

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1690

INTRODUCER: Senator McClain

SUBJECT: Surrendered Infants

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Morgan</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1690 modifies statutory provisions relating to surrendered infants. The bill authorizes a hospital, an emergency medical services (EMS) station, or a fire station that is staffed 24 hours per day to use an infant safety device to accept surrendered infants in accordance with safety procedures specified in the bill.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Infant Safe Haven Laws

Every state legislature has enacted laws to address infant abandonment and endangerment in response to a reported increase in the abandonment of infants in unsafe locations, such as public restrooms or trash receptacles. Beginning with Texas in 1999, states have enacted these safe haven laws as an incentive for mothers in crisis to safely relinquish their babies at designated locations where the babies are protected and provided with care until a permanent home is found.¹

While there is great variability in the laws across states, safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven.² Most states designate hospitals, EMS providers, health care facilities, and fire stations as a safe haven. In eleven states, including Florida as of July 1, 2024,³

¹ Child Welfare Information Gateway, *Infant Safe Haven Laws* (Sep. 2021), available at <https://www.childwelfare.gov/resources/infant-safe-haven-laws/> (last visited Mar. 22, 2025).

² *Id.*

³ Chapter 2024-213, Laws of Fla.

emergency medical personnel responding to 911 calls may accept an infant who is being lawfully surrendered.⁴ Laws in 22 states allow a parent to voluntarily deliver an infant to an infant safety device that meets certain safety standards.⁵

The age in which a baby may be lawfully surrendered also varies significantly from state to state. Approximately 24 states, including Florida,⁶ accept infants up to 30 days old.⁷ Ages in other states range from up to 72 hours to one year.⁸

According to the nonprofit organization known as the National Safe Haven Alliance (NSHA), 4,835 safe haven relinquishments occurred during 1999-2023 nationwide,⁹ and 4,996 nationally as of this writing.¹⁰ Illegal abandonments have also occurred during that time span, with some infants found alive and others deceased. These statistics are unofficial estimates, as there is no federally mandated safe haven report requirement.

Surrender of Infants in Florida

The Florida Legislature enacted Florida's initial abandoned newborn infant law in 2000.¹¹ The law created s. 383.50, F.S., and authorized the abandonment of a newborn infant, up to three days old or younger, at a hospital or a fire station and addressed the presumption of relinquishment of parental rights, implied consent to treatment, anonymity, and physical custody of the infant.¹²

In 2001, s. 383.50, F.S., was amended to authorize EMS stations, in addition to hospitals and fire stations, as optional locations for the lawful relinquishment of a newborn infant.¹³

In 2008, multiple provisions of s. 383.50, F.S., were modified to refer to "surrendered newborn infant" rather than "abandoned newborn infant."¹⁴ The three-day age limit for surrender of a newborn infant was increased to a seven-day age limit. Additionally, a provision was added to indicate that when an infant is born in a hospital and the mother expresses intent to leave the infant and not return, the hospital or registrar is directed, upon her request, to complete the infant's birth certificate without naming the mother.

⁴ *Supra* note 1. Connecticut, Idaho, Illinois, Indiana, Iowa, Louisiana, Minnesota, New Hampshire, Vermont, and Wisconsin.

⁵ National Conference of State Legislatures, *Safe Haven Laws Memo* (Mar. 24, 2025) (on file with Senate Committee on Health Policy). Arkansas, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, New Hampshire, Oklahoma, South Dakota, Tennessee, Virginia, and West Virginia.

⁶ *Supra* note 3.

⁷ *Supra* note 1. Arizona, Arkansas, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, and West Virginia.

⁸ *Supra* note 1.

⁹ National Safe Haven Alliance, *2023 Annual/Impact Report*, available at https://www.nationalsafehavenalliance.org/files/ugd/1c34fd_d0b326dc49884c0ca87f8e023d354cea.pdf (last visited Mar. 22, 2025).

¹⁰ National Safe Haven Alliance, *Our Cause*, available at <https://www.nationalsafehavenalliance.org/our-cause> (last visited Mar. 22, 2025).

