

1 A bill to be entitled
2 An act relating to surrendered newborn infants;
3 amending s. 383.50, F.S.; revising the definition of
4 the term "infant"; defining the term "newborn infant
5 safety device"; authorizing certain hospitals,
6 emergency medical services stations, and fire stations
7 to use newborn infant safety devices to accept
8 surrendered newborn infants if the device meets
9 specified criteria; requiring such hospitals,
10 emergency medical services stations, and fire stations
11 to monitor the inside of the device 24 hours per day
12 and physically check and test the devices at specified
13 intervals; providing additional requirements for
14 certain fire stations using such devices; conforming
15 provisions to changes made by the act; authorizing a
16 parent to surrender a newborn infant with medical
17 staff or a licensed health care professional at a
18 hospital after the delivery of the newborn infant
19 under certain circumstances; conforming provisions to
20 changes made by the act; authorizing a parent to
21 surrender a newborn infant by calling 911 and
22 requesting that an emergency medical services provider
23 meet the surrendering parent at a specified location
24 to retrieve the newborn infant; requiring the
25 surrendering parent to stay with the newborn infant

26 | until the emergency medical services provider arrives;
 27 | prohibiting criminal investigations under certain
 28 | circumstances; amending ss. 39.01, 39.201, 63.0423,
 29 | 63.167, 383.51, 827.035, and 827.10, F.S.; conforming
 30 | provisions to changes made by the act; providing an
 31 | effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | **Section 1. Section 383.50, Florida Statutes, is amended to**
 36 | **read:**

37 | 383.50 Treatment of surrendered newborn infant.—

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

39 | (a) "Newborn infant" means a child who a licensed
 40 | physician reasonably believes is approximately 30 days old or
 41 | younger at the time the child is surrendered under this section
 42 | ~~left at a hospital, an emergency medical services station, or a~~
 43 | ~~fire station.~~

44 | (b) "Newborn infant safety device" means a device that is
 45 | installed in a supporting wall of a hospital, an emergency
 46 | medical services station, or a fire station and that has an
 47 | exterior point of access allowing an individual to place a
 48 | newborn infant inside and an interior point of access allowing
 49 | individuals inside the building to safely retrieve the newborn
 50 | infant.

51 (2) There is a presumption that the parent who surrenders
52 ~~leaves~~ the newborn infant in accordance with this section
53 intended to surrender ~~leave~~ the newborn infant and consented to
54 termination of parental rights.

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

59 1. Physically part of the hospital, emergency medical
60 services station, or fire station.

61 2. Temperature-controlled and ventilated for the safety of
62 newborn infants.

63 3. Equipped with a dual alarm system connected to the
64 physical location of the device which automatically triggers an
65 alarm inside the building when a newborn infant is placed in the
66 device.

67 4. Equipped with a surveillance system that allows
68 employees of the hospital, emergency medical services station,
69 or fire station to monitor the inside of the device 24 hours per
70 day.

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

74 (b) A hospital, an emergency medical services station, or
75 a fire station that uses a newborn infant safety device to

76 | accept surrendered newborn infants shall use the device's
77 | surveillance system to monitor the inside of the newborn infant
78 | safety device 24 hours per day and shall physically check the
79 | device at least twice daily and test the device at least weekly
80 | to ensure that the alarm system is in working order. A fire
81 | station that is staffed 24 hours per day, except when all
82 | firefighter first responders are dispatched from the fire
83 | station for an emergency, must use the dual alarm system of the
84 | newborn infant safety device to immediately dispatch the nearest
85 | first responder to retrieve any newborn infant left in the
86 | newborn infant safety device.

87 | (4)-(3) Each emergency medical services station or fire
88 | station that is staffed with full-time firefighters, emergency
89 | medical technicians, or paramedics shall accept any newborn
90 | infant left with a firefighter, an emergency medical technician,
91 | or a paramedic or in a newborn infant safety device. The
92 | firefighter, emergency medical technician, or paramedic shall
93 | consider these actions as implied consent to and shall:

94 | (a) Provide emergency medical services to the newborn
95 | infant to the extent that he or she is trained to provide those
96 | services; and

97 | (b) Arrange for the immediate transportation of the
98 | newborn infant to the nearest hospital having emergency
99 | services.

