

By Senator Rich

34-00166A-09

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1 A bill to be entitled
 2 An act relating to adoption; amending s. 63.042, F.S.;
 3 providing that a person who is a homosexual may adopt
 4 a child under certain circumstances; requiring that
 5 certain eligibility criteria be met by clear and
 6 convincing evidence; providing that a person who is a
 7 homosexual is eligible to adopt a child if the child's
 8 parents are deceased, the person proposing to adopt
 9 the child is the guardian of the child, and certain
 10 additional specified conditions have been met on or
 11 after a certain date; providing an effective date.

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

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

17 63.042 Who may be adopted; who may adopt.—

18 (3) Notwithstanding subsection (2), a ~~Ne~~ person may not
 19 eligible to adopt under this statute may adopt if that person is
 20 a homosexual, except pursuant to paragraph (a) or paragraph (b).

21 (a) A person who is a homosexual may adopt if a court
 22 finds, by clear and convincing evidence, that:

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

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

27 3. The best interest of the child will be served by
 28 approving the adoption. In determining the child's best
 29 interest, the court shall consider whether granting the child

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30 permanency in the home of the person proposing to adopt the
31 child is more beneficial to the child's developmental and
32 psychological needs than maintaining the child in temporary
33 placement.

34 (b) A person who is a homosexual may adopt if both parents
35 of the child are deceased and the person is the guardian of the
36 person of the minor as a result of:

37 1. A petition that has been filed by the parent or parents
38 under s. 744.304 on or after July 1, 2009, which names the
39 person proposing to adopt the child as the guardian of the
40 person of the minor and expresses intent that the guardian be
41 eligible to adopt the child;

42 2. A declaration made by both parents or the last surviving
43 parent on or after July 1, 2009, which meets the requirements of
44 s. 744.3046, names the person proposing to adopt the child as
45 the guardian of the person of the minor, and expresses intent
46 that the guardian be eligible to adopt the child; or

47 3. A designation in the last surviving parent's will or
48 codicil, executed on or after July 1, 2009, which names the
49 person proposing to adopt the child as the guardian of the
50 person of the minor and expresses intent that the guardian be
51 eligible to adopt the child.

52 Section 2. This act shall take effect July 1, 2009.