

26 | approximately 30 7 days old or younger at the time the child is
 27 | left at a hospital, an emergency medical services station, or a
 28 | fire station.

29 | (2) There is a presumption that the parent who leaves the
 30 | ~~newborn~~ infant in accordance with this section intended to leave
 31 | the ~~newborn~~ infant and consented to termination of parental
 32 | rights.

33 | (3) Each emergency medical services station or fire
 34 | station that is staffed with full-time firefighters, emergency
 35 | medical technicians, or paramedics shall accept any ~~newborn~~
 36 | infant left with a firefighter, an emergency medical technician,
 37 | or a paramedic. The firefighter, emergency medical technician,
 38 | or paramedic shall consider these actions as implied consent to
 39 | and shall:

40 | (a) Provide emergency medical services to the ~~newborn~~
 41 | infant to the extent that he or she is trained to provide those
 42 | services; ~~and~~

43 | (b) Arrange for the immediate transportation of the
 44 | ~~newborn~~ infant to the nearest hospital having emergency
 45 | services.

46 |
 47 | A licensee as defined in s. 401.23, a fire department, or an
 48 | employee or agent of a licensee or fire department may treat and
 49 | transport an ~~a newborn~~ infant pursuant to this section. If an ~~a~~
 50 | ~~newborn~~ infant is placed in the physical custody of an employee

HB775

2024

51 or agent of a licensee or fire department, such placement is
52 ~~shall be~~ considered implied consent for treatment and transport.
53 A licensee, a fire department, or an employee or agent of a
54 licensee or fire department is immune from criminal or civil
55 liability for acting in good faith pursuant to this section.
56 ~~Nothing in~~ This subsection does not limit ~~limits~~ liability for
57 negligence.

58 (4) (a) After the delivery of an infant in a hospital, a
59 parent of the infant may leave the infant with medical staff or
60 a licensed health care professional at the hospital if the
61 parent notifies such medical staff or licensed health care
62 professional that the parent is voluntarily surrendering the
63 infant and does not intend to return.

64 (b) Each hospital of this state subject to s. 395.1041
65 shall, and any other hospital may, admit and provide all
66 necessary emergency services and care, as defined in s.
67 395.002(9), to any ~~newborn~~ infant left with the hospital in
68 accordance with this section. The hospital or any of its medical
69 staff or licensed health care professionals shall consider these
70 actions as implied consent for treatment, and a hospital
71 accepting physical custody of an ~~a newborn~~ infant has implied
72 consent to perform all necessary emergency services and care.
73 The hospital or any of its medical staff or licensed health care
74 professionals are ~~is~~ immune from criminal or civil liability for
75 acting in good faith in accordance with this section. ~~Nothing in~~

76 This subsection does not limit ~~limits~~ liability for negligence.

77 (5) Except when there is actual or suspected child abuse
78 or neglect, any parent who leaves an ~~a newborn~~ infant with a
79 firefighter, an emergency medical technician, or a paramedic at
80 a fire station or an emergency medical services station, or
81 brings an ~~a newborn~~ infant to an emergency room of a hospital
82 and expresses an intent to leave the ~~newborn~~ infant and not
83 return, has the absolute right to remain anonymous and to leave
84 at any time and may not be pursued or followed unless the parent
85 seeks to reclaim the ~~newborn~~ infant. When an infant is born in a
86 hospital and the mother expresses intent to leave the infant and
87 not return, upon the mother's request, the hospital or registrar
88 shall complete the infant's birth certificate without naming the
89 mother thereon.

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

98 (7) Upon admitting an ~~a newborn~~ infant under this section,
99 the hospital shall immediately contact a local licensed child-
100 placing agency or alternatively contact the statewide central

HB775

2024

101 abuse hotline for the name of a licensed child-placing agency
102 for purposes of transferring physical custody of the ~~newborn~~
103 infant. The hospital shall notify the licensed child-placing
104 agency that an ~~a newborn~~ infant has been left with the hospital
105 and approximately when the licensed child-placing agency can
106 take physical custody of the infant ~~child~~. In cases where there
107 is actual or suspected child abuse or neglect, the hospital or
108 any of its medical staff or licensed health care professionals
109 shall report the actual or suspected child abuse or neglect in
110 accordance with ss. 39.201 and 395.1023 in lieu of contacting a
111 licensed child-placing agency.

112 (8) An ~~Any newborn~~ infant admitted to a hospital in
113 accordance with this section is presumed eligible for coverage
114 under Medicaid, subject to federal rules.

