

CHAPTER 2025-17

Committee Substitute for Committee Substitute for House Bill No. 791

An act relating to surrendered infants; amending s. 383.50, F.S.; revising the definition of the term “infant”; defining the term “infant safety device”; authorizing certain hospitals, emergency medical services stations, and fire stations to use infant safety devices to accept surrendered infants if the device meets specified criteria; requiring such hospitals, emergency medical services stations, and fire stations to monitor the inside of the device 24 hours per day and physically check and test the devices at specified intervals; providing additional requirements for certain fire stations using such devices; amending ss. 63.0423, 63.167, 383.51, and 827.035, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

383.50 Treatment of surrendered infant.—

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

(a) “Infant” means a child who a licensed physician reasonably believes is approximately 30 days old or younger at the time the child is surrendered under this section left at a hospital, an emergency medical services station, or a fire station.

(b) “Infant safety device” means a device that is installed in a supporting wall of a hospital, an emergency medical services station, or a fire station and that has an exterior point of access allowing an individual to place an infant inside and an interior point of access allowing individuals inside the building to safely retrieve the infant.

(2) There is a presumption that the parent who surrenders leaves the infant in accordance with this section intended to surrender leave the infant and consented to termination of parental rights.

(3)(a) A hospital, an emergency medical services station, or a fire station that is staffed 24 hours per day may use an infant safety device to accept surrendered infants under this section if the device is:

1. Physically part of the hospital, emergency medical services station, or fire station.

2. Temperature controlled and ventilated for the safety of infants.

3. Equipped with a dual alarm system connected to the physical location of the device which automatically triggers an alarm inside the building when an infant is placed in the device.

4. Equipped with a surveillance system that allows employees of the hospital, emergency medical services station, or fire station to monitor the inside of the device 24 hours per day.

5. Located such that the interior point of access is in an area that is conspicuous and visible to the employees of the hospital, emergency medical services station, or fire station.

(b) A hospital, an emergency medical services station, or a fire station that uses an infant safety device to accept surrendered infants shall use the device's surveillance system to monitor the inside of the infant safety device 24 hours per day and shall physically check the device at least twice daily and test the device at least weekly to ensure that the alarm system is in working order. A fire station that is staffed 24 hours per day, except when all firefighter first responders are dispatched from the fire station for an emergency, must use the dual alarm system of the infant safety device to immediately dispatch the nearest first responder to retrieve any infant left in the infant safety device.

~~(4)(3)~~ Each emergency medical services station or fire station that is staffed with full-time firefighters, emergency medical technicians, or paramedics shall accept any infant ~~surrendered to left with a firefighter, an emergency medical technician, or a paramedic, or surrendered in an infant safety 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.

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

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

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

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

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

63.0423 Procedures with respect to surrendered infants.—

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

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

(7) If a claim of parental rights of a surrendered infant is made before the judgment to terminate parental rights is entered, the circuit court may hold

the action for termination of parental rights in abeyance for a period of time not to exceed 60 days.

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

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

(9)(a) A judgment terminating parental rights to a surrendered infant pending adoption is voidable, and any later judgment of adoption of that child minor is voidable, if, upon the motion of a parent, the court finds that a person knowingly gave false information that prevented the parent from timely making known his or her desire to assume parental responsibilities toward the child minor or from exercising his or her parental rights. A motion under this subsection must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time but not later than 1 year after the entry of the judgment terminating parental rights.

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

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

(d) Within 45 days after the preliminary hearing, the 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.

Approved by the Governor April 29, 2025.

Filed in Office Secretary of State April 29, 2025.