¹¹ Chapter 2000-188, Laws of Fla.

¹² Section 383.50, F.S.

¹³ Chapter 2001-53, s. 15, Laws of Fla.

¹⁴ Chapter 2008-90, s. 4, Laws of Fla.

In 2024, multiple statutory provisions were modified to enact the following:¹⁵

- Changed the term “newborn infant” to “infant.”
- Increased the age in which an infant may be lawfully surrendered from approximately seven days old to approximately 30 days old.
- Provided an additional method of lawful surrender, allowing the parent of an infant to dial 911 to request that an EMS provider meet the parent at a specified location for the surrender of the infant directly to the EMS provider.
- Clarified the manner in which a parent may relinquish an infant at a hospital following delivery.
- Extended immunity from criminal investigation solely because an infant is left with eligible EMS station personnel or at an EMS station or a fire station.
- Extended immunity from criminal or civil liability to medical staff of a hospital for acting in good faith when accepting a surrendered infant at a hospital in accordance with statutory provisions.

Under current law, a firefighter, emergency medical technician, or paramedic at a fire station or EMS station who accepts a surrendered infant must arrange for the immediate transportation of the newborn infant to the nearest hospital having emergency services.¹⁶ Upon admitting a surrendered infant, each hospital in this state having emergency services must provide all necessary emergency services and care for the surrendered infant and immediately contact a local licensed child-placing agency (CPA) or the Department of Children and Families’ (DCF) statewide abuse hotline for the name of a CPA and transfer custody of the surrendered infant.¹⁷

A Safe Haven for Newborns¹⁸ reports that over the past 25 years, approximately 476 newborns have been surrendered or abandoned in Florida.¹⁹ Since 2000, 411 newborns have been surrendered in a safe haven hospital, EMS station, or a fire station, and approximately 65 newborns have been abandoned in unsafe places. In 2025, as of this writing, three newborns have been recorded as surrendered to a safe haven.²⁰

Safe Haven Baby Boxes

A baby box is a safety device provided under a state’s Safe Haven Law to legally and safely facilitate a mother in crisis to safely, securely, and anonymously surrender an infant if she is unable to care for her infant. A baby box is installed in an exterior wall of a designated fire station or hospital. It has an exterior door that automatically locks upon placement of an infant inside, an alarm system to alert facility staff that a baby is inside, and an interior door which allows a staff member to secure the surrendered infant from inside the designated building.²¹

¹⁵ *Supra* note 3.

¹⁶ Sections 383.50(3) and 395.1041, F.S.

¹⁷ Section 383.50(7), F.S.

¹⁸ A Safe Haven for Newborns is a program of The Florida M. Silverio Foundation, a 501(c)(3) organization located in Miami, Florida.

¹⁹ A Safe Haven for Newborns, *A Safe Haven for Newborns Statistics*, available at <https://asafehavenfornewborns.com/what-we-do/safe-haven-statistics/> (last visited Mar. 22, 2025).

²⁰ *Id.*

²¹ Safe Haven Baby Boxes, available at <https://www.shbb.org/> (last visited Mar. 23, 2025).

Safe Haven Baby Boxes, Inc., is a nonprofit incorporated in Indiana,²² which has patented a device for receiving a surrendered baby,²³ trademarked as a “Safe Haven Baby Box.”²⁴ The federal Food and Drug Administration has determined that a Safe Haven Baby Box is not a medical “device” pursuant to s. 201 of the federal Food, Drug, and Cosmetic Act, and therefore is not required to comply with the requirements of the act.²⁵

Over 150 babies have been surrendered nationwide inside Safe Haven Baby Boxes since the first was installed in 2016.²⁶ There are 317 active baby boxes, five of which are in Florida.²⁷ Arizona also has baby drawers, which can be found at six different medical centers in the state.²⁸ Florida’s Safe Haven baby boxes are located at the Martin Luther King, Jr. (MLK), First Responder Campus; the Marion County Fire and Rescue in Ocala; the Citrus County Fire Rescue in Crystal River; the Hernando County Fire Department in Spring Hill; and the Newberry Fire Station #28 in Newberry.²⁹ In January 2023, an infant was surrendered at the baby box at the MLK First Responder Campus in Ocala.³⁰

III. Effect of Proposed Changes:

Section 1 amends s. 383.50, F.S., to revise the definition of “infant,” and to add a definition of “infant safety device” to mean a device that is installed in a supporting wall of a hospital, an emergency medical services station, or a fire station and that has an exterior point of access allowing an individual to place an infant inside and an interior point of access allowing individuals inside the building to retrieve the infant safely.

