

1 A bill to be entitled
2 An act relating to surrendered infants; amending s.
3 383.50, F.S.; revising the definition of the term
4 "infant"; defining the term "infant safety device";
5 authorizing certain hospitals, emergency medical
6 services stations, and fire stations to use infant
7 safety devices to accept surrendered infants if the
8 device meets specified criteria; requiring such
9 hospitals, emergency medical services stations, and
10 fire stations to monitor the inside of the device 24
11 hours per day and physically check and test the
12 devices at specified intervals; providing additional
13 requirements for certain fire stations using such
14 devices; amending ss. 63.0423, 63.167, 383.51, and
15 827.035, F.S.; conforming provisions to changes made
16 by the act; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 **Section 1. Section 383.50, Florida Statutes, is amended to**
21 **read:**

22 383.50 Treatment of surrendered infant.—

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

24 (a) "Infant" means a child who a licensed physician
25 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
73 surrendered to left with a firefighter, an emergency medical
74 technician, or a paramedic, or surrendered in an infant safety
75 device. The firefighter, emergency medical technician, or

paramedic shall consider these actions as implied consent to and shall:

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

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

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

~~(5)(a)-(4)(a)~~ An infant may be left with medical staff or a licensed health care professional after the delivery of the an infant in a hospital, ~~a parent of the infant may leave the infant with medical staff or a licensed health care professional at the hospital~~ if the parent of the infant notifies such medical staff or licensed health care professional that the

parent is voluntarily surrendering the infant and does not intend to return.

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

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

expresses intent to surrender ~~leave~~ the infant and not return, upon the mother's request, the hospital or registrar must ~~shall~~ complete the infant's birth certificate without naming the mother thereon.

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

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

151 ~~(9)-(8)~~ An infant admitted to a hospital in accordance with
152 this section is presumed eligible for coverage under Medicaid,
153 subject to federal rules.

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

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

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

172 **Section 2. Subsections (1) and (4), paragraphs (b) and (c)**
173 **of subsection (7), and subsections (9) and (10) of section**
174 **63.0423, Florida Statutes, are amended to read:**

175 63.0423 Procedures with respect to surrendered infants.—

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

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

201 have not been successful.

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

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

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

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

226 1 year after the entry of the judgment terminating parental
227 rights.

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

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

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

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

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

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

63.167 State adoption information center.—

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

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

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

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

infant at a hospital, an emergency medical services station, or a fire station in accordance with s. 383.50 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The identity of a parent leaving a child shall be disclosed to a person claiming to be a parent of the infant.

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

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

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