100

101 A licensee as defined in s. 401.23, a fire department, or an
102 employee or agent of a licensee or fire department may treat and
103 transport a newborn ~~an~~ infant pursuant to this section. If a
104 newborn ~~an~~ infant is placed in the physical custody of an
105 employee or agent of a licensee or fire department or is placed
106 in a newborn infant safety device, such placement is considered
107 implied consent for treatment and transport. A licensee, a fire
108 department, or an employee or agent of a licensee or fire
109 department is immune from criminal or civil liability for acting
110 in good faith pursuant to this section. This subsection does not
111 limit liability for negligence.

112 (5) (a) ~~(4) (a)~~ A newborn infant may be left with medical
113 staff or a licensed health care professional after the delivery
114 of the newborn infant in a hospital if the parent of the newborn
115 infant notifies medical staff or a licensed health care
116 professional that the parent is voluntarily surrendering the
117 newborn infant and does not intend to return. ~~After the delivery~~
118 ~~of an infant in a hospital, a parent of the infant may leave the~~
119 ~~infant with medical staff or a licensed health care professional~~
120 ~~at the hospital if the parent notifies such medical staff or~~
121 ~~licensed health care professional that the parent is voluntarily~~
122 ~~surrendering the infant and does not intend to return.~~

123 (b) Each hospital of this state subject to s. 395.1041
124 shall, and any other hospital may, admit and provide all
125 necessary emergency services and care, as defined in s. 395.002,

126 to any newborn infant left with the hospital in accordance with
127 this section. The hospital or any of its licensed health care
128 professionals shall consider these actions as implied consent
129 for treatment, and a hospital accepting physical custody of a
130 newborn infant has implied consent to perform all necessary
131 emergency services and care. The hospital or any of its licensed
132 health care professionals are immune from criminal or civil
133 liability for acting in good faith in accordance with this
134 section. Nothing in this subsection limits liability for
135 negligence. ~~Each hospital of this state subject to s. 395.1041~~
136 ~~shall, and any other hospital may, admit and provide all~~
137 ~~necessary emergency services and care, as defined in s.~~
138 ~~395.002(9), to any infant left with the hospital in accordance~~
139 ~~with this section. The hospital or any of its medical staff or~~
140 ~~licensed health care professionals shall consider these actions~~
141 ~~as implied consent for treatment, and a hospital accepting~~
142 ~~physical custody of an infant has implied consent to perform all~~
143 ~~necessary emergency services and care. The hospital or any of~~
144 ~~its medical staff or licensed health care professionals are~~
145 ~~immune from criminal or civil liability for acting in good faith~~
146 ~~in accordance with this section. This subsection does not limit~~
147 ~~liability for negligence.~~

148 (6)(5) Except when there is actual or suspected child
149 abuse or neglect, any parent who surrenders a newborn ~~leaves an~~
150 infant in accordance with this section ~~with a firefighter, an~~

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151 ~~emergency medical technician, or a paramedic at a fire station~~
152 ~~or an emergency medical services station,~~ or brings a newborn ~~an~~
153 infant to an emergency room of a hospital and expresses an
154 intent to surrender ~~leave~~ the newborn infant and not return, has
155 the absolute right to remain anonymous and to leave at any time
156 and may not be pursued or followed unless the parent seeks to
157 reclaim the newborn infant. When a newborn ~~an~~ infant is born in
158 a hospital and the mother expresses intent to surrender ~~leave~~
159 the newborn infant and not return, upon the mother's request,
160 the hospital or registrar must ~~shall~~ complete the newborn
161 infant's birth certificate without naming the mother thereon.

