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LEGISLATIVE ACTION

Senate

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House

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Senator Baxley moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

383.50 Treatment of surrendered newborn infant.-

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



816820

12 fire station.

13 Section 2. Section 63.0423, Florida Statutes, is amended to
14 read:

15 63.0423 Procedures with respect to surrendered newborn
16 infants.-

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

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



816820

41 adoptive home.

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

49 (4) The parent who surrenders the newborn infant in
50 accordance with s. 383.50 is presumed to have consented to
51 termination of parental rights, and express consent is not
52 required. Except when there is actual or suspected child abuse
53 or neglect, the licensed child-placing agency shall not attempt
54 to pursue, search for, or notify that parent as provided in s.
55 63.088 and chapter 49. For purposes of s. 383.50 and this
56 section, a surrendered newborn ~~an~~ infant who tests positive for
57 illegal drugs, narcotic prescription drugs, alcohol, or other
58 substances, but shows no other signs of child abuse or neglect,
59 shall be placed in the custody of a licensed child-placing
60 agency. Such a placement does not eliminate the reporting
61 requirement under s. 383.50(7). When the department is contacted
62 regarding a newborn ~~an~~ infant properly surrendered under this
63 section and s. 383.50, the department shall provide instruction
64 to contact a licensed child-placing agency and may not take
65 custody of the newborn infant unless reasonable efforts to
66 contact a licensed child-placing agency to accept the newborn
67 infant have not been successful.

68 (5) A petition for termination of parental rights under
69 this section may not be filed until 30 days after the date the



816820

70 newborn infant was surrendered in accordance with s. 383.50. A
71 petition for termination of parental rights may not be granted
72 until a parent has failed to reclaim or claim the surrendered
73 newborn infant within the time period specified in s. 383.50.

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

82 (7) If a claim of parental rights of a surrendered newborn
83 infant is made before the judgment to terminate parental rights
84 is entered, the circuit court may hold the action for
85 termination of parental rights in abeyance for a period of time
86 not to exceed 60 days.

87 (a) The court may order scientific testing to determine
88 maternity or paternity at the expense of the parent claiming
89 parental rights.

90 (b) The court shall appoint a guardian ad litem for the
91 surrendered newborn infant and order whatever investigation,
92 home evaluation, and psychological evaluation are necessary to
93 determine what is in the best interests of the surrendered
94 newborn infant.

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



816820

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

101 (8) Within 7 business days after recording the judgment,
102 the clerk of the court shall mail a copy of the judgment to the
103 department, the petitioner, and any person whose consent was
104 required, if known. The clerk shall execute a certificate of
105 each mailing.

106 (9) (a) A judgment terminating parental rights of a
107 surrendered newborn infant pending adoption is voidable, and any
108 later judgment of adoption of that child ~~minor~~ is voidable, if,
109 upon the motion of a parent, the court finds that a person
110 knowingly gave false information that prevented the parent from
111 timely making known his or her desire to assume parental
112 responsibilities toward the child ~~minor~~ or from exercising his
113 or her parental rights. A motion under this subsection must be
114 filed with the court originally entering the judgment. The
115 motion must be filed within a reasonable time but not later than
116 1 year after the entry of the judgment terminating parental
117 rights.

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



816820

128 persons other than those with whom the child resides.

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

139 (d) Within 45 days after the preliminary hearing, the court
140 shall conduct a final hearing on the motion to set aside the
141 judgment and shall enter its written order as expeditiously as
142 possible thereafter.

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

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

150
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete everything before the enacting clause
154 and insert:

155 A bill to be entitled
156 An act relating to surrendered newborn infants;



816820

157 amending s. 383.50, F.S.; revising the definition of
158 the term "newborn infant"; amending s. 63.0423, F.S.;
159 making conforming and technical changes; providing an
160 effective date.