



Committee on Health Innovation

**Tuesday, January 22, 2008
9:30 AM - 10:30 AM
Morris Hall**

**Marco Rubio
Speaker**

**Rene Garcia
Chair**



House of Representatives

Committee on Health Innovation

A G E N D A

January 22, 2008
9:30 AM - 10:30 AM
Morris Hall

- I. Opening Remarks by Chair Garcia

- II. Consideration of the following bill:
HB 71 – Small Business Health Care Insurance Assistance by Rep. Hukill

- III. Workshop on Newborn Abandonment

- IV. Closing Remarks by Chair Garcia

- V. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 71 Small Business Health Care Insurance Assistance
SPONSOR(S): Hukill
TIED BILLS: **IDEN./SIM. BILLS:** SB 190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Health Innovation</u>	_____	Quinn-Gato <i>mg</i>	Calamas <i>cc</i>
2) <u>Healthcare Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill creates a two-year pilot program in Pasco and Volusia Counties to be called "The Small Business Health Care Insurance Assistance Pilot Program." The program is designed to provide a financial incentive for small businesses to offer comprehensive, major medical health insurance to their employees. The pilot program would offer companies with more than one, but fewer than six, employees a one-time payment of \$1,000 per employee covered to help pay the premiums. Employers are required to pay at least 50 percent but less than 100 percent of the cost of coverage, and employees are required to contribute the remaining cost.

The Agency for Health Care Administration's obligation to make payments to employers is contingent upon voluntary funding by local governmental entities and matching state funds equal to the aggregate amounts provided by local governmental entities within each county. The legislation has a non-recurring general revenue impact of \$3,893,721 in Fiscal Year 2009-2010.

The effective date of the bill is July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility—The bill incentivizes small businesses and individual employees each to pay a portion of the cost of employee health insurance coverage rather than being uninsured and relying on safety net mechanisms.

Empower Families—The bill increases the opportunity for small-business employees to receive the health insurance benefits for their families.

B. EFFECT OF PROPOSED CHANGES:

CURRENT SITUATION

There are 2,582 small businesses in Pasco County that employ 2-5 employees, and 3,979 small businesses in Volusia County that employ 2-5 employees.¹ The total number of employees employed by small businesses in Pasco County is 7,799, while the total number in Volusia County is 12,081.²

Overview of the Uninsured

As of 2004, approximately 19.2 percent of Floridians under the age of 65 were uninsured, while an estimated 18 percent of Floridians under the age of 65 in Pasco County and 16 percent of Floridians under the age of 65 in Volusia County were uninsured.³

The 2004 Florida Health Insurance Study⁴ (FHIS 2004) evaluated levels of insurance coverage based on both employment status of the individual, and on the size of the firm. The study revealed that obstacles to employer-provided health insurance are greatest for the smallest firms, with the rate of uninsured employees at firms having less than five employees being 36.3 percent, versus 35.2 percent for employees at firms with five to nine employees, 31.8 percent of employees at firms with 10 to 24 employees, 22.7 percent at firms with 25 to 49 employees, and 16 percent at firms with 50 to 99 employees.⁵

Among uninsured employed adults, the reasons for lacking coverage vary. A majority (69.2 percent) report that the employer does not offer insurance. For 13.6 percent, the employer offers insurance but the employee is ineligible for coverage; for 12.7 percent, the employer offers insurance but the cost sharing for the employee is too high; and for 4.5 percent the employer offers insurance, but the employee declined coverage for other reasons.⁶

¹ Numbers obtained from the Office of Labor Market Statistics, Florida Agency for Workforce Innovation, on January 16, 2008.

² *Id.*

³ Agency for Health Care Administration; 2004 Florida Health Insurance Study; available at: http://ahca.myflorida.com/Medicaid/quality_management/mrp/Projects/fhis2004/; viewed January 16, 2008.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Cost of Insurance

The average cost of health insurance in the United States has increased by 87 percent since 2000.⁷ In 2006, premiums for family coverage increased 7.7 percent nationally.⁸ This is less than the 9.2 percent increase for 2005, but exceeds the overall inflation rate, which was 3.5 percent, and the increase in workers' earnings, which was 3.8 percent.⁹