162 ~~(7)(6)~~ A parent of a newborn ~~an~~ infant surrendered ~~left at~~
163 ~~a hospital, an emergency medical services station, or a fire~~
164 ~~station~~ under this section may claim his or her newborn infant
165 up until the court enters a judgment terminating his or her
166 parental rights. A claim to the newborn infant must be made to
167 the entity having physical or legal custody of the newborn
168 infant or to the circuit court before whom proceedings involving
169 the newborn infant are pending.

170 ~~(8)(7)~~ Upon admitting a newborn ~~an~~ infant under this
171 section, the hospital shall immediately contact a local licensed
172 child-placing agency or alternatively contact the statewide
173 central abuse hotline for the name of a licensed child-placing
174 agency for purposes of transferring physical custody of the
175 newborn infant. The hospital shall notify the licensed child-

176 placing agency that a newborn ~~an~~ infant has been left with the
177 hospital and approximately when the licensed child-placing
178 agency can take physical custody of the newborn infant. In cases
179 where there is actual or suspected child abuse or neglect, the
180 hospital or any of its medical staff or licensed health care
181 professionals shall report the actual or suspected child abuse
182 or neglect in accordance with ss. 39.201 and 395.1023 in lieu of
183 contacting a licensed child-placing agency.

184 ~~(9)-(8)~~ A newborn ~~An~~ infant admitted to a hospital in
185 accordance with this section is presumed eligible for coverage
186 under Medicaid, subject to federal rules.

187 ~~(10)-(9)~~ A newborn ~~An~~ infant surrendered ~~left at a~~
188 ~~hospital, an emergency medical services station, or a fire~~
189 ~~station~~ in accordance with this section is ~~may~~ not ~~be~~ deemed
190 abandoned or ~~and~~ subject to reporting and investigation
191 requirements under s. 39.201 unless there is actual or suspected
192 child abuse or until the Department of Health ~~of Children and~~
193 ~~Families~~ takes physical custody of the newborn infant.

194 (11) If the parent of a newborn infant is otherwise unable
195 to surrender the newborn infant in accordance with this section,
196 the parent may dial 911 to request that an emergency medical
197 services provider meet the surrendering parent at a specified
198 location. The surrendering parent must stay with the newborn
199 infant until the emergency medical services provider arrives to
200 take custody of the newborn infant.

201 (12)~~(10)~~ If the parent of a newborn ~~an~~ infant is unable to
202 surrender the newborn infant in accordance with this section,
203 the parent may call 911 to request that an emergency medical
204 services provider meet the surrendering parent at a specified
205 location. The surrendering parent must stay with the newborn
206 infant until the emergency medical services provider arrives to
207 take custody of the newborn infant.

208 (13) A criminal investigation may not be initiated solely
209 because a newborn infant is surrendered under this section
210 unless there is actual or suspected child abuse or neglect.

211 **Section 2. Subsection (1) and paragraph (e) of subsection**
212 **(37) of section 39.01, Florida Statutes, are amended to read:**

213 39.01 Definitions.—When used in this chapter, unless the
214 context otherwise requires:

215 (1) "Abandoned" or "abandonment" means a situation in
216 which the parent or legal custodian of a child or, in the
217 absence of a parent or legal custodian, the caregiver, while
218 being able, has made no significant contribution to the child's
219 care and maintenance or has failed to establish or maintain a
220 substantial and positive relationship with the child, or both.
221 For purposes of this subsection, "establish or maintain a
222 substantial and positive relationship" includes, but is not
223 limited to, frequent and regular contact with the child through
224 frequent and regular visitation or frequent and regular
225 communication to or with the child, and the exercise of parental

226 | rights and responsibilities. Marginal efforts and incidental or
227 | token visits or communications are not sufficient to establish
228 | or maintain a substantial and positive relationship with a
229 | child. A man's acknowledgment of paternity of the child does not
230 | limit the period of time considered in determining whether the
231 | child was abandoned. The term does not include a surrendered
232 | newborn infant as described in s. 383.50, a "child in need of
233 | services" as defined in chapter 984, or a "family in need of
234 | services" as defined in chapter 984. The absence of a parent,
235 | legal custodian, or caregiver responsible for a child's welfare,
236 | who is a servicemember, by reason of deployment or anticipated
237 | deployment as defined in 50 U.S.C. s. 3938(e), may not be
238 | considered or used as a factor in determining abandonment. The
239 | incarceration, repeated incarceration, or extended incarceration
240 | of a parent, legal custodian, or caregiver responsible for a
241 | child's welfare may support a finding of abandonment.

