

By Senator McClain

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1 A bill to be entitled
2 An act relating to surrendered infants; amending s.
3 383.50, F.S.; revising the definition of the term
4 "infant"; defining the term "infant safety device";
5 authorizing certain hospitals, emergency medical
6 services stations, and fire stations to use infant
7 safety devices to accept surrendered infants if the
8 device meets specified criteria; requiring such
9 hospitals, emergency medical services stations, and
10 fire stations to monitor the inside of the device 24
11 hours per day and physically check and test the
12 devices at specified intervals; providing additional
13 requirements for certain fire stations using such
14 devices; conforming provisions to changes made by the
15 act; amending s. 63.0423, F.S.; conforming a cross-
16 reference; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 383.50, Florida Statutes, is amended to
21 read:

22 383.50 Treatment of surrendered infant.—

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

24 (a) "Infant" means a child who a licensed physician
25 reasonably believes is approximately 30 days old or younger at
26 the time the child is surrendered under this section ~~left at a~~
27 ~~hospital, an emergency medical services station, or a fire~~
28 ~~station.~~

29 (b) "Infant safety device" means a device that is installed

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30 in a supporting wall of a hospital, an emergency medical
31 services station, or a fire station and that has an exterior
32 point of access allowing an individual to place an infant inside
33 and an interior point of access allowing individuals inside the
34 building to retrieve the infant safely.

35 (2) There is a presumption that the parent who leaves the
36 infant in accordance with this section intended to leave the
37 infant and consented to termination of parental rights.

38 (3) (a) A hospital, an emergency medical services station,
39 or a fire station that is staffed 24 hours per day may use an
40 infant safety device to accept surrendered infants under this
41 section if the device is:

42 1. Physically part of the hospital, emergency medical
43 services station, or fire station and installed in a supporting
44 wall.

45 2. Temperature-controlled and ventilated for the safety of
46 infants.

47 3. Equipped with a dual alarm system connected to the
48 physical location of the device which automatically triggers an
49 alarm inside the building when an infant is placed in the
50 device.

51 4. Equipped with a surveillance system that allows
52 employees of the hospital, emergency medical services station,
53 or fire station to monitor the inside of the device 24 hours per
54 day.

55 5. Located such that the interior point of access is in an
56 area that is conspicuous and visible to the employees of the
57 hospital, emergency medical services station, or fire station.

58 (b) A hospital, an emergency medical services station, or a

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59 fire station that uses an infant safety device to accept
60 surrendered infants shall use the device's surveillance system
61 to monitor the inside of the infant safety device 24 hours per
62 day and shall physically check the device at least twice daily
63 and test the device at least weekly to ensure that the alarm
64 system is in working order. A fire station that is staffed 24
65 hours per day except when all firefighter first responders are
66 dispatched from the fire station for an emergency must use the
67 dual alarm system of the infant safety device to dispatch
68 immediately the nearest first responder to retrieve any infant
69 left in the infant safety device.

70 (4) Each emergency medical services station or fire station
71 that is staffed with full-time firefighters, emergency medical
72 technicians, or paramedics shall accept any infant left with a
73 firefighter, an emergency medical technician, or a paramedic or
74 in an infant safety device. The firefighter, emergency medical
75 technician, or paramedic shall consider these actions as implied
76 consent to and shall:

77 (a) Provide emergency medical services to the infant to the
78 extent that he or she is trained to provide those services; and

79 (b) Arrange for the immediate transportation of the infant
80 to the nearest hospital having emergency services.

81
82 A licensee as defined in s. 401.23, a fire department, or an
83 employee or agent of a licensee or fire department may treat and
84 transport an infant pursuant to this section. If an infant is
85 placed in the physical custody of an employee or agent of a
86 licensee or fire department or is placed in an infant safety
87 device, such placement is considered implied consent for

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88 treatment and transport. A licensee, a fire department, or an
89 employee or agent of a licensee or fire department is immune
90 from criminal or civil liability for acting in good faith
91 pursuant to this section. This subsection does not limit
92 liability for negligence.

93 (5) (a) ~~(4) (a)~~ After the delivery of an infant in a hospital,
94 a parent of the infant may leave the infant with medical staff
95 or a licensed health care professional at the hospital if the
96 parent notifies such medical staff or licensed health care
97 professional that the parent is voluntarily surrendering the
98 infant and does not intend to return.