The average premium cost of single coverage for covered workers in 2006 is on average \$354 per month or \$4,242 per year, while the average cost of family coverage is \$957 per month or \$11,480 a year.¹⁰ Premiums further vary based on the type of policy workers are covered under. Preferred Provider Organizations plans have the highest enrollment and face higher average premiums for both single and family coverage than Health Maintenance Organization, Point of Service, and High Deductible Health Plans with Savings Options plans.¹¹

EFFECT OF PROPOSED CHANGES

According to the sponsor, House Bill 71 is the product of recommendations by a Citizen Advisory Committee that was commissioned by the sponsor in December 2005. The advisory committee discussed various ideas for legislation to provide support and incentives to small businesses for offering health insurance coverage to their employees.¹²

Structure of the Pilot Program

House Bill 71 creates the Small Business Health Care Insurance Assistance Pilot Program as a two-year pilot program in Pasco and Volusia Counties. The program is designed to encourage small businesses with more than one and fewer than six employees to provide full coverage of "comprehensive major medical health insurance" for employees. "Comprehensive major medical health insurance" is not defined in the bill or elsewhere in statute. The bill cross-references s. 627.6699, F.S., the "Employee Healthcare Access Act," which, among other things, promotes the availability of health insurance coverage to small employers and provides for the development and availability of a "standard health benefit plan," a "basic health benefit plan," and a "high deductible plan that meets the requirements of a health savings account plan as defined by federal law or a health reimbursement arrangement as authorized by the Internal Revenue Service" to be offered to small employers. However, the bill does not directly indicate whether the "comprehensive major medical health insurance" contemplated in the bill includes the types of plans provided for in s. 627.6699, F.S.

The program will offer a one-time "rebate" of \$1,000 per employee covered while requiring both employers and employees to contribute to the cost of the policies.¹³ Employers must pay at least 50

⁷ Henry J. Kaiser Family Foundation; "Employer Health Benefits 2006 Annual Survey;" available at: <http://www.kff.org/insurance/7527/>; viewed January 16, 2008.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* The figure for single coverage includes both the employer and employee contributions.

¹¹ *Id.*

¹² Information available at: <http://www.myhometownnews.net/index.php?id=3517>; viewed January 15, 2008. See also, <http://www.myhometownnews.net/index.php?id=3717>, <http://www.myhometownnews.net/index.php?id=7735>, and <http://www.myhometownnews.net/index.php?id=11937>; viewed January 15, 2008.

¹³ The bill specifies employees are to be counted based on the employer's Florida Unemployment Compensation Tax Form 6.

percent, but less than 100 percent, of the cost of coverage, and employees are required to pay the remaining cost.

The bill specifies that a business is eligible for the financial incentive if, at the time of applying, the business had provided and paid for such coverage for 12 consecutive months, but had not previously provided such coverage for at least six months prior to the 12-month period. Businesses may only receive the payment once. Payment will be made only if funding is voluntarily provided by local governmental entities and the state provides matching funds equal to the aggregate amounts provided by local governmental entities within each county.

The pilot program is to be administered by the Agency for Health Care Administration ("AHCA"). Applicants must apply for the payment through the agency. The bill requires AHCA to adopt rules necessary to administer and ensure accountability of the pilot program, and to enforce compliance with the requirements of the program.¹⁴ The bill also authorizes AHCA to audit businesses applying for payments to ensure compliance with eligibility requirements.

C. SECTION DIRECTORY:

Section 1. Creates law, provides legislative intent, and authorizes a two-year pilot program in Pasco and Volusia Counties called The Small Business Health Care Insurance Assistance Pilot Program.

Section 2. Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

	<u>2008-09</u>	<u>2009-10</u>
Local Matching Funds	\$ 0	\$3,608,220

2. Expenditures:

	<u>2008-09</u>	<u>2009-10</u>
AHCA (7.0 OPS Positions)	\$ 0	\$285,501
Small Business Health Insurance Rebates	<u>\$ 0</u>	<u>\$7,216,440</u>
Total Expenditures	\$ 0	\$7,501,941

General Revenue Fund	\$ 0	\$3,893,721*
Local Matching Funds	\$ 0	\$3,608,220

*All state General Revenue Funding would be non-recurring.

¹⁴ The bill directs AHCA to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S.
STORAGE NAME: h0071.HI.doc
DATE: 1/18/2008

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

	<u>2008-09</u>	<u>2009-10</u>
Local Matching Funds	\$ 0	\$3,608,220

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Eligible small businesses, that is, those with 2 to 5 employees, may apply for payment from the state of \$1,000 per employee to help pay annual health insurance premiums for their respective employees. The bill specifies the eligibility requirements and application process for the payment.

