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A bill to be entitled
 An act relating to surrendered infants; amending s.
 383.50, F.S.; revising the definition of the term
 "infant"; defining the term "infant safety device";
 authorizing certain hospitals, emergency medical
 services stations, and fire stations to use infant
 safety devices to accept surrendered infants if the
 device meets specified criteria; requiring such
 hospitals, emergency medical services stations, and
 fire stations to monitor the inside of the device 24
 hours per day and physically check and test the
 devices at specified intervals; providing additional
 requirements for certain fire stations using such
 devices; amending ss. 63.0423, 63.167, 383.51, and
 827.035, F.S.; conforming provisions to changes made
 by the act; providing an effective date.

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

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

383.50 Treatment of surrendered infant.—
 (1) As used in this section, the term:
(a) "Infant" means a child who a licensed physician
 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
30 | installed in a supporting wall of a hospital, an emergency
31 | medical services station, or a fire station and that has an
32 | exterior point of access allowing an individual to place an
33 | infant inside and an interior point of access allowing
34 | individuals inside the building to safely retrieve the infant.

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

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

43 | **1.** Physically part of the hospital, emergency medical
44 | services station, or fire station.

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
59 a 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 immediately
68 dispatch the nearest first responder to retrieve any infant left
69 in the infant safety device.

70 (4)(3) Each emergency medical services station or fire
71 station that is staffed with full-time firefighters, emergency
72 medical technicians, or paramedics shall accept any infant left
73 with a firefighter, an emergency medical technician, or a
74 paramedic or in an infant safety device. The firefighter,
75 emergency medical technician, or paramedic shall consider these

76 | actions as implied consent to and shall:

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

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

82 |
83 | A licensee as defined in s. 401.23, a fire department, or an
84 | employee or agent of a licensee or fire department may treat and
85 | transport an infant pursuant to this section. If an infant is
86 | placed in the physical custody of an employee or agent of a
87 | licensee or fire department or is placed in an infant safety
88 | device, such placement is considered implied consent for
89 | treatment and transport. A licensee, a fire department, or an
90 | employee or agent of a licensee or fire department is immune
91 | from criminal or civil liability for acting in good faith
92 | pursuant to this section. This subsection does not limit
93 | liability for negligence.

94 | ~~(5) (a) (4) (a)~~ An infant may be left with medical staff or a
95 | licensed health care professional after the delivery of the ~~an~~
96 | infant in a hospital, ~~a parent of the infant may leave the~~
97 | ~~infant with medical staff or a licensed health care professional~~
98 | ~~at the hospital~~ if the parent of the infant notifies such
99 | medical staff or licensed health care professional that the
100 | parent is voluntarily surrendering the infant and does not

101 intend to return.

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

115 (6) ~~(5)~~ Except when there is actual or suspected child
116 abuse or neglect, any parent who surrenders ~~leaves~~ an infant in
117 accordance with this section ~~with a firefighter, an emergency~~
118 ~~medical technician, or a paramedic at a fire station or an~~
119 ~~emergency medical services station,~~ or brings an infant to an
120 emergency room of a hospital and expresses an intent to
121 surrender ~~leave~~ the infant and not return, has the absolute
122 right to remain anonymous and to leave at any time and may not
123 be pursued or followed unless the parent seeks to reclaim the
124 infant. When an infant is born in a hospital and the mother
125 expresses intent to surrender ~~leave~~ the infant and not return,

126 upon the mother's request, the hospital or registrar must ~~shall~~
127 complete the infant's birth certificate without naming the
128 mother thereon.

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

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

150 (9) ~~(8)~~ An infant admitted to a hospital in accordance with

151 this section is presumed eligible for coverage under Medicaid,
152 subject to federal rules.

153 ~~(10)-(9)~~ An infant surrendered ~~left at a hospital, an~~
154 ~~emergency medical services station, or a fire station~~ in
155 accordance with this section is ~~may not be~~ deemed abandoned or
156 ~~and~~ subject to reporting and investigation requirements under s.
157 39.201 unless there is actual or suspected child abuse or until
158 the Department of Children and Families takes physical custody
159 of the infant.

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

167 ~~(12)-(11)~~ A criminal investigation may not be initiated
168 solely because an infant is surrendered under ~~in accordance with~~
169 this section unless there is actual or suspected child abuse or
170 neglect.

171 **Section 2. Subsections (1) and (4), paragraphs (b) and (c)**
172 **of subsection (7), and subsections (9) and (10) of section**
173 **63.0423, Florida Statutes, are amended to read:**

174 63.0423 Procedures with respect to surrendered infants.—

175 (1) Upon entry of final judgment terminating parental

176 rights, a licensed child-placing agency that takes physical
177 custody of an infant surrendered ~~at a hospital, emergency~~
178 ~~medical services station, or fire station~~ pursuant to s. 383.50
179 assumes responsibility for the medical and other costs
180 associated with the emergency services and care of the
181 surrendered infant from the time the licensed child-placing
182 agency takes physical custody of the surrendered infant.

