

By the Committee on Appropriations; and Senators Baxley, Garcia, Albritton, and Harrell

576-04427-21

2021122c1

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 "newborn infant"; amending s. 63.0423, F.S.;  
5 making conforming and technical changes; providing an  
6 effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Subsection (1) of section 383.50, Florida  
11 Statutes, is amended to read:

12 383.50 Treatment of surrendered newborn infant.—

13 (1) As used in this section, the term "newborn infant"  
14 means a child who a licensed physician reasonably believes is  
15 approximately 30 7 days old or younger at the time the child is  
16 left at a hospital, an emergency medical services station, or a  
17 fire station.

18 Section 2. Section 63.0423, Florida Statutes, is amended to  
19 read:

20 63.0423 Procedures with respect to surrendered newborn  
21 infants.—

22 (1) Upon entry of final judgment terminating parental  
23 rights, a licensed child-placing agency that takes physical  
24 custody of a newborn ~~an~~ infant surrendered at a hospital, an  
25 emergency medical services station, or a fire station pursuant  
26 to s. 383.50 assumes responsibility for the medical and other  
27 costs associated with the emergency services and care of the  
28 surrendered newborn infant from the time the licensed child-  
29 placing agency takes physical custody of the surrendered newborn

576-04427-21

2021122c1

30 infant.

31 (2) The licensed child-placing agency shall immediately  
32 seek an order from the circuit court for emergency custody of  
33 the surrendered newborn infant. The emergency custody order  
34 shall remain in effect until the court orders preliminary  
35 approval of placement of the surrendered newborn infant in the  
36 prospective home, at which time the prospective adoptive parents  
37 become guardians pending termination of parental rights and  
38 finalization of adoption or until the court orders otherwise.  
39 The guardianship of the prospective adoptive parents shall  
40 remain subject to the right of the licensed child-placing agency  
41 to remove the surrendered newborn infant from the placement  
42 during the pendency of the proceedings if such removal is deemed  
43 by the licensed child-placing agency to be in the best interests  
44 of the child. The licensed child-placing agency may immediately  
45 seek to place the surrendered newborn infant in a prospective  
46 adoptive home.

47 (3) The licensed child-placing agency that takes physical  
48 custody of the surrendered newborn infant shall, within 24 hours  
49 thereafter, request assistance from law enforcement officials to  
50 investigate and determine, through the Missing Children  
51 Information Clearinghouse, the National Center for Missing and  
52 Exploited Children, and any other national and state resources,  
53 whether the surrendered newborn infant is a missing child.

54 (4) The parent who surrenders the newborn infant in  
55 accordance with s. 383.50 is presumed to have consented to  
56 termination of parental rights, and express consent is not  
57 required. Except when there is actual or suspected child abuse  
58 or neglect, the licensed child-placing agency shall not attempt

576-04427-21

2021122c1

59 to pursue, search for, or notify that parent as provided in s.  
60 63.088 and chapter 49. For purposes of s. 383.50 and this  
61 section, a surrendered newborn ~~an~~ infant who tests positive for  
62 illegal drugs, narcotic prescription drugs, alcohol, or other  
63 substances, but shows no other signs of child abuse or neglect,  
64 shall be placed in the custody of a licensed child-placing  
65 agency. Such a placement does not eliminate the reporting  
66 requirement under s. 383.50(7). When the department is contacted  
67 regarding a newborn ~~an~~ infant properly surrendered under this  
68 section and s. 383.50, the department shall provide instruction  
69 to contact a licensed child-placing agency and may not take  
70 custody of the newborn infant unless reasonable efforts to  
71 contact a licensed child-placing agency to accept the newborn  
72 infant have not been successful.

73 (5) A petition for termination of parental rights under  
74 this section may not be filed until 30 days after the date the  
75 newborn infant was surrendered in accordance with s. 383.50. A  
76 petition for termination of parental rights may not be granted  
77 until a parent has failed to reclaim or claim the surrendered  
78 newborn infant within the time period specified in s. 383.50.

