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CS/HB 775

2024 Legislature

1  
 2 An act relating to surrendered infants; amending s.  
 3 383.50, F.S.; changing the term "newborn infant" to  
 4 "infant"; increasing the age at which a child is  
 5 considered an infant; authorizing a parent to leave an  
 6 infant with medical staff or a licensed health care  
 7 professional at a hospital after the delivery of the  
 8 infant if the parent provides certain notification;  
 9 authorizing a parent to surrender an infant by calling  
 10 911 to request that an emergency medical services  
 11 provider meet the surrendering parent at a specified  
 12 location; requiring the surrendering parent to stay  
 13 with the infant until the emergency medical services  
 14 provider arrives to take custody of the infant;  
 15 amending ss. 39.01, 39.201, 63.0423, 63.167, 383.51,  
 16 827.035, and 827.10, F.S.; conforming provisions to  
 17 changes made by the act; providing an effective date.

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

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

23 383.50 Treatment of surrendered ~~newborn~~ infant.—

24 (1) As used in this section, the term "~~newborn~~ infant"  
 25 means a child who a licensed physician reasonably believes is

ENROLLED

CS/HB 775

2024 Legislature

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

ENROLLED

CS/HB 775

2024 Legislature

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~~

ENROLLED

CS/HB 775

2024 Legislature

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

ENROLLED

CS/HB 775

2024 Legislature

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 Children and Families takes physical custody of the infant  
 121 ~~child~~.

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

ENROLLED

CS/HB 775

2024 Legislature

126 parent must stay with the infant until the emergency medical  
 127 services provider arrives to take custody of the infant.

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

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

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

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

ENROLLED

CS/HB 775

2024 Legislature

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

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

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

ENROLLED

CS/HB 775

2024 Legislature

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

188 Section 3. Paragraph (e) of subsection (3) of section  
 189 39.201, Florida Statutes, is amended to read:

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

194 (3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

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

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

198 2.a. A report may not be considered a report of child  
 199 abuse, abandonment, or neglect solely because the infant has  
 200 been left at a hospital, emergency medical services station, or



ENROLLED

CS/HB 775

2024 Legislature

201 fire station under s. 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 left at a hospital, emergency medical services  
 206 station, or fire station, the central abuse hotline must provide  
 207 to the person making the report the name of an eligible licensed  
 208 child-placing agency that is required to accept physical custody  
 209 of and to place surrendered ~~newborn~~ infants. The department  
 210 shall provide names of eligible licensed child-placing agencies  
 211 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 left at a hospital, emergency medical  
 215 services station, or fire station, the report must be considered  
 216 as a report of child abuse, abandonment, or neglect and,  
 217 notwithstanding chapter 383, is subject to s. 39.395 and all  
 218 other relevant provisions of this chapter.

219 Section 4. Subsections (4) and (10) of section 63.0423,  
 220 Florida Statutes, are amended to read:

221 63.0423 Procedures with respect to surrendered infants.—

222 (4) The parent who surrenders the infant in accordance  
 223 with s. 383.50 is presumed to have consented to termination of  
 224 parental rights, and express consent is not required. Except  
 225 when there is actual or suspected child abuse or neglect, the

ENROLLED

CS/HB 775

2024 Legislature

226 licensed child-placing agency may ~~shall~~ not attempt to pursue,  
 227 search for, or notify that parent as provided in s. 63.088 and  
 228 chapter 49. For purposes of s. 383.50 and this section, an  
 229 infant who tests positive for illegal drugs, narcotic  
 230 prescription drugs, alcohol, or other substances, but shows no  
 231 other signs of child abuse or neglect, shall be placed in the  
 232 custody of a licensed child-placing agency. Such a placement  
 233 does not eliminate the reporting requirement under s. 383.50(7).  
 234 When the department is contacted regarding an infant properly  
 235 surrendered under this section and s. 383.50, the department  
 236 shall provide instruction to contact a licensed child-placing  
 237 agency and may not take custody of the infant unless reasonable  
 238 efforts to contact a licensed child-placing agency to accept the  
 239 infant have not been successful.

240 (10) Except to the extent expressly provided in this  
 241 section, proceedings initiated by a licensed child-placing  
 242 agency for the termination of parental rights and subsequent  
 243 adoption of an infant ~~a newborn~~ left at a hospital, emergency  
 244 medical services station, or fire station in accordance with s.  
 245 383.50 shall be conducted pursuant to this chapter.

246 Section 5. Paragraph (f) of subsection (2) of section  
 247 63.167, Florida Statutes, is amended to read:

248 63.167 State adoption information center.—

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

ENROLLED

CS/HB 775

2024 Legislature

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

257 Section 6. Section 383.51, Florida Statutes, is amended to  
 258 read:

259 383.51 Confidentiality; identification of parent leaving  
 260 ~~newborn~~ infant at hospital, emergency medical services station,  
 261 or fire station.—The identity of a parent who leaves an a  
 262 ~~newborn~~ infant at a hospital, emergency medical services  
 263 station, or fire station in accordance with s. 383.50 is  
 264 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 265 of the State Constitution. The identity of a parent leaving a  
 266 child shall be disclosed to a person claiming to be a parent of  
 267 the ~~newborn~~ infant.

268 Section 7. Section 827.035, Florida Statutes, is amended  
 269 to read:

270 827.035 ~~Newborn~~ Infants.—It does ~~shall~~ not constitute  
 271 neglect of a child pursuant to s. 827.03 or contributing to the  
 272 dependency of a child pursuant to s. 827.04, if a parent leaves  
 273 an a ~~newborn~~ infant at a hospital, emergency medical services  
 274 station, or fire station or brings an a ~~newborn~~ infant to an  
 275 emergency room and expresses an intent to leave the infant and

ENROLLED

CS/HB 775

2024 Legislature

276 | not return, in compliance with s. 383.50.

277 |       Section 8. Subsection (3) of section 827.10, Florida  
278 | Statutes, is amended to read:

279 |       827.10 Unlawful desertion of a child.—

280 |       (3) This section does not apply to a person who surrenders  
281 | an ~~a newborn~~ infant in compliance with s. 383.50.

282 |       Section 9. This act shall take effect July 1, 2024.