115 (9) An ~~A newborn~~ infant left at a hospital, an emergency
116 medical services station, or a fire station in accordance with
117 this section may ~~shall~~ not be deemed abandoned and subject to
118 reporting and investigation requirements under s. 39.201 unless
119 there is actual or suspected child abuse or until the Department
120 of Health takes physical custody of the infant ~~child~~.

121 (10) If the parent of an infant is unable to surrender the
122 infant in accordance with this section, the parent may call 911
123 to request that an emergency medical services provider meet the
124 surrendering parent at a specified location. The surrendering
125 parent must stay with the infant until the emergency medical

HB 775

2024

126 services provider arrives to take custody of the infant.

127 (11) A criminal investigation may ~~shall~~ not be initiated
128 solely because an ~~a newborn~~ infant is surrendered in accordance
129 with ~~left at a hospital under~~ this section unless there is
130 actual or suspected child abuse or neglect.

131 Section 2. Subsection (1) and paragraph (e) of subsection
132 (34) of section 39.01, Florida Statutes, are amended to read:

133 39.01 Definitions.—When used in this chapter, unless the
134 context otherwise requires:

135 (1) "Abandoned" or "abandonment" means a situation in
136 which the parent or legal custodian of a child or, in the
137 absence of a parent or legal custodian, the caregiver, while
138 being able, has made no significant contribution to the child's
139 care and maintenance or has failed to establish or maintain a
140 substantial and positive relationship with the child, or both.
141 For purposes of this subsection, "establish or maintain a
142 substantial and positive relationship" includes, but is not
143 limited to, frequent and regular contact with the child through
144 frequent and regular visitation or frequent and regular
145 communication to or with the child, and the exercise of parental
146 rights and responsibilities. Marginal efforts and incidental or
147 token visits or communications are not sufficient to establish
148 or maintain a substantial and positive relationship with a
149 child. A man's acknowledgment of paternity of the child does not
150 limit the period of time considered in determining whether the

151 child was abandoned. The term does not include a surrendered
152 ~~newborn~~ infant as described in s. 383.50, a "child in need of
153 services" as defined in chapter 984, or a "family in need of
154 services" as defined in chapter 984. The absence of a parent,
155 legal custodian, or caregiver responsible for a child's welfare,
156 who is a servicemember, by reason of deployment or anticipated
157 deployment as defined in 50 U.S.C. s. 3938(e), may not be
158 considered or used as a factor in determining abandonment. The
159 incarceration, repeated incarceration, or extended incarceration
160 of a parent, legal custodian, or caregiver responsible for a
161 child's welfare may support a finding of abandonment.

162 (34) "Harm" to a child's health or welfare can occur when
163 any person:

164 (e) Abandons the child. Within the context of the
165 definition of "harm," the term "abandoned the child" or
166 "abandonment of the child" means a situation in which the parent
167 or legal custodian of a child or, in the absence of a parent or
168 legal custodian, the caregiver, while being able, has made no
169 significant contribution to the child's care and maintenance or
170 has failed to establish or maintain a substantial and positive
171 relationship with the child, or both. For purposes of this
172 paragraph, "establish or maintain a substantial and positive
173 relationship" includes, but is not limited to, frequent and
174 regular contact with the child through frequent and regular
175 visitation or frequent and regular communication to or with the

176 child, and the exercise of parental rights and responsibilities.
 177 Marginal efforts and incidental or token visits or
 178 communications are not sufficient to establish or maintain a
 179 substantial and positive relationship with a child. The term
 180 "abandoned" does not include a surrendered ~~newborn~~ infant as
 181 described in s. 383.50, a child in need of services as defined
 182 in chapter 984, or a family in need of services as defined in
 183 chapter 984. The incarceration, repeated incarceration, or
 184 extended incarceration of a parent, legal custodian, or
 185 caregiver responsible for a child's welfare may support a
 186 finding of abandonment.

187 Section 3. Paragraph (e) of subsection (3) of section
 188 39.201, Florida Statutes, is amended to read:

189 39.201 Required reports of child abuse, abandonment, or
 190 neglect, sexual abuse of a child, and juvenile sexual abuse;
 191 required reports of death; reports involving a child who has
 192 exhibited inappropriate sexual behavior.—

193 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

194 (e) Surrendered ~~newborn~~ infants.—

195 1. The central abuse hotline must receive reports
 196 involving surrendered ~~newborn~~ infants as described in s. 383.50.

197 2.a. A report may not be considered a report of child
 198 abuse, abandonment, or neglect solely because the infant has
 199 been surrendered in accordance with ~~left at a hospital,~~
 200 ~~emergency medical services station, or fire station under s.~~

201 383.50.
 202 b. If the report involving a surrendered ~~newborn~~ infant
 203 does not include indications of child abuse, abandonment, or
 204 neglect other than that necessarily entailed in the infant
 205 having been surrendered ~~left at a hospital, emergency medical~~
 206 ~~services station, or fire station~~, the central abuse hotline
 207 must provide to the person making the report the name of an
 208 eligible licensed child-placing agency that is required to
 209 accept physical custody of and to place surrendered ~~newborn~~
 210 infants. The department shall provide names of eligible licensed
 211 child-placing agencies on a rotating basis.