D. FISCAL COMMENTS:

Based on the data provided by the Florida Agency for Work Force Innovation, 2,582 small businesses in Pasco County employ a total of 7,799 employees, of which approximately 36.3% or 2,831 employees may be uninsured. In Volusia County there are approximately 3,979 small businesses employing a total of 12,081 employees, of which approximately 4,385 (36.3%) may be uninsured. Therefore, approximately 7,216 individuals may be eligible for the rebate if the employer meets the conditions specified in this bill, for a total rebate of \$7,216,440. Local governmental entities may provide 50% or \$3,608,220 in local matching funds.

The proposed legislation requires the Agency to review and approve applications from employers, verify the information submitted by the employers, develop rules to implement the program, set up a payment system, and perform audits as needed. The total number of applications submitted and to be reviewed by the Agency is not known. Assuming that about one-third of all small employers in each county apply to the Agency, the Agency would have to review 2,187 applications. The review of these applications should be performed by professional staff with experience in insurance coverage and auditing. The Agency would require seven additional OPS positions with associated expenses to implement this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill grants rulemaking authority to AHCA to administer the Small Business Health Care Insurance Assistance Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 71**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Health Innovation
2 Representative(s) Hukill offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 408.9095, Florida Statutes, is created
7 to read:

8 408.9095 Small Business Health Care Insurance Assistance
9 Pilot Program.--

10 (1) It is the intent of the Legislature to encourage small
11 businesses to provide health coverage to their employees.

12 (2) The Small Business Health Care Insurance Assistance
13 Pilot Program is created in Pasco County and Volusia County as a
14 pilot program for a period of 2 years to provide financial
15 incentives for small businesses that employ more than one but
16 fewer than six employees and provide health coverage to their
17 employees through health insurers licensed under chapters 624
18 and 627, health maintenance organizations licensed under part I
19 of chapter 641, prepaid limited health service organizations
20 licensed under chapter 636, prepaid health clinics licensed
21 under part II of chapter 641, or health flex plans approved
22 under this chapter.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 (a) The amount of the financial incentive shall be \$1,000
24 per each covered employee.

25 (b) A small business shall apply through the Agency for
26 Health Care Administration.

27 (c) A small business is eligible for financial incentives
28 under this section if, at the time of applying for a financial
29 incentive:

30 1. The business employs more than one but fewer than six
31 employees.

32 2. The business began providing coverage to its employees
33 on or after July 1, 2008.

34 3. The business paid for at least 50 percent but less than
35 100 percent of the cost of the coverage for its employees, and
36 the employees shared in the remainder of the cost of the
37 coverage.

38 4. Such coverage has been provided for 12 consecutive
39 months.

40 5. For at least 6 months prior to July 1, 2008, the
41 business had not paid for or provided coverage for any of its
42 employees.

43 (3) The pilot program shall be administered by the Agency
44 for Health Care Administration. The agency shall adopt any rules
45 pursuant to ss. 120.536(1) and 120.54 necessary to administer
46 and ensure accountability of the pilot program, enforce
47 compliance with the requirements of the program, and establish
48 documentation requirements for small business applicants to
49 ensure that the total number of employees employed by the small
50 business complies with the requirements of this section. The
51 agency may conduct audits of any business applying for payments
52 under the program to ensure compliance with program
53 requirements.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

85 administration of the program by the Agency for Health
86 Care Administration; requiring the agency to adopt rules;
87 providing enforcement and audit authority for the agency;
88 requiring the agency to provide financial incentives under
89 certain circumstances; providing criteria and limitations;
90 providing an effective date.

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1 A bill to be entitled
 2 An act relating to small business health care insurance
 3 assistance; providing legislative intent; establishing a
 4 pilot program in certain counties to provide rebates to
 5 small businesses providing comprehensive major medical
 6 health insurance coverage for employees; requiring
 7 employer and employee participation in certain costs;
 8 specifying the amount of the rebate; providing for
 9 additional eligibility for certain businesses; limiting
 10 authorization to provide rebates under the program
 11 pursuant to voluntary provision of funds by local
 12 governmental entities and matching state funds; providing
 13 for administration of the program by the Agency for Health
 14 Care Administration; requiring the agency to adopt rules;
 15 providing enforcement and audit authority for the agency;
 16 providing for funding of the program from local
 17 governmental agencies within the counties and matching
 18 funds from the state; providing an effective date.

