



160226

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2024	.	
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The Committee on Children, Families, and Elder Affairs (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (8) through (19) of section 63.032, Florida Statutes, are redesignated as subsections (9) through (20), respectively, and a new subsection (8) is added to that section, to read:

63.032 Definitions.—As used in this chapter, the term:

(8) "Community-based care lead agency" or "lead agency" has



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11 the same meaning as in s. 409.986(3).

12 Section 2. Present subsections (1) through (10) of section
13 63.0432, Florida Statutes, are redesignated as subsections (2)
14 through (11), respectively, and a new subsection (1) is added to
15 that section, and redesignated subsection (3) is amended to
16 read:

17 63.0423 Procedures with respect to surrendered newborn
18 infants; prospective adoptive parents of surrendered newborn
19 infant registry.—

20 (1) (a) Each community-based care lead agency shall
21 establish and maintain a registry of prospective adoptive
22 parents of surrendered newborn infants with the name, address,
23 telephone number, and e-mail address of the prospective adoptive
24 parent who has received a favorable preliminary home study under
25 s. 63.092 and has indicated the desire to be a prospective
26 adoptive parent of a surrendered newborn infant under s. 383.50.
27 The registry must also maintain any known licensed child-placing
28 agency representing the prospective adoptive parent. The
29 community-based care lead agency must remove the information of
30 a prospective adoptive parent from the registry when the
31 favorable preliminary home study for such prospective adoptive
32 parent is no longer valid as provided in s. 63.092(3) or the
33 prospective adoptive parent asks to be removed from the
34 registry.

35 (b) If requested, the community-based care lead agency must
36 provide the following to interested prospective adoptive parents
37 of surrendered newborn infants:

38 1. Information and education on the private adoption
39 process; and



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40 2. Referrals to local licensed child-placing agencies that
41 perform surrendered newborn infant adoptions.

42 (c) The community-based care lead agency may not transfer
43 the cost of establishing and maintaining the registry created
44 pursuant to this subsection to a prospective adoptive parent.

45 (d) The community-based care lead agency registry must
46 maintain a rotating list of licensed child-placing agencies that
47 are willing to take physical custody of surrendered newborn
48 infants and perform all duties required under this section.

49 (e) Licensed child-placing agencies that are named by the
50 community-based care lead agency and take custody of surrendered
51 newborn infants under this section must report the following to
52 the community-based care lead agency within 30 days of the final
53 adoption order:

54 1. The length of time between taking physical custody of
55 the surrendered newborn infant and the issuance of a final
56 adoption order.

57 2. Whether the named prospective adoptive parent from the
58 registry adopted the surrendered newborn infant.

59 3. The affidavit of and order approving expenses and
60 receipts under s. 63.132.

61 (3)(2) Upon taking physical custody of a newborn infant
62 surrendered pursuant to s. 383.50, the licensed child-placing
63 agency named by the community-based care lead agency shall
64 immediately seek an order from the circuit court for emergency
65 custody of the surrendered infant. The emergency custody order
66 remains shall remain in effect until the court orders
67 preliminary approval of placement of the surrendered infant in a
68 the prospective home, at which time the prospective adoptive



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69 parent becomes the guardian of the surrendered infant ~~parents~~
70 ~~become guardians~~ pending termination of parental rights and
71 finalization of adoption or until the court orders otherwise.
72 The guardianship of the prospective adoptive parent is ~~parents~~
73 ~~shall remain~~ subject to the right of the licensed child-placing
74 agency to remove the surrendered infant from the placement
75 during the pendency of the proceedings if such removal is deemed
76 by the licensed child-placing agency to be in the best interests
77 of the child. The licensed child-placing agency shall ~~may~~
78 immediately seek to place the surrendered infant in a
79 prospective adoptive home with the next prospective adoptive
80 parent from the surrendered newborn infant registry maintained
81 by the community-based care lead agency under this section. If
82 the registry does not contain the name of an appropriate
83 prospective adoptive parent, the community-based care lead
84 agency must contact another community-based care lead agency and
85 attempt to place the surrendered infant with a prospective
86 adoptive parent from that lead agency's registry.

87 (5)-(4) The parent who surrenders the infant in accordance
88 with s. 383.50 is presumed to have consented to termination of
89 parental rights, and express consent is not required. Except
90 when there is actual or suspected child abuse or neglect, the
91 community-based care lead agency or licensed child-placing
92 agency may ~~shall~~ not attempt to pursue, search for, or notify
93 that parent as provided in s. 63.088 and chapter 49. For
94 purposes of s. 383.50 and this section, an infant who tests
95 positive for illegal drugs, narcotic prescription drugs,
96 alcohol, or other substances, but shows no other signs of child
97 abuse or neglect, must ~~shall~~ be placed in the custody of a



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98 licensed child-placing agency named by the community-based care
99 lead agency. Such a placement does not eliminate the reporting
100 requirement under s. 383.50(7). When the department is contacted
101 regarding an infant properly surrendered under this section and
102 s. 383.50, the department shall provide instruction to contact a
103 community-based care lead ~~licensed child-placing~~ agency and may
104 not take custody of the infant unless reasonable efforts to
105 contact a licensed child-placing agency named by the community-
106 based care lead agency to accept the infant have not been
107 successful.