242 | (37) "Harm" to a child's health or welfare can occur when
243 | any person:

244 | (e) Abandons the child. Within the context of the
245 | definition of "harm," the term "abandoned the child" or
246 | "abandonment of the child" means a situation in which the parent
247 | or legal custodian of a child or, in the absence of a parent or
248 | legal custodian, the caregiver, while being able, has made no
249 | significant contribution to the child's care and maintenance or
250 | has failed to establish or maintain a substantial and positive

251 relationship with the child, or both. For purposes of this
 252 paragraph, "establish or maintain a substantial and positive
 253 relationship" includes, but is not limited to, frequent and
 254 regular contact with the child through frequent and regular
 255 visitation or frequent and regular communication to or with the
 256 child, and the exercise of parental rights and responsibilities.
 257 Marginal efforts and incidental or token visits or
 258 communications are not sufficient to establish or maintain a
 259 substantial and positive relationship with a child. The term
 260 "abandoned" does not include a surrendered newborn infant as
 261 described in s. 383.50, a child in need of services as defined
 262 in chapter 984, or a family in need of services as defined in
 263 chapter 984. The incarceration, repeated incarceration, or
 264 extended incarceration of a parent, legal custodian, or
 265 caregiver responsible for a child's welfare may support a
 266 finding of abandonment.

267 **Section 3. Paragraph (e) of subsection (3) of section**
 268 **39.201, Florida Statutes, is amended to read:**

269 39.201 Required reports of child abuse, abandonment, or
 270 neglect, sexual abuse of a child, and juvenile sexual abuse;
 271 required reports of death; reports involving a child who has
 272 exhibited inappropriate sexual behavior.—

273 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

274 (e) Surrendered newborn infants.—

275 1. The central abuse hotline must receive reports

276 involving surrendered newborn infants as described in s. 383.50.

277 2.a. A report may not be considered a report of child
278 abuse, abandonment, or neglect solely because the newborn infant
279 has been left at a hospital, emergency medical services station,
280 or fire station under s. 383.50.

281 b. If the report involving a surrendered newborn infant
282 does not include indications of child abuse, abandonment, or
283 neglect other than that necessarily entailed in the newborn
284 infant having been left at a hospital, emergency medical
285 services station, or fire station, the central abuse hotline
286 must provide to the person making the report the name of an
287 eligible licensed child-placing agency that is required to
288 accept physical custody of and to place surrendered newborn
289 infants. The department shall provide names of eligible licensed
290 child-placing agencies on a rotating basis.

291 3. If the report includes indications of child abuse,
292 abandonment, or neglect beyond that necessarily entailed in the
293 newborn infant having been left at a hospital, emergency medical
294 services station, or fire station, the report must be considered
295 as a report of child abuse, abandonment, or neglect and,
296 notwithstanding chapter 383, is subject to s. 39.395 and all
297 other relevant provisions of this chapter.

298 **Section 4. Section 63.0423, Florida Statutes, is amended**
299 **to read:**

300 63.0423 Procedures with respect to surrendered newborn

301 infants.-

302 (1) Upon entry of final judgment terminating parental
303 rights, a licensed child-placing agency that takes physical
304 custody of a newborn ~~an~~ infant surrendered ~~at a hospital,~~
305 ~~emergency medical services station, or fire station~~ pursuant to
306 s. 383.50 assumes responsibility for the medical and other costs
307 associated with the emergency services and care of the
308 surrendered newborn infant from the time the licensed child-
309 placing agency takes physical custody of the surrendered newborn
310 infant.