99 (b) Each hospital of this state subject to s. 395.1041
100 shall, and any other hospital may, admit and provide all
101 necessary emergency services and care, as defined in s.
102 395.002(9), to any infant left with the hospital in accordance
103 with this section. The hospital or any of its medical staff or
104 licensed health care professionals shall consider these actions
105 as implied consent for treatment, and a hospital accepting
106 physical custody of an infant has implied consent to perform all
107 necessary emergency services and care. The hospital or any of
108 its medical staff or licensed health care professionals are
109 immune from criminal or civil liability for acting in good faith
110 in accordance with this section. This subsection does not limit
111 liability for negligence.

112 (6) (5) Except when there is actual or suspected child abuse
113 or neglect, any parent who surrenders ~~leaves~~ an infant in
114 accordance with this section ~~a firefighter, an emergency medical~~
115 ~~technician, or a paramedic at a fire station or an emergency~~
116 ~~medical services station, or brings an infant to an emergency~~

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117 ~~room of a hospital and expresses an intent to leave the infant~~
118 ~~and not return,~~ has the absolute right to remain anonymous and
119 to leave at any time and may not be pursued or followed unless
120 the parent seeks to reclaim the infant. When an infant is born
121 in a hospital and the mother expresses intent to leave the
122 infant and not return, upon the mother's request, the hospital
123 or registrar must ~~shall~~ complete the infant's birth certificate
124 without naming the mother thereon.

125 (7) ~~(6)~~ A parent of an infant surrendered ~~left at a~~
126 ~~hospital, an emergency medical services station, or a fire~~
127 ~~station~~ under this section may claim his or her infant up until
128 the court enters a judgment terminating his or her parental
129 rights. A claim to the infant must be made to the entity having
130 physical or legal custody of the infant or to the circuit court
131 before whom proceedings involving the infant are pending.

132 (8) ~~(7)~~ Upon admitting an infant under this section, the
133 hospital shall immediately contact a local licensed child-
134 placing agency or alternatively contact the statewide central
135 abuse hotline for the name of a licensed child-placing agency
136 for purposes of transferring physical custody of the infant. The
137 hospital shall notify the licensed child-placing agency that an
138 infant has been left with the hospital and approximately when
139 the licensed child-placing agency can take physical custody of
140 the infant. In cases where there is actual or suspected child
141 abuse or neglect, the hospital or any of its medical staff or
142 licensed health care professionals shall report the actual or
143 suspected child abuse or neglect in accordance with ss. 39.201
144 and 395.1023 in lieu of contacting a licensed child-placing
145 agency.

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146 (9)~~(8)~~ An infant admitted to a hospital in accordance with
147 this section is presumed eligible for coverage under Medicaid,
148 subject to federal rules.

149 (10)~~(9)~~ An infant surrendered ~~left at a hospital, an~~
150 ~~emergency medical services station, or a fire station~~ in
151 accordance with this section may not be deemed abandoned and is
152 not subject to the reporting and investigation requirements
153 under s. 39.201 unless there is actual or suspected child abuse
154 or until the Department of Children and Families takes physical
155 custody of the infant.

156 (11)~~(10)~~ If the parent of an infant is unable to surrender
157 the infant in accordance with this section, the parent may call
158 911 to request that an emergency medical services provider meet
159 the surrendering parent at a specified location. The
160 surrendering parent must stay with the infant until the
161 emergency medical services provider arrives to take custody of
162 the infant.

163 (12)~~(11)~~ A criminal investigation may not be initiated
164 solely because an infant is surrendered in accordance with this
165 section unless there is actual or suspected child abuse or
166 neglect.

167 Section 2. Subsection (4) of section 63.0423, Florida
168 Statutes, is amended to read:

169 63.0423 Procedures with respect to surrendered infants.—

170 (4) The parent who surrenders the infant in accordance with
171 s. 383.50 is presumed to have consented to termination of
172 parental rights, and express consent is not required. Except
173 when there is actual or suspected child abuse or neglect, the
174 licensed child-placing agency may not attempt to pursue, search

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175 for, or notify that parent as provided in s. 63.088 and chapter
176 49. For purposes of s. 383.50 and this section, an infant who
177 tests positive for illegal drugs, narcotic prescription drugs,
178 alcohol, or other substances, but shows no other signs of child
179 abuse or neglect, shall be placed in the custody of a licensed
180 child-placing agency. Such a placement does not eliminate the
181 reporting requirement under s. 383.50(8) ~~s. 383.50(7)~~. When the
182 department is contacted regarding an infant properly surrendered
183 under this section and s. 383.50, the department shall provide
184 instruction to contact a licensed child-placing agency and may
185 not take custody of the infant unless reasonable efforts to
186 contact a licensed child-placing agency to accept the infant
187 have not been successful.

188 Section 3. This act shall take effect July 1, 2025.