108 Section 3. Subsections (1) and (7) of section 383.50,
109 Florida Statutes, are amended to read:

110 383.50 Treatment of surrendered newborn infant.-

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

112 (a) "Community-based care lead agency" has the same meaning
113 as in s. 409.986(3).

114 (b) "Newborn infant" means a child who a licensed physician
115 reasonably believes is approximately 7 days old or younger at
116 the time the child is left at a hospital, emergency medical
117 services station, or fire station.

118 (7) Upon admitting a newborn infant under this section, the
119 hospital shall immediately contact the a local community-based
120 care lead ~~licensed child-placing~~ agency or alternatively contact
121 the statewide central abuse hotline for the community-based care
122 lead agency contact information. ~~name of a licensed child-~~
123 ~~placing agency~~ For purposes of transferring physical custody of
124 the newborn infant, ~~the~~ hospital shall notify the community-
125 based care lead ~~licensed child-placing~~ agency that a newborn
126 infant has been left with the hospital and approximately when



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127 the licensed child-placing agency named by the community-based
128 care lead agency from the registry can take physical custody of
129 the child. In cases where there is actual or suspected child
130 abuse or neglect, the hospital or any of its licensed health
131 care professionals shall report the actual or suspected child
132 abuse or neglect in accordance with ss. 39.201 and 395.1023 in
133 lieu of contacting the local community-based care lead a
134 ~~licensed child-placing~~ agency.

135 Section 4. Paragraph (e) of subsection (3) of section
136 39.201, Florida Statutes, is amended to read:

137 39.201 Required reports of child abuse, abandonment, or
138 neglect, sexual abuse of a child, and juvenile sexual abuse;
139 required reports of death; reports involving a child who has
140 exhibited inappropriate sexual behavior.—

141 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

142 (e) *Surrendered newborn infants.*—

143 1. The central abuse hotline must receive reports involving
144 surrendered newborn infants as described in s. 383.50.

145 2.a. A report may not be considered a report of child
146 abuse, abandonment, or neglect solely because the infant has
147 been left at a hospital, emergency medical services station, or
148 fire station under s. 383.50.

149 b. If the report involving a surrendered newborn infant
150 does not include indications of child abuse, abandonment, or
151 neglect other than that necessarily entailed in the infant
152 having been left at a hospital, emergency medical services
153 station, or fire station, the central abuse hotline must provide
154 to the person making the report the name of a local community-
155 based care lead ~~an eligible licensed child-placing~~ agency that



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156 is required to choose a licensed child-placing agency from the
157 registry to accept physical custody of and to place surrendered
158 newborn infants. ~~The department shall provide names of eligible~~
159 ~~licensed child-placing agencies on a rotating basis.~~

160 3. If the report includes indications of child abuse,
161 abandonment, or neglect beyond that necessarily entailed in the
162 infant having been left at a hospital, emergency medical
163 services station, or fire station, the report must be considered
164 as a report of child abuse, abandonment, or neglect and,
165 notwithstanding chapter 383, is subject to s. 39.395 and all
166 other relevant provisions of this chapter.

167 Section 5. This act shall take effect July 1, 2024.

168
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete everything before the enacting clause
172 and insert:

173 A bill to be entitled
174 An act relating to placement of surrendered newborn
175 infants; amending s. 63.032, F.S.; defining the term
176 "community-based care lead agency"; amending s.
177 63.0423, F.S.; requiring community-based care lead
178 agencies to establish and maintain a specified
179 registry; requiring that certain information be
180 removed from the registry under certain circumstances;
181 requiring certain information be provided to
182 interested prospective adoptive parents; prohibiting
183 the community-based care lead agency from transferring
184 certain costs to prospective adoptive parents;



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185 requiring the specified registry to maintain a list of
186 licensed child-placing agencies; requiring licensed
187 child-placing agencies that take custody of
188 surrendered newborn infants to report certain
189 information; requiring licensed child-placing agencies
190 to place a surrendered infant with certain prospective
191 adoptive parents; providing requirements that apply if
192 an appropriate prospective adoptive parent is not
193 found in the registry; conforming provisions to
194 changes made by the act; amending s. 383.50, F.S.;
195 defining the term "community-based care lead agency";
196 providing requirements for the hospital once they take
197 physical custody of a surrendered newborn infant;
198 conforming provisions to changes made by the act;
199 amending s. 39.201, F.S.; conforming provisions to
200 changes made by the act; providing an effective date.