311 (2) The licensed child-placing agency shall immediately
312 seek an order from the circuit court for emergency custody of
313 the surrendered newborn infant. The emergency custody order
314 shall remain in effect until the court orders preliminary
315 approval of placement of the surrendered newborn infant in the
316 prospective home, at which time the prospective adoptive parents
317 become guardians pending termination of parental rights and
318 finalization of adoption or until the court orders otherwise.
319 The guardianship of the prospective adoptive parents shall
320 remain subject to the right of the licensed child-placing agency
321 to remove the surrendered newborn infant from the placement
322 during the pendency of the proceedings if such removal is deemed
323 by the licensed child-placing agency to be in the best interests
324 of the child. The licensed child-placing agency may immediately
325 seek to place the surrendered newborn infant in a prospective

326 adoptive home.

327 (3) The licensed child-placing agency that takes physical
328 custody of the surrendered newborn infant shall, within 24 hours
329 thereafter, request assistance from law enforcement officials to
330 investigate and determine, through the Missing Children
331 Information Clearinghouse, the National Center for Missing and
332 Exploited Children, and any other national and state resources,
333 whether the surrendered newborn infant is a missing child.

334 (4) The parent who surrenders the newborn infant in
335 accordance with s. 383.50 is presumed to have consented to
336 termination of parental rights, and express consent is not
337 required. Except when there is actual or suspected child abuse
338 or neglect, the licensed child-placing agency may not attempt to
339 pursue, search for, or notify that parent as provided in s.
340 63.088 and chapter 49. For purposes of s. 383.50 and this
341 section, a newborn ~~an~~ infant who tests positive for illegal
342 drugs, narcotic prescription drugs, alcohol, or other
343 substances, but shows no other signs of child abuse or neglect,
344 shall be placed in the custody of a licensed child-placing
345 agency. Such a placement does not eliminate the reporting
346 requirement under s. 383.50(8) ~~s. 383.50(7)~~. When the department
347 is contacted regarding a newborn ~~an~~ infant properly surrendered
348 under this section and s. 383.50, the department shall provide
349 instruction to contact a licensed child-placing agency and may
350 not take custody of the newborn infant unless reasonable efforts

351 to contact a licensed child-placing agency to accept the newborn
352 infant have not been successful.

353 (5) A petition for termination of parental rights under
354 this section may not be filed until 30 days after the date the
355 newborn infant was surrendered in accordance with s. 383.50. A
356 petition for termination of parental rights may not be granted
357 until a parent has failed to reclaim or claim the surrendered
358 newborn infant within the time period specified in s. 383.50.

359 (6) A claim of parental rights of the surrendered newborn
360 infant must be made to the entity having legal custody of the
361 surrendered newborn infant or to the circuit court before which
362 proceedings involving the surrendered newborn infant are
363 pending. A claim of parental rights of the surrendered newborn
364 infant may not be made after the judgment to terminate parental
365 rights is entered, except as otherwise provided by subsection
366 (9).

367 (7) If a claim of parental rights of a surrendered newborn
368 infant is made before the judgment to terminate parental rights
369 is entered, the circuit court may hold the action for
370 termination of parental rights in abeyance for a period of time
371 not to exceed 60 days.

372 (a) The court may order scientific testing to determine
373 maternity or paternity at the expense of the parent claiming
374 parental rights.

375 (b) The court shall appoint a guardian ad litem for the

376 surrendered newborn infant and order any ~~whatever~~ investigation,
377 home evaluation, or ~~and~~ psychological evaluation ~~are~~ necessary
378 to determine what is in the best interests of the surrendered
379 newborn infant.

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

384 (d) The court shall enter a judgment with written findings
385 of fact and conclusions of law.

386 (8) Within 7 business days after recording the judgment,
387 the clerk of the court shall mail a copy of the judgment to the
388 department, the petitioner, and any person whose consent was
389 required, if known. The clerk shall execute a certificate of
390 each mailing.