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

21
 22 Section 1. (1) It is the intent of the Legislature to
 23 encourage small businesses to provide comprehensive major
 24 medical health insurance coverage to employees of the
 25 businesses.

26 (2) The Small Business Health Care Insurance Assistance
 27 Pilot Program is created in Pasco County and Volusia County as a
 28 pilot program for a period of 2 years to provide a one-time

29 rebate for small businesses that employ more than one but fewer
 30 than six employees and that provide full coverage of
 31 comprehensive major medical health insurance for such employees
 32 pursuant to s. 627.6699, Florida Statutes. The employer shall
 33 pay at least 50 percent but less than 100 percent of the cost of
 34 the coverage, and the employees must share in the remainder of
 35 the cost of the coverage.

36 (3) (a) The amount of the rebate shall be \$1,000 per each
 37 employee as reported on the business's Florida unemployment
 38 compensation tax form 6.

39 (b) A small business must apply through the Agency for
 40 Health Care Administration.

41 (c) A business is eligible for the rebate under this
 42 section if, at the time of applying for a rebate under the pilot
 43 program, the business had provided and paid for such coverage
 44 for 12 consecutive months but had not provided and paid for such
 45 coverage for at least 6 months prior to the 12-month period. The
 46 business may receive the rebate only one time.

47 (d) Pursuant to subsection (5), the agency shall only
 48 provide rebates to eligible businesses if funding is voluntarily
 49 provided by local governmental entities and matching funds are
 50 provided by the state.

51 (4) The pilot program shall be administered by the Agency
 52 for Health Care Administration. The agency shall adopt any rules
 53 pursuant to ss. 120.536(1) and 120.54, Florida Statutes,
 54 necessary to administer and ensure accountability of the pilot
 55 program and enforce compliance with the requirements of the
 56 program. The agency may conduct audits of any business applying

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57 for rebates under the program to ensure compliance with program
58 requirements.

59 (5) Any funding for the pilot program shall be voluntarily
60 provided by local governmental entities within Pasco County and
61 Volusia County. The state shall provide matching funds for the
62 program equal to the aggregate amounts provided by local
63 governmental entities within each county.

64 Section 2. This act shall take effect July 1, 2008.

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to newborn abandonment; increasing the age
 3 by which a newborn may be abandoned; providing an
 4 effective date.

5
 6 Be It Enacted by the Legislature of the State of Florida:

7
 8 Section 1. Section 383.50, Florida Statutes, is amended to
 9 read:

10 383.50 Treatment of abandoned newborn infant.--

11 (1) As used in this section, the term "newborn infant"
 12 means a child that a licensed physician reasonably believes to
 13 be approximately 73 days old or younger at the time the child is
 14 left at a hospital, emergency medical services station, or fire
 15 station.

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

20 (3) Each emergency medical services station or fire
 21 station staffed with full-time firefighters, emergency medical
 22 technicians, or paramedics shall accept any newborn infant left
 23 with a firefighter, emergency medical technician, or paramedic.
 24 The firefighter, emergency medical technician, or paramedic
 25 shall consider these actions as implied consent to and shall:

26 (a) Provide emergency medical services to the newborn
 27 infant to the extent he or she is trained to provide those
 28 services, and

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

32
 33 A licensee as defined in s. 401.23, a fire department, or an
 34 employee or agent of a licensee or fire department may treat and
 35 transport a newborn infant pursuant to this section. If a
 36 newborn infant is placed in the physical custody of an employee
 37 or agent of a licensee or fire department, such placement shall
 38 be considered implied consent for treatment and transport. A
 39 licensee, a fire department, or an employee or agent of a
 40 licensee or fire department is immune from criminal or civil
 41 liability for acting in good faith pursuant to this section.
 42 Nothing in this subsection limits liability for negligence.

43 (4) Each hospital of this state subject to s. 395.1041
 44 shall, and any other hospital may, admit and provide all
 45 necessary emergency services and care, as defined in s.
 46 395.002(9), to any newborn infant left with the hospital in
 47 accordance with this section. The hospital or any of its
 48 licensed health care professionals shall consider these actions
 49 as implied consent for treatment, and a hospital accepting
 50 physical custody of a newborn infant has implied consent to
 51 perform all necessary emergency services and care. The hospital
 52 or any of its licensed health care professionals is immune from
 53 criminal or civil liability for acting in good faith in
 54 accordance with this section. Nothing in this subsection limits
 55 liability for negligence.