79 (6) A claim of parental rights of the surrendered newborn  
80 infant must be made to the entity having legal custody of the  
81 surrendered newborn infant or to the circuit court before which  
82 proceedings involving the surrendered newborn infant are  
83 pending. A claim of parental rights of the surrendered newborn  
84 infant may not be made after the judgment to terminate parental  
85 rights is entered, except as otherwise provided by subsection  
86 (9).

87 (7) If a claim of parental rights of a surrendered newborn

576-04427-21

2021122c1

88 infant is made before the judgment to terminate parental rights  
89 is entered, the circuit court may hold the action for  
90 termination of parental rights in abeyance for a period of time  
91 not to exceed 60 days.

92 (a) The court may order scientific testing to determine  
93 maternity or paternity at the expense of the parent claiming  
94 parental rights.

95 (b) The court shall appoint a guardian ad litem for the  
96 surrendered newborn infant and order whatever investigation,  
97 home evaluation, and psychological evaluation are necessary to  
98 determine what is in the best interests of the surrendered  
99 newborn infant.

100 (c) The court may not terminate parental rights solely on  
101 the basis that the parent left the newborn infant at a hospital,  
102 an emergency medical services station, or a fire station in  
103 accordance with s. 383.50.

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

106 (8) Within 7 business days after recording the judgment,  
107 the clerk of the court shall mail a copy of the judgment to the  
108 department, the petitioner, and any person whose consent was  
109 required, if known. The clerk shall execute a certificate of  
110 each mailing.

111 (9) (a) A judgment terminating parental rights of a  
112 surrendered newborn infant pending adoption is voidable, and any  
113 later judgment of adoption of that child ~~minor~~ is voidable, if,  
114 upon the motion of a parent, the court finds that a person  
115 knowingly gave false information that prevented the parent from  
116 timely making known his or her desire to assume parental

576-04427-21

2021122c1

117 responsibilities toward the child ~~minor~~ or from exercising his  
118 or her parental rights. A motion under this subsection must be  
119 filed with the court originally entering the judgment. The  
120 motion must be filed within a reasonable time but not later than  
121 1 year after the entry of the judgment terminating parental  
122 rights.

123 (b) No later than 30 days after the filing of a motion  
124 under this subsection, the court shall conduct a preliminary  
125 hearing to determine what contact, if any, will be allowed  
126 ~~permitted~~ between a parent and the child pending resolution of  
127 the motion. Such contact may be allowed only if it is requested  
128 by a parent who has appeared at the hearing and the court  
129 determines that it is in the best interests of the child. If the  
130 court orders contact between a parent and the child, the order  
131 must be issued in writing as expeditiously as possible and must  
132 state with specificity any provisions regarding contact with  
133 persons other than those with whom the child resides.

134 (c) The court may not order scientific testing to determine  
135 the paternity or maternity of the child ~~minor~~ until such time as  
136 the court determines that a previously entered judgment  
137 terminating the parental rights of that parent is voidable  
138 pursuant to paragraph (a), unless all parties agree that such  
139 testing is in the best interests of the child. Upon the filing  
140 of test results establishing that person's maternity or  
141 paternity of the surrendered newborn infant, the court may order  
142 visitation only if it appears to be in the best interests of the  
143 child.

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

576-04427-21

2021122c1

146 judgment and shall enter its written order as expeditiously as  
147 possible thereafter.

148 (10) Except to the extent expressly provided in this  
149 section, proceedings initiated by a licensed child-placing  
150 agency for the termination of parental rights and subsequent  
151 adoption of a newborn infant left at a hospital, an emergency  
152 medical services station, or a fire station in accordance with  
153 s. 383.50 shall be conducted pursuant to this chapter.

154 Section 3. This act shall take effect July 1, 2021.