391 (9) (a) A judgment terminating parental rights to a
392 surrendered newborn infant pending adoption is voidable, and any
393 later judgment of adoption of that child ~~minor~~ is voidable, if,
394 upon the motion of a parent, the court finds that a person
395 knowingly gave false information that prevented the parent from
396 timely making known his or her desire to assume parental
397 responsibilities toward the child ~~minor~~ or from exercising his
398 or her parental rights. A motion under this subsection must be
399 filed with the court originally entering the judgment. The
400 motion must be filed within a reasonable time but not later than

401 1 year after the entry of the judgment terminating parental
402 rights.

403 (b) No later than 30 days after the filing of a motion
404 under this subsection, the court shall conduct a preliminary
405 hearing to determine what contact, if any, will be allowed
406 ~~permitted~~ between a parent and the child pending resolution of
407 the motion. Such contact may be allowed only if it is requested
408 by a parent who has appeared at the hearing and the court
409 determines that it is in the best interests of the child. If the
410 court orders contact between a parent and the child, the order
411 must be issued in writing as expeditiously as possible and must
412 state with specificity any provisions regarding contact with
413 persons other than those with whom the child resides.

414 (c) The court may not order scientific testing to
415 determine the paternity or maternity of the child ~~minor~~ until
416 such time as the court determines that a previously entered
417 judgment terminating the parental rights of that parent is
418 voidable pursuant to paragraph (a), unless all parties agree
419 that such testing is in the best interests of the child. Upon
420 the filing of test results establishing that person's maternity
421 or paternity of the surrendered newborn infant, the court may
422 order visitation only if it appears to be in the best interests
423 of the child.

424 (d) Within 45 days after the preliminary hearing, the
425 court shall conduct a final hearing on the motion to set aside

426 the judgment and shall enter its written order as expeditiously
 427 as possible thereafter.

428 (10) Except to the extent expressly provided in this
 429 section, proceedings initiated by a licensed child-placing
 430 agency for the termination of parental rights and subsequent
 431 adoption of a newborn infant surrendered ~~an infant left at a~~
 432 ~~hospital, emergency medical services station, or fire station~~ in
 433 accordance with s. 383.50 shall be conducted pursuant to this
 434 chapter.

435 **Section 5. Paragraph (f) of subsection (2) of section**
 436 **63.167, Florida Statutes, is amended to read:**

437 63.167 State adoption information center.—

438 (2) The functions of the state adoption information center
 439 shall include:

440 (f) Maintaining a list of licensed child-placing agencies
 441 eligible and willing to take custody of and place newborn
 442 infants surrendered ~~left~~ at a hospital, pursuant to s. 383.50.
 443 The names and contact information for the licensed child-placing
 444 agencies on the list shall be provided on a rotating basis to
 445 the statewide central abuse hotline.

446 **Section 6. Section 383.51, Florida Statutes, is amended to**
 447 **read:**

448 383.51 Confidentiality; identification of parent leaving
 449 newborn infant at hospital, emergency medical services station,
 450 or fire station.—The identity of a parent who surrenders a

451 newborn ~~leaves an~~ infant at a hospital, an emergency medical
452 services station, or a fire station in accordance with s. 383.50
453 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
454 I of the State Constitution. The identity of a parent leaving a
455 child shall be disclosed to a person claiming to be a parent of
456 the newborn infant.

457 **Section 7. Section 827.035, Florida Statutes, is amended**
458 **to read:**

459 827.035 Newborn infants.—It does not constitute neglect of
460 a child pursuant to s. 827.03 or contributing to the dependency
461 of a child pursuant to s. 827.04 if a parent surrenders a
462 newborn ~~leaves an~~ infant at a hospital, emergency medical
463 services station, or fire station or brings a newborn ~~an~~ infant
464 to an emergency room and expresses an intent to surrender ~~leave~~
465 the newborn infant and not return, in compliance with s. 383.50.

466 **Section 8. Subsection (3) of section 827.10, Florida**
467 **Statutes, is amended to read:**

468 827.10 Unlawful desertion of a child.—

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

471 **Section 9.** This act shall take effect July 1, 2025.