

HB 721

2011

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

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (12) is added to section 61.075,
 18 Florida Statutes, to read:

19 61.075 Equitable distribution of marital assets and
 20 liabilities.—

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

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

26 61.08 Alimony.—

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

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

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

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

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

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

53 | b. The crime was committed after the marriage.

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

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57 (e) In all dissolution actions, the court shall include
58 findