

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 791](#)

**TITLE:** Surrendered Newborn Infants

**SPONSOR(S):** Cobb

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Health Care Facilities & Systems](#)

18 Y, 0 N, As CS



[Health & Human Services](#)

25 Y, 0 N, As CS

## SUMMARY

### Effect of the Bill:

The bill authorizes hospitals, emergency medical service stations, and fire stations to use infant safety devices to accept surrendered infants, and establishes criteria for their use.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### EFFECT OF THE BILL:

#### Florida Safe Haven Law

[Florida law](#) allows parents to safely surrender infants up to 30 days old at an emergency medical services (EMS) station, fire station or hospital without civil or criminal liability.

An [infant safety device](#) is a device installed in the wall of a building which has both internal and external access points, which allows safe, anonymous surrender of an infant. Current law neither prohibits nor authorizes infant safety devices.

CS/HB 791 authorizes hospitals, EMS stations, and fire stations that are staffed 24 hours per day to use infant safety devices to accept surrendered infants, and establishes criteria for their use. Under the bill, the infant safety device must be:

- Installed in a supporting wall of the hospital, EMS station, or fire station;
- Temperature controlled and ventilated for the safety of the infant;
- 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;
- Equipped with a surveillance system to monitor the device 24 hours per day; and
- Located in an area where the interior point of access is conspicuous and visible to the employees of the hospital, EMS station, or fire station. (Section [1](#))

The bill does not require hospitals, EMS stations or fire stations to use a specific kind of baby box or vendor.

The bill requires a hospital, an EMS station, or fire station who uses an infant safety device to use the surveillance system to monitor the infant safety device 24 hours per day, check the infant safety device at least twice daily and test the infant safety device weekly to ensure that the alarm system is working. The bill also requires fire stations

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to use the dual alarm system of the infant safety device to dispatch the nearest first responders to retrieve any infant when the firefighters are dispatched from the fire station to an emergency. (Section [1](#))

The bill makes conforming changes and updates a cross reference. (Sections [2](#), [3](#), [4](#), and [5](#))

The bill provides an effective date of July 1, 2025. (Section [6](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### 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> By 2008, all 50 states and Puerto Rico had enacted safe haven laws.<sup>4</sup> Between 2008-2017, the infant homicide rate decreased from 222.22 per 100,000 people during 1989-1998 to 74.0.<sup>5</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>6</sup>

Policy choices vary among the states.<sup>7</sup> For example, approximately seven states require parents to surrender their infants only to a hospital, emergency medical services (EMS) provider, or health-care facility while 32 states and Puerto Rico allow parents to also surrender an infant at a fire station. In at least 10 states, parents may also call 911 to surrender their infant. In nine states, parents can surrender their infant to an infant safety device.<sup>8</sup>

#### Florida’s Safe Haven Laws

In 2000, Florida enacted safe haven legislation in response to tragedies<sup>9</sup> concerning newborn abandonment at unsafe locations, such as public restrooms or trash receptacles.<sup>10</sup> Since 2000, approximately 414 newborns have been surrendered at a safe haven in Florida.<sup>11</sup> In that time, 65 infants are known to have been unsafely abandoned, of which 32 survived and 33 died.<sup>12</sup>

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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=G0IedWIFvcvxOELUST1S5\\_SUTWdYSclB](https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/safehaven.pdf?VersionId=G0IedWIFvcvxOELUST1S5_SUTWdYSclB), (last visited March 3, 2025).

<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 3, 2025).

<sup>4</sup> Rebecca F. Wilson, PhD; Joanne Klevens, MD, PhD; Dionne Williams, MPS; Likang Xu, MD, *Infant Homicides Within the Context of Safe Haven Laws—United States, 2008-2017* (Oct. 2, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6939a1-H.pdf> (last visited March 4, 2025).

<sup>5</sup> *Id.*

<sup>6</sup> *Supra*, note 1.

<sup>7</sup> Infant Abandonment, Guttmacher Institute (Sep. 2023), <https://www.guttmacher.org/state-policy/explore/infant-abandonment> (last visited March 15, 2024)

<sup>8</sup> *Supra*, note 1.

<sup>9</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 3, 2025), *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>10</sup> S. [383.50, F.S.](#)

<sup>11</sup> A Safe Haven for Newborns, *Safe Haven Statistics*, <https://asafehavenfornewborns.com/what-we-do/safe-haven-statistics/> (last visited March 3, 2025).

<sup>12</sup> *Id.*

The Florida safe haven law outlines procedures and protections concerning what happens after a baby is surrendered. If the parent surrenders an 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. The law expressly grants parents surrendering an 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.<sup>13</sup>

The law requires hospitals, fire stations, and EMS stations that accept surrendered infants to perform all necessary emergency services and care, including transport to a hospital, if necessary. The fire department or any of its employees and the hospital or any of its medical staff are immune from criminal or civil liability for care administered to surrendered infants in good faith. The law does not limit liability for negligence.<sup>14</sup>

Current law also allows a parent to leave an infant at a hospital with medical staff or a licensed health care professional after delivery if the parent notifies the staff that they are voluntarily surrendering the infant. Under current law, a parent can also call 911 to request that an EMS provider meet them at a specified location to surrender an infant.<sup>15</sup>

Current law creates a presumption that the parent consents to the termination of their parental rights<sup>16</sup> and to transport and medical treatment for the child. The licensed child-placing agency that takes physical custody of the surrendered infant must, within 24-hour, request help from law enforcement to investigate and determine whether the surrendered infant is a missing child.<sup>17</sup>