The bill authorizes a hospital, an EMS station, or a fire station that is staffed 24 hours per day to use an infant safety device to accept surrendered infants if the device is:

- Physically part of the hospital, EMS station, or fire station and installed in a supporting wall;
- Temperature-controlled and ventilated for the safety of infants;
- Equipped with a dual alarm system connected to the physical location of the device which automatically triggers an alarm inside the building when an infant is placed in the device;

²² See Indiana Secretary of State Corporation and Business Entity Search; *search by entity name available at: <https://bsd.sos.in.gov/publicbusinesssearch>* (last visited Mar. 23, 2025).

²³ See United States Patent (dated Apr. 28, 2020), *available at <https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/Patent%20.pdf?ver=1610398180477>* (last visited Mar. 23, 2025).

²⁴ See Trademark Certificate (registered Oct. 15, 2019), *available at <https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/Trademark%20Certificate.pdf?ver=1610398180478>* (last visited Mar. 23, 2025).

²⁵ See Letter from U.S. Food and Drug Administration to Safe Haven Baby Boxes, Inc. (dated Feb. 15, 2019), *available at <https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/C180100.Letter.pdf?ver=1610398180478>* (last visited Mar. 23, 2025).

²⁶ Safe Haven Baby Boxes, *Mission*, *available at <https://www.shbb.org/history>* (last visited Mar. 23, 2025).

²⁷ Safe Haven Baby Boxes, *SHBB Locations*, *available at <https://project-safe-haven-babybox.vercel.app/>* (last visited Mar. 23, 2025).

²⁸ Arizona Safe Baby Haven Foundation, *AZ Safe Haven Law*, *available at <https://azsafebabyhaven.org/information/>* (last visited Mar. 23, 2025). Banner Thunderbird Medical Center, Banner Cardon Children’s Medical Center, Banner Estrella Medical Center, HonorHealth Scottsdale Osborn Medical Center, Maricopa Medical Center, and Mayo Clinic Phoenix.

²⁹ *Supra* note 27.

³⁰ See Newborn surrendered at Florida fire station is first baby saved by state’s only “Baby Box” by Charine Akbara, (published Jan. 10, 2023, Fox 13 News), *available at <https://www.fox13news.com/news/newborn-surrendered-at-florida-fire-station-is-first-baby-saved-by-states-only-baby-box>* (last visited Mar. 23, 2025).

- Equipped with a surveillance system that allows employees of the hospital, EMS station, or fire station to monitor the inside of the device 24 hours per day; and
- Located such that the interior point of access is in an area that is conspicuous and visible to the employees of the hospital, EMS station, or fire station.

Under the bill, a hospital, EMS station, or fire station that uses an infant safety device to accept surrendered infants must use the device's surveillance system to monitor the inside of the infant safety device 24 hours per day and must physically check the device at least twice daily and test the device at least weekly to ensure the alarm system is in working order. A fire station that is staffed 24 hours per day except when all firefighter first responders are dispatched from the fire station for an emergency must use the dual alarm system of the infant safety device to dispatch immediately the nearest first responder to retrieve any infant left in the infant safety device.

Existing provisions related to the presumption that the parent intended to leave the infant, consented to appropriate medical treatment and care, and to termination of parental rights; the care and custodial processing of an infant upon lawful surrender; and the parent's anonymity upon surrender, are extended by the bill to occasions when infants are surrendered in an infant safety device.

The bill further provides conforming changes to utilize the term "surrendered" instead of "left."

Section 2 amends s. 63.0423, F.S., to make a conforming and technical change.

Section 3 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 383.50 and 63.0423.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.