212 3. If the report includes indications of child abuse,
 213 abandonment, or neglect beyond that necessarily entailed in the
 214 infant having been surrendered ~~left at a hospital, emergency~~
 215 ~~medical services station, or fire station~~, the report must be
 216 considered as a report of child abuse, abandonment, or neglect
 217 and, notwithstanding chapter 383, is subject to s. 39.395 and
 218 all other relevant provisions of this chapter.

219 Section 4. Subsections (1) and (4), paragraph (c) of
 220 subsection (7), and subsection (10) of section 63.0423, Florida
 221 Statutes, are amended to read:

222 63.0423 Procedures with respect to surrendered infants.—

223 (1) Upon entry of final judgment terminating parental
 224 rights, a licensed child-placing agency that takes physical
 225 custody of an infant surrendered in accordance with ~~at a~~

226 ~~hospital, emergency medical services station, or fire station~~
227 ~~pursuant to~~ s. 383.50 assumes responsibility for the medical and
228 other costs associated with the emergency services and care of
229 the surrendered infant from the time the licensed child-placing
230 agency takes physical custody of the surrendered infant.

231 (4) The parent who surrenders the infant in accordance
232 with s. 383.50 is presumed to have consented to termination of
233 parental rights, and express consent is not required. Except
234 when there is actual or suspected child abuse or neglect, the
235 licensed child-placing agency may ~~shall~~ not attempt to pursue,
236 search for, or notify that parent as provided in s. 63.088 and
237 chapter 49. For purposes of s. 383.50 and this section, a
238 surrendered ~~an~~ infant who tests positive for illegal drugs,
239 narcotic prescription drugs, alcohol, or other substances, but
240 shows no other signs of child abuse or neglect, shall be placed
241 in the custody of a licensed child-placing agency. Such a
242 placement does not eliminate the reporting requirement under s.
243 383.50(7). When the department is contacted regarding an infant
244 properly surrendered under this section and s. 383.50, the
245 department shall provide instruction to contact a licensed
246 child-placing agency and may not take custody of the infant
247 unless reasonable efforts to contact a licensed child-placing
248 agency to accept the infant have not been successful.

249 (7) If a claim of parental rights of a surrendered infant
250 is made before the judgment to terminate parental rights is

251 entered, the circuit court may hold the action for termination
 252 of parental rights in abeyance for a period of time not to
 253 exceed 60 days.

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

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

265 Section 5. Paragraph (f) of subsection (2) of section
 266 63.167, Florida Statutes, is amended to read:

267 63.167 State adoption information center.—

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

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

HB 775

2024

276 Section 6. Section 383.51, Florida Statutes, is amended to
 277 read:

278 383.51 Confidentiality; identification of parent
 279 surrendering ~~leaving newborn infant at hospital, emergency~~
 280 ~~medical services station, or fire station.~~—The identity of a
 281 parent who surrenders an ~~leaves a newborn infant at a hospital,~~
 282 ~~emergency medical services station, or fire station~~ in
 283 accordance with s. 383.50 is confidential and exempt from s.
 284 119.07(1) and s. 24(a), Art. I of the State Constitution. The
 285 identity of a parent surrendering an infant ~~leaving a child~~
 286 shall be disclosed to a person claiming to be a parent of the
 287 ~~newborn~~ infant.

288 Section 7. Section 827.035, Florida Statutes, is amended
 289 to read:

290 827.035 ~~Newborn~~ Infants.—It does ~~shall~~ not constitute
 291 neglect of a child pursuant to s. 827.03 or contributing to the
 292 dependency of a child pursuant to s. 827.04, if a parent
 293 surrenders an ~~leaves a newborn infant in accordance at a~~
 294 ~~hospital, emergency medical services station, or fire station or~~
 295 ~~brings a newborn infant to an emergency room and expresses an~~
 296 ~~intent to leave the infant and not return, in compliance~~ with s.
 297 383.50.

298 Section 8. Subsection (3) of section 827.10, Florida
 299 Statutes, is amended to read:

300 827.10 Unlawful desertion of a child.—

HB 775

2024

301 (3) This section does not apply to a person who surrenders
302 an ~~a newborn~~ infant in accordance ~~compliance~~ with s. 383.50.
303 Section 9. This act shall take effect July 1, 2024.