

By the Committee on Children, Families, and Elder Affairs; and
Senator Harrell

586-02659-24

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1 A bill to be entitled
2 An act relating to placement of surrendered newborn
3 infants; amending s. 63.032, F.S.; defining the term
4 "community-based care lead agency"; amending s.
5 63.0423, F.S.; requiring community-based care lead
6 agencies to establish and maintain a specified
7 registry; requiring that certain information be
8 removed from the registry under certain circumstances;
9 requiring that certain information be provided to
10 interested prospective adoptive parents; prohibiting
11 the community-based care lead agency from transferring
12 certain costs to prospective adoptive parents;
13 requiring the registry to maintain a list of licensed
14 child-placing agencies; requiring licensed child-
15 placing agencies that take custody of surrendered
16 newborn infants to report certain information;
17 requiring licensed child-placing agencies to place a
18 surrendered infant with certain prospective adoptive
19 parents; providing requirements that apply if an
20 appropriate prospective adoptive parent is not found
21 in the registry; conforming provisions to changes made
22 by the act; amending s. 383.50, F.S.; defining the
23 term "community-based care lead agency"; providing
24 requirements for the hospital once it takes physical
25 custody of a surrendered newborn infant; conforming
26 provisions to changes made by the act; amending s.
27 39.201, F.S.; conforming provisions to changes made by
28 the act; amending s. 63.062, F.S.; conforming a cross-
29 reference; providing an effective date.

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

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

Section 2. Present subsections (1) through (10) of section 63.0423, Florida Statutes, are redesignated as subsections (2) through (11), respectively, a new subsection (1) is added to that section, and present subsections (2), (4), and (6) of that section are amended, to read:

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

(1) (a) Each community-based care lead agency shall establish and maintain a registry of prospective adoptive parents of surrendered newborn infants with the name, address, telephone number, and e-mail address of the prospective adoptive parent who has received a favorable preliminary home study under s. 63.092 and has indicated the desire to be a prospective adoptive parent of a surrendered newborn infant under s. 383.50. The registry must also include any known licensed child-placing agency representing the prospective adoptive parent. The community-based care lead agency must remove the information of a prospective adoptive parent from the registry when the

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59 favorable preliminary home study for such prospective adoptive
60 parent is no longer valid as provided in s. 63.092(3) or the
61 prospective adoptive parent asks to be removed from the
62 registry.

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

66 1. Information and education on the private adoption
67 process; and

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

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

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

77 (e) Licensed child-placing agencies that are named by the
78 community-based care lead agency and take custody of surrendered
79 newborn infants under this section must report the following to
80 the community-based care lead agency within 30 days of the final
81 adoption order:

82 1. The length of time between taking physical custody of
83 the surrendered newborn infant and the issuance of a final
84 adoption order.

85 2. Whether the named prospective adoptive parent from the
86 registry adopted the surrendered newborn infant.

87 3. The affidavit of and the order approving expenses and

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88 receipts under s. 63.132.

89 (3)(2) Upon taking physical custody of a newborn infant
90 surrendered pursuant to s. 383.50, the licensed child-placing
91 agency named by the community-based care lead agency shall
92 immediately seek an order from the circuit court for emergency
93 custody of the surrendered infant. The emergency custody order
94 remains shall remain in effect until the court orders
95 preliminary approval of placement of the surrendered infant in a
96 the prospective home, at which time the prospective adoptive
97 parent becomes the guardian of the surrendered infant ~~parents~~
98 ~~become guardians~~ pending termination of parental rights and
99 finalization of adoption or until the court orders otherwise.
100 The guardianship of the prospective adoptive parent is ~~parents~~
101 ~~shall remain~~ subject to the right of the licensed child-placing
102 agency to remove the surrendered infant from the placement
103 during the pendency of the proceedings if such removal is deemed
104 by the licensed child-placing agency to be in the best interests
105 of the child. The licensed child-placing agency shall ~~may~~
106 immediately seek to place the surrendered infant in a
107 prospective adoptive home with the next prospective adoptive
108 parent on the registry of prospective adoptive parents of
109 surrendered newborn infants maintained by the community-based
110 care lead agency under this section. If the registry does not
111 contain the name of an appropriate prospective adoptive parent,
112 the community-based care lead agency must contact another
113 community-based care lead agency and attempt to place the
114 surrendered infant with a prospective adoptive parent from that
115 lead agency's registry.

