

1 A bill to be entitled
 2 An act relating to adoption; creating s. 63.0421, F.S.;
 3 providing for adoptive eligibility and preference for
 4 foster parents seeking to adopt a child after caring for
 5 the child for a specified period of time and meeting
 6 certain criteria; creating s. 63.139, F.S.; providing
 7 factors to be considered by a court in determining whether
 8 to grant an adoption petition; providing an effective
 9 date.

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

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13 Section 1. Section 63.0421, Florida Statutes, is created
 14 to read:

15 63.0421 Adoption by foster parents; preference.--

16 (1) Notwithstanding s. 63.042, any person or couple who as
 17 a foster parent or parents under chapter 409 has cared for a
 18 child for 36 months or more is eligible to adopt the child. The
 19 person or couple may apply to the adopting entity for placement
 20 of the child for adoption if:

21 (a) The child is eligible for adoption.

22 (b) The foster parent or parents have developed a bond
 23 with the child.

24 (c) The foster parent or parents have an excellent record
 25 foster parenting of the child.

26 (2) Any foster parent or parents meeting the criteria in
 27 subsection (1) and seeking to adopt the child shall be given

28 preference and first consideration by the adopting entity and
 29 the courts.

30 Section 2. Section 63.139, Florida Statutes, is created to
 31 read:

32 63.139 Adoption criteria.--

33 (1) The best interests of the child shall be paramount in
 34 determining whether an adoption petition concerning the child is
 35 granted. The decision shall be based upon the needs of the
 36 individual child and the ability of the petitioner to meet those
 37 needs.

38 (2) Factors to be considered in determining whether an
 39 adoption under this chapter is in the best interests of the
 40 child may include, but are not be limited to, the following:

41 (a) Where relevant, the factors used in determining an
 42 award of child custody under s. 61.13(3).

43 (b) The petitioner's ability to provide the child with
 44 conditions and opportunities to promote the healthy personality
 45 growth, character development, and education of the child.

46 (c) The petitioner's ability to assume responsibility for
 47 the safety, care, and support of the child, including:

48 1. The petitioner's financial resources.

49 2. Whether the petitioner's housing facilities would
 50 provide a stable environment that meets the child's needs.

51 (d) The petitioner's ability to offer a reasonably happy
 52 and secure family life with love, understanding, guidance, and
 53 companionship.

54 Section 3. This act shall take effect July 1, 2005.