Florida law also has procedures outlining the process for parents to seek to either claim or reclaim a surrendered infant. A parent may claim a surrendered infant up until a 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>18</sup>

Current law<sup>19</sup> requires the Department of Health 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>20</sup>

## [Infant Safety Devices](#)

For centuries, mothers throughout Europe have surrendered their babies in hatches or crib structures, commonly referred to as "foundling wheels" or "baby boxes," at the entrance of a place of worship, a charity organization, or hospital.<sup>21</sup> The modern-day infant safety device was created in South Africa in 1999, in which mothers placed their child in a hatch in a church wall and the door automatically locked, sending a signal to care workers inside.<sup>22</sup>

## [Safe Haven Baby Boxes](#)

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<sup>13</sup> *Supra*, note 10.

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

<sup>15</sup> S. [383.50, F.S.](#)

<sup>16</sup> *Id.*

<sup>17</sup> S. [63.0423, F.S.](#)

<sup>18</sup> *Id.*

<sup>19</sup> S. 7, Ch. 2000-188, Laws of Fla.

<sup>20</sup> Fiscal Year 2024-2025, HB 5001, *General Appropriations Act*, Line 549. The Department of Health 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 3, 2025).

<sup>21</sup> Atsushi Asai, *Should We Maintain Baby Hatches in Our Society?*, BMC Med. Ethics (Feb. 22, 2013), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3586365/#B1> (last visited March 3, 2025).

<sup>22</sup> *Baby Boxes Allow Mothers to Drop-off Unwanted Children*, APOLITICAL (Aug. 22, 2019),

[https://apolitical.co/solution\\_article/baby-boxes-allow-mothers-to-drop-off-unwanted-children](https://apolitical.co/solution_article/baby-boxes-allow-mothers-to-drop-off-unwanted-children) (last visited March 3, 2025).

Safe Haven Baby Boxes, Inc. is a nonprofit corporation in Indiana.<sup>23</sup> The nonprofit has patented a device for receiving a surrendered baby,<sup>24</sup> trademarked as a “Safe Haven Baby Box”.<sup>25</sup> The federal Food and Drug Administration has determined that a Safe Haven Baby Box is not a medical “device” under the federal Food, Drug, and Cosmetic Act, and therefore is not required to comply with the requirements of the act.<sup>26</sup>

There are currently 309 Safe Haven Baby Boxes across 20 states.<sup>27</sup> Florida installed its first Safe Haven Baby Box in 2020 at a fire department in Ocala,<sup>28</sup> an infant was surrendered there for the first time in 2023.<sup>29</sup> Since then, Florida has installed five more Safe Haven Baby Boxes.

The Safe Haven Baby Boxes cost an initial fee of \$15,000 to install, with an annual fee of \$500, and an estimated \$5,000-\$7,000 in additional fees, which varies based on location.<sup>30</sup>

**RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">CS/HB 775</a>	Canady, Beltran	Yarborough	Approved by Governor
2023	<a href="#">CS/HB 899</a>	Canady, Beltran	Burton	Died in Senate
2021	<a href="#">CS/HB 133</a>	Harding, Beltran	Baxley	Died in Senate Returning Messages

<sup>23</sup> United States Patent (dated Apr. 29, 2020), <https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/Patent%20.pdf?ver=1610398180477> (last visited March 3, 2025).

<sup>24</sup> *Id.*

<sup>25</sup> Trademark Certificate (registered Oct. 15, 2019) <https://img1.wsimg.com/blobby/go/0e1dea24-4aa4-477a-b7dd-0e668b1de6d1/downloads/Trademark%20Certificate.pdf?ver=1610398180478> (last visited Feb 9, 2021).

<sup>26</sup> 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 March 3, 2025).

<sup>27</sup> Safe Haven Baby Boxes, *Baby Box Locations*, <https://project-safe-haven-babybox.vercel.app/> (last visited March 3, 2025).

<sup>28</sup> *Ocala Fire Rescue Unveils Florida’s First Haven Baby Box* (Dec. 16, 2020), <https://www.ocala.com/story/news/2020/12/16/baby-box-safe-haven-ocala-florida/3912696001/> (last visited March 3, 2025).

<sup>29</sup> 1<sup>st</sup> Newborn Surrendered to Florida Safe Haven Baby Box (Jan. 5, 2023), <https://www.clickorlando.com/news/local/2023/01/05/1st-newborn-surrendered-to-florida-safe-haven-baby-box/> (last visited March 3, 2025).

<sup>30</sup> Safe Haven Baby Boxes, *Safe Haven Baby Boxes 2025 Informational Packet*, <https://static1.squarespace.com/static/66afb00c1b398675930f0e4a/t/6785c73d9063d404736edbaef/1736820563783/Univ+ersal+Informational+Handout+January+2025+Version.pdf> (last visited March 3, 2025).

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Health Care Facilities &amp; Systems Subcommittee</a>	18 Y, 0 N, As CS	3/11/2025	Calamas	Clenord
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Removes the term “newborn” from the bill.</li> <li>• Makes a technical change correcting a reference to the “Department of Health” to the “Department of Children and Families”.</li> <li>• Corrects drafting errors.</li> </ul>			
<a href="#">Health &amp; Human Services Committee</a>	25 Y, 0 N, As CS	3/24/2025	Calamas	Clenord
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Makes a technical change replacing the word “left” with “surrender” in lines 72-74.</li> </ul>			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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