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56 (5) Except where there is actual or suspected child abuse
 57 or neglect, any parent who leaves a newborn infant with a
 58 firefighter, emergency medical technician, or paramedic at a
 59 fire station or emergency medical services station, or brings a
 60 newborn infant to an emergency room of a hospital and expresses
 61 an intent to leave the newborn infant and not return, has the
 62 absolute right to remain anonymous and to leave at any time and
 63 may not be pursued or followed unless the parent seeks to
 64 reclaim the newborn infant. Where an infant is born in a
 65 hospital and the mother expresses intent to leave the infant and
 66 not return, upon the mother's request, the hospital or registrar
 67 may complete the birth certificate without naming the mother.

68 (6) A parent of a newborn infant left at a hospital,
 69 emergency medical services station, or fire station under this
 70 section may claim his or her newborn infant up until the court
 71 enters a judgment terminating his or her parental rights. A
 72 claim to the newborn infant must be made to the entity having
 73 physical or legal custody of the newborn infant or to the
 74 circuit court before whom proceedings involving the newborn
 75 infant are pending.

76 (7) Upon admitting a newborn infant under this section,
 77 the hospital shall immediately contact a local licensed child-
 78 placing agency or alternatively contact the statewide central
 79 abuse hotline for the name of a licensed child-placing agency
 80 for purposes of transferring physical custody of the newborn
 81 infant. The hospital shall notify the licensed child-placing
 82 agency that a newborn infant has been left with the hospital and
 83 approximately when the licensed child-placing agency can take

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84 physical custody of the child. In cases where there is actual or
 85 suspected child abuse or neglect, the hospital or any of its
 86 licensed health care professionals shall report the actual or
 87 suspected child abuse or neglect in accordance with ss. 39.201
 88 and 395.1023 in lieu of contacting a licensed child-placing
 89 agency.

90 (8) Any newborn infant admitted to a hospital in
 91 accordance with this section is presumed eligible for coverage
 92 under Medicaid, subject to federal rules.

93 (9) A newborn infant left at a hospital, emergency medical
 94 services station, or fire station in accordance with this
 95 section shall not be deemed abandoned and subject to reporting
 96 and investigation requirements under s. 39.201 unless there is
 97 actual or suspected child abuse or until the department takes
 98 physical custody of the child.

99 (10) A criminal investigation shall not be initiated
 100 solely because a newborn infant is left at a hospital under this
 101 section unless there is actual or suspected child abuse or
 102 neglect.

103 Section 2. Section 63.0423, Florida Statutes, is amended
 104 to read:

105 63.0423 Procedures with respect to abandoned infants.--

106 (1) A licensed child-placing agency that takes physical
 107 custody of an infant abandoned at a hospital, emergency medical
 108 services station, or fire station pursuant to s. 383.50, shall
 109 assume responsibility for all medical costs and all other costs
 110 associated with the emergency services and care of the abandoned

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111 infant from the time the licensed child-placing agency takes
 112 physical custody of the abandoned infant.

113 (2) The licensed child-placing agency shall immediately
 114 seek an order from the circuit court for emergency custody of
 115 the abandoned infant. The emergency custody order shall remain
 116 in effect until the court orders preliminary approval of
 117 placement of the abandoned infant in the prospective home, at
 118 which time the prospective adoptive parents become guardians
 119 pending termination of parental rights and finalization of
 120 adoption or until the court orders otherwise. The guardianship
 121 of the prospective adoptive parents shall remain subject to the
 122 right of the licensed child-placing agency to remove the
 123 abandoned infant from the placement during the pendency of the
 124 proceedings if such removal is deemed by the licensed child-
 125 placing agency to be in the best interest of the child. The
 126 licensed child-placing agency may immediately seek to place the
 127 abandoned infant in a prospective adoptive home.

128 (3) The licensed child-placing agency that takes physical
 129 custody of the abandoned infant shall, within 24 hours
 130 thereafter, request assistance from law enforcement officials to
 131 investigate and determine, through the Missing Children
 132 Information Clearinghouse, the National Center for Missing and
 133 Exploited Children, and any other national and state resources,
 134 whether or not the abandoned infant is a missing child.