116 (5)(4) The parent who surrenders the infant in accordance

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117 with s. 383.50 is presumed to have consented to termination of
118 parental rights, and express consent is not required. Except
119 when there is actual or suspected child abuse or neglect, the
120 community-based care lead agency or licensed child-placing
121 agency ~~may shall~~ not attempt to pursue, search for, or notify
122 that parent as provided in s. 63.088 and chapter 49. For
123 purposes of s. 383.50 and this section, an infant who tests
124 positive for illegal drugs, narcotic prescription drugs,
125 alcohol, or other substances, but shows no other signs of child
126 abuse or neglect, must shall be placed in the custody of a
127 licensed child-placing agency named by the community-based care
128 lead agency. Such a placement does not eliminate the reporting
129 requirement under s. 383.50(7). When the department is contacted
130 regarding an infant properly surrendered under this section and
131 s. 383.50, the department shall provide instruction to contact a
132 community-based care lead ~~licensed child-placing~~ agency and may
133 not take custody of the infant unless reasonable efforts to
134 contact a licensed child-placing agency named by the community-
135 based care lead agency to accept the infant have not been
136 successful.

137 (7)~~(6)~~ A claim of parental rights of the surrendered infant
138 must be made to the entity having legal custody of the
139 surrendered infant or to the circuit court before which
140 proceedings involving the surrendered infant are pending. A
141 claim of parental rights of the surrendered infant may not be
142 made after the judgment to terminate parental rights is entered,
143 except as otherwise provided by subsection (10)~~(9)~~.

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

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146 383.50 Treatment of surrendered newborn infant.—

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

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

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

154 (7) Upon admitting a newborn infant under this section, the
155 hospital shall immediately contact the a local community-based
156 care lead licensed child-placing agency or alternatively contact
157 the statewide central abuse hotline for the community-based care
158 lead agency contact information. name of a licensed child-
159 placing agency For purposes of transferring physical custody of
160 the newborn infant, the hospital shall notify the community-
161 based care lead licensed child-placing agency that a newborn
162 infant has been left with the hospital and approximately when
163 the licensed child-placing agency named by the community-based
164 care lead agency from the registry can take physical custody of
165 the child. In cases where there is actual or suspected child
166 abuse or neglect, the hospital or any of its licensed health
167 care professionals shall report the actual or suspected child
168 abuse or neglect in accordance with ss. 39.201 and 395.1023 in
169 lieu of contacting the local community-based care lead a
170 licensed child-placing agency.

171 Section 4. Paragraph (e) of subsection (3) of section
172 39.201, Florida Statutes, is amended to read:

173 39.201 Required reports of child abuse, abandonment, or
174 neglect, sexual abuse of a child, and juvenile sexual abuse;

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175 required reports of death; reports involving a child who has
176 exhibited inappropriate sexual behavior.—

177 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

178 (e) *Surrendered newborn infants.*—

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

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

185 b. If the report involving a surrendered newborn infant
186 does not include indications of child abuse, abandonment, or
187 neglect other than that necessarily entailed in the infant
188 having been left at a hospital, emergency medical services
189 station, or fire station, the central abuse hotline must provide
190 to the person making the report the name of a local community-
191 based care lead ~~an eligible licensed child-placing~~ agency that
192 is required to choose a licensed child-placing agency from the
193 registry to accept physical custody of and to place surrendered
194 newborn infants. ~~The department shall provide names of eligible~~
195 ~~licensed child-placing agencies on a rotating basis.~~

196 3. If the report includes indications of child abuse,
197 abandonment, or neglect beyond that necessarily entailed in the
198 infant having been left at a hospital, emergency medical
199 services station, or fire station, the report must be considered
200 as a report of child abuse, abandonment, or neglect and,
201 notwithstanding chapter 383, is subject to s. 39.395 and all
202 other relevant provisions of this chapter.

203 Section 5. Paragraph (b) of subsection (1) of section

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204 63.062, Florida Statutes, is amended to read:

205 63.062 Persons required to consent to adoption; affidavit
206 of nonpaternity; waiver of venue.—

207 (1) Unless supported by one or more of the grounds
208 enumerated under s. 63.089(3), a petition to terminate parental
209 rights pending adoption may be granted only if written consent
210 has been executed as provided in s. 63.082 after the birth of
211 the minor or notice has been served under s. 63.088 to:

212 (b) The father of the minor, if:

213 1. The minor was conceived or born while the father was
214 married to the mother;

215 2. The minor is his child by adoption;

216 3. The minor has been adjudicated by the court to be his
217 child before the date a petition for termination of parental
218 rights is filed;

219 4. He has filed an affidavit of paternity pursuant to s.
220 382.013(2)(c) or he is listed on the child's birth certificate
221 before the date a petition for termination of parental rights is
222 filed; or

223 5. In the case of an unmarried biological father, he has
224 acknowledged in writing, signed in the presence of a competent
225 witness, that he is the father of the minor, has filed such
226 acknowledgment with the Office of Vital Statistics of the
227 Department of Health within the required timeframes, and has
228 complied with the requirements of subsection (2).

229
230 The status of the father shall be determined at the time of the
231 filing of the petition to terminate parental rights and may not
232 be modified, except as otherwise provided in s. 63.0423(10)(a)

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233 ~~s. 63.0423(9)(a)~~, for purposes of his obligations and rights
234 under this chapter by acts occurring after the filing of the
235 petition to terminate parental rights.

236 Section 6. This act shall take effect July 1, 2024.