section  
265 63.167, Florida Statutes, is amended to read:

266 63.167 State adoption information center.—

267 (2) The functions of the state adoption information center  
268 shall include:

269 (f) Maintaining a list of licensed child-placing agencies  
270 eligible and willing to take custody of and place ~~newborn~~  
271 infants surrendered in accordance with ~~left at a hospital,~~  
272 ~~pursuant to~~ s. 383.50. The names and contact information for the  
273 licensed child-placing agencies on the list shall be provided on  
274 a rotating basis to the statewide central abuse hotline.

275 Section 6. Section 383.51, Florida Statutes, is amended to  
276 read:

277 383.51 Confidentiality; identification of parent  
278 surrendering ~~leaving newborn infant at hospital, emergency~~  
279 ~~medical services station, or fire station.~~—The identity of a  
280 parent who surrenders an ~~leaves a newborn infant at a hospital,~~  
281 ~~emergency medical services station, or fire station~~ in  
282 accordance with s. 383.50 is confidential and exempt from s.  
283 119.07(1) and s. 24(a), Art. I of the State Constitution. The  
284 identity of a parent surrendering an infant ~~leaving a child~~  
285 shall be disclosed to a person claiming to be a parent of the  
286 ~~newborn~~ infant.

287 Section 7. Section 827.035, Florida Statutes, is amended to  
288 read:

289 827.035 ~~Newborn~~ Infants.—It does ~~shall~~ not constitute  
290 neglect of a child pursuant to s. 827.03 or contributing to the

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291 dependency of a child pursuant to s. 827.04, if a parent  
292 surrenders an ~~leaves a newborn infant in accordance at a~~  
293 ~~hospital, emergency medical services station, or fire station or~~  
294 ~~brings a newborn infant to an emergency room and expresses an~~  
295 ~~intent to leave the infant and not return, in compliance~~ with s.  
296 383.50.

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

299 827.10 Unlawful desertion of a child.—

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

302 Section 9. This act shall take effect July 1, 2024.