

By Senator Rich

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A bill to be entitled

An act relating to adoption; amending s. 63.042, F.S.; providing that a person who is a homosexual is eligible to adopt a child under certain enumerated circumstances; requiring that certain eligibility criteria be met by clear and convincing evidence; providing that a person who is a homosexual is eligible to adopt a child if the child's parents are deceased, the person proposing to adopt the child is the guardian of the child, and certain additional specified conditions have been met; providing that certain provisions of the act apply only with respect to a petition, declaration, or will or codicil that is filed or executed on or after a certain date; providing an effective date.

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

Section 1. Subsection (3) of section 63.042, Florida Statutes, is amended to read:

63.042 Who may be adopted; who may adopt.--

(3)(a) ~~A No~~ person is not eligible to adopt under this statute ~~may adopt~~ if that person is a homosexual except as provided in paragraph (b) or paragraph(c).

(b) A person who is a homosexual is eligible to adopt if a court finds, by clear and convincing evidence, that:

1. The child has resided with the person proposing to adopt the child;

1 2. The child recognizes the person proposing to adopt
2 the child as the child's parent; and

3 3. The best interest of the child will be served by
4 approving the adoption. In determining the best interest of
5 the child, the court shall consider whether granting the child
6 permanency in the home of the person proposing to adopt the
7 child is more beneficial to the child's developmental and
8 psychological needs than maintaining the child in temporary
9 placement.

10 (c) A person who is a homosexual is eligible to adopt
11 if both parents of the child are deceased and the person
12 proposing to adopt the child is the guardian of the person of
13 the minor as the result of:

14 1. A petition that has been filed by the parent or
15 parents under s. 744.304, that names the person proposing to
16 adopt the child as the guardian of the person of the minor,
17 and that expresses the intent that the guardian be eligible to
18 adopt the child;

19 2. A declaration that has been made by both parents or
20 the last surviving parent, that meets the requirements of s.
21 744.3046, that names the person proposing to adopt the child
22 as the guardian of the person of the minor, and that expresses
23 the intent that the guardian be eligible to adopt the child;
24 or

25 3. A designation that is in the last surviving
26 parent's will, that names the person proposing to adopt the
27 child as the guardian of the person of the minor, and that
28 expresses the intent that the guardian be eligible to adopt
29 the child.

1 An expression that the person proposing to adopt the child be
2 eligible to adopt the child as required under this paragraph
3 must exist in order for this exception to apply.

4 (d) The exceptions provided in paragraph (c) apply
5 only to:

6 1. A petition that is filed under s. 744.304 by the
7 parent or parents of the minor on or after July 1, 2007, that
8 names the person proposing to adopt the child as the guardian
9 of the person of the minor, and that expresses the intent that
10 the guardian be eligible to adopt the child;

11 2. A declaration that is filed with the clerk of the
12 court on or after July 1, 2007, by both parents or the last
13 surviving parent, that meets the requirements of s. 744.3046,
14 that names the person proposing to adopt the child as the
15 guardian of the person of the minor, and that expresses the
16 intent that the guardian be eligible to adopt the child; or

17 3. A will or codicil that is executed on or after July
18 1, 2007, that names the person proposing to adopt the child as
19 the guardian of the person of the minor, and that expresses
20 the intent that the guardian be eligible to adopt the child.

21 Section 2. This act shall take effect July 1, 2007.

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24 SENATE SUMMARY

25 Provides that a person who is a homosexual is eligible to
26 adopt a child if the court makes certain findings by
27 clear and convincing evidence. Authorizes such adoption
28 if the child's parents are deceased, the person proposing
29 to adopt the child is the guardian of the child, and a
30 petition, declaration, or will or codicil meeting the
31 requirements of the act is filed on or after July 1,
2007. (See bill for details.)