135 (4) The parent who leaves the newborn infant in accordance
 136 with s. 383.50 is presumed to have consented to termination of
 137 parental rights, and express consent is not required. Except
 138 where there is actual or suspected child abuse or neglect, the

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139 licensed child-placing agency shall not attempt to pursue,
 140 search for or notify that parent as provided for in s. 63.088
 141 and chapter 49. Within 7 days after accepting physical custody
 142 of the abandoned infant, the licensed child-placing agency shall
 143 initiate a diligent search to notify and to obtain consent from
 144 a parent whose identity is known but whose location is unknown.
 145 The diligent search must include, at a minimum, inquiries as
 146 provided for in s. 63.088. Constructive notice must also be
 147 provided pursuant to chapter 49 in the county where the infant
 148 was abandoned. If a parent is identified and located, notice of
 149 the hearing on the petition for termination of parental rights
 150 shall be provided.

151 (5) A petition for termination of parental rights under
 152 this section may not be filed until 30 days after the date the
 153 infant was abandoned in accordance with s. 383.50. A petition
 154 for termination of parental rights may not be granted until
 155 ~~consent to adoption or an affidavit of nonpaternity has been~~
 156 ~~executed by a parent of the abandoned infant as set forth in s.~~
 157 ~~63.062, a parent has failed to reclaim or claim the abandoned~~
 158 ~~infant within the time period specified in s. 383.50, or the~~
 159 ~~consent of a parent is otherwise waived by the court.~~

160 (6) A claim of parental rights of the abandoned infant
 161 must be made to the entity having legal custody of the abandoned
 162 infant or to the circuit court before which~~whom~~ proceedings
 163 involving the abandoned infant are pending. A claim of parental
 164 rights of the abandoned infant may not be made after the
 165 judgment to terminate parental rights is entered, except as
 166 otherwise provided by subsection (9).

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167 (7) If a claim of parental rights of an abandoned infant
 168 is made before the judgment to terminate parental rights is
 169 entered, the circuit court may hold the action for termination
 170 of parental rights pending subsequent adoption in abeyance for a
 171 period of time not to exceed 60 days.

172 (a) The court may order scientific testing to determine
 173 maternity or paternity at the expense of the parent claiming
 174 parental rights.

175 (b) The court shall appoint a guardian ad litem for the
 176 abandoned infant and order whatever investigation, home
 177 evaluation, and psychological evaluation are necessary to
 178 determine what is in the best interest of the abandoned infant.

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

183 (d) The court shall enter a judgment with written findings
 184 of fact and conclusions of law.

185 (8) Within 7 business days after recording the judgment,
 186 the clerk of the court shall mail a copy of the judgment to the
 187 department, the petitioner, and the persons whose consent were
 188 required, if known. The clerk shall execute a certificate of
 189 each mailing.

190 (9)(a) A judgment terminating parental rights pending
 191 adoption is voidable, and any later judgment of adoption of that
 192 minor is voidable, if, upon the motion of a birth parent, the
 193 court finds that a person knowingly gave false information that
 194 prevented the birth parent from timely making known his or her

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195 | desire to assume parental responsibilities toward the minor or
 196 | from exercising his or her parental rights. A motion under this
 197 | subsection must be filed with the court originally entering the
 198 | judgment. The motion must be filed within a reasonable time, but
 199 | not later than 1 year after the entry of the judgment
 200 | terminating parental rights.

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

212 | (c) At the preliminary hearing, the court, upon the motion
 213 | of any party or upon its own motion, may order scientific
 214 | testing to determine the paternity or maternity of the minor if
 215 | the person seeking to set aside the judgment is alleging to be
 216 | the child's birth parent but has not previously been determined
 217 | by legal proceedings or scientific testing to be the birth
 218 | parent. Upon the filing of test results establishing that
 219 | person's maternity or paternity of the abandoned infant, the
 220 | court may order visitation as it deems appropriate and in the
 221 | best interest of the child.

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222 (d) Within 45 days after the preliminary hearing, the
 223 court shall conduct a final hearing on the motion to set aside
 224 the judgment and shall enter its written order as expeditiously
 225 as possible thereafter.

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

232 Section 3. This act shall take effect July 1, 2008.