

By Senator Fasano

11-01455A-11

20111050\_\_

1                   A bill to be entitled  
2           An act relating to effects of crimes; amending s.  
3           61.075, F.S.; providing that a court may not make an  
4           equitable distribution of property in a dissolution of  
5           marriage to a party convicted of certain offenses  
6           concerning the other party; amending s. 61.08, F.S.;  
7           prohibiting persons convicted of specified crimes  
8           after a marriage from receiving alimony; creating s.  
9           732.8025, F.S.; providing that a parent who commits  
10          specified offenses against a minor child shall lose  
11          all right to the intestate succession in the child's  
12          estate and all right to administer the estate;  
13          providing for distribution of that share of the  
14          estate; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Subsection (12) is added to section 61.075,  
19 Florida Statutes, to read:

20           61.075 Equitable distribution of marital assets and  
21 liabilities.—

22           (12) The court may not make an equitable distribution of  
23 property to a party convicted of an offense involving an attempt  
24 or conspiracy to murder the other party.

25           Section 2. Subsection (1) of section 61.08, Florida  
26 Statutes, is amended to read:

27           61.08 Alimony.—

28           (1) (a) In a proceeding for dissolution of marriage, the  
29 court may grant alimony to either party, which alimony may be

11-01455A-11

20111050

30 bridge-the-gap, rehabilitative, durational, or permanent in  
31 nature or any combination of these forms of alimony.

32 (b) In any award of alimony, the court may order periodic  
33 payments or payments in lump sum or both.

34 (c) The court may consider the adultery of either spouse  
35 and the circumstances thereof in determining the amount of  
36 alimony, if any, to be awarded.

37 (d)1. A person convicted, as defined in s. 944.606, of  
38 first degree or second degree murder in violation of s. 782.04,  
39 manslaughter in violation of s. 782.07, DUI manslaughter in  
40 violation of s. 316.193(3)(c)3., BUI manslaughter in violation  
41 of s. 327.35(3)(c)3., aggravated assault in violation of s.  
42 784.021, or a substantially similar offense under the laws of  
43 another jurisdiction may not receive alimony if:

44 a. The crime results in death or creates a substantial risk  
45 of death or serious personal disfigurement, or protracted loss  
46 or impairment of the function of any bodily member or organ, of  
47 a family member of a divorcing party. For purposes of this sub-  
48 subparagraph, the term "family member" means a spouse, child,  
49 parent, sibling, aunt, uncle, niece, nephew, first cousin,  
50 grandparent, grandchild, father-in-law, mother-in-law, son-in-  
51 law, daughter-in-law, stepparent, stepchild, stepbrother,  
52 stepsister, half brother, or half sister, whether the individual  
53 is related by blood, marriage, or adoption; and

54 b. The crime was committed after the marriage.

55 2. A person convicted of an attempt or conspiracy to commit  
56 murder may not receive alimony from the person who was the  
57 intended victim of the attempt or conspiracy.

58 (e) In all dissolution actions, the court shall include

11-01455A-11

20111050\_\_

59 findings of fact relative to the factors enumerated in  
60 subsection (2) supporting an award or denial of alimony.

61 Section 3. Section 732.8025, Florida Statutes, is created  
62 to read:

63 732.8025 Parental offenses against minor child; effect on  
64 child's estate.—

65 (1) A parent who abused, abandoned, or neglected the minor  
66 child as defined in s. 39.01, committed a violation of s. 827.03  
67 against the child, or sexually abused the minor child as defined  
68 in s. 39.01 shall lose all right to the intestate succession in  
69 any part of the child's estate and all right to administer the  
70 estate of the child.

71 (2) If a parent is disqualified from taking a distributive  
72 share in the decedent's estate under this section, the  
73 decedent's estate shall be distributed as though the parent had  
74 predeceased the decedent.

75 (3) A sibling of the half blood of the decedent whose  
76 parent is disqualified may not take a distributive share in the  
77 decedent's estate.

78 Section 4. This act shall take effect July 1, 2011.