183 (4) The parent who surrenders the infant in accordance
184 with s. 383.50 is presumed to have consented to termination of
185 parental rights, and express consent is not required. Except
186 when there is actual or suspected child abuse or neglect, the
187 licensed child-placing agency may not attempt to pursue, search
188 for, or notify that parent as provided in s. 63.088 and chapter
189 49. For purposes of s. 383.50 and this section, an infant who
190 tests positive for illegal drugs, narcotic prescription drugs,
191 alcohol, or other substances, but shows no other signs of child
192 abuse or neglect, shall be placed in the custody of a licensed
193 child-placing agency. Such a placement does not eliminate the
194 reporting requirement under s. 383.50(8) ~~s. 383.50(7)~~. When the
195 department is contacted regarding an infant properly surrendered
196 under this section and s. 383.50, the department shall provide
197 instruction to contact a licensed child-placing agency and may
198 not take custody of the infant unless reasonable efforts to
199 contact a licensed child-placing agency to accept the infant
200 have not been successful.

201 (7) If a claim of parental rights of a surrendered infant
202 is made before the judgment to terminate parental rights is
203 entered, the circuit court may hold the action for termination
204 of parental rights in abeyance for a period of time not to
205 exceed 60 days.

206 (b) The court shall appoint a guardian ad litem for the
207 surrendered infant and order any ~~whatever~~ investigation, home
208 evaluation, or ~~and~~ psychological evaluation ~~are~~ necessary to
209 determine what is in the best interests of the surrendered
210 infant.

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

215 (9) (a) A judgment terminating parental rights to a
216 surrendered infant pending adoption is voidable, and any later
217 judgment of adoption of that child ~~minor~~ is voidable, if, upon
218 the motion of a parent, the court finds that a person knowingly
219 gave false information that prevented the parent from timely
220 making known his or her desire to assume parental
221 responsibilities toward the child ~~minor~~ or from exercising his
222 or her parental rights. A motion under this subsection must be
223 filed with the court originally entering the judgment. The
224 motion must be filed within a reasonable time but not later than
225 1 year after the entry of the judgment terminating parental

226 rights.

227 (b) No later than 30 days after the filing of a motion
228 under this subsection, the court shall conduct a preliminary
229 hearing to determine what contact, if any, will be allowed
230 ~~permitted~~ between a parent and the child pending resolution of
231 the motion. Such contact may be allowed only if it is requested
232 by a parent who has appeared at the hearing and the court
233 determines that it is in the best interests of the child. If the
234 court orders contact between a parent and the child, the order
235 must be issued in writing as expeditiously as possible and must
236 state with specificity any provisions regarding contact with
237 persons other than those with whom the child resides.

238 (c) The court may not order scientific testing to
239 determine the paternity or maternity of the child ~~minor~~ until
240 such time as the court determines that a previously entered
241 judgment terminating the parental rights of that parent is
242 voidable pursuant to paragraph (a), unless all parties agree
243 that such testing is in the best interests of the child. Upon
244 the filing of test results establishing that person's maternity
245 or paternity of the surrendered infant, the court may order
246 visitation only if it appears to be in the best interests of the
247 child.

248 (d) Within 45 days after the preliminary hearing, the
249 court shall conduct a final hearing on the motion to set aside
250 the judgment and shall enter its written order as expeditiously

251 as possible thereafter.

252 (10) Except to the extent expressly provided in this
253 section, proceedings initiated by a licensed child-placing
254 agency for the termination of parental rights and subsequent
255 adoption of an infant surrendered ~~an infant left at a hospital,~~
256 ~~emergency medical services station, or fire station~~ in
257 accordance with s. 383.50 shall be conducted pursuant to this
258 chapter.

259 **Section 3. Paragraph (f) of subsection (2) of section**
260 **63.167, Florida Statutes, is amended to read:**

261 63.167 State adoption information center.—

262 (2) The functions of the state adoption information center
263 shall include:

264 (f) Maintaining a list of licensed child-placing agencies
265 eligible and willing to take custody of and place infants
266 surrendered ~~left~~ at a hospital, pursuant to s. 383.50. The names
267 and contact information for the licensed child-placing agencies
268 on the list shall be provided on a rotating basis to the
269 statewide central abuse hotline.

270 **Section 4. Section 383.51, Florida Statutes, is amended to**
271 **read:**

272 383.51 Confidentiality; identification of parent leaving
273 infant at hospital, emergency medical services station, or fire
274 station.—The identity of a parent who surrenders ~~leaves~~ an
275 infant at a hospital, an emergency medical services station, or

276 a fire station in accordance with s. 383.50 is confidential and
277 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
278 Constitution. The identity of a parent leaving a child shall be
279 disclosed to a person claiming to be a parent of the infant.

280 **Section 5. Section 827.035, Florida Statutes, is amended**
281 **to read:**

282 827.035 Infants.—It does not constitute neglect of a child
283 pursuant to s. 827.03 or contributing to the dependency of a
284 child pursuant to s. 827.04 if a parent surrenders ~~leaves~~ an
285 infant at a hospital, emergency medical services station, or
286 fire station or brings an infant to an emergency room and
287 expresses an intent to surrender ~~leave~~ the infant and not
288 return, in compliance with s. 383.50.

289 **Section 6.** This act shall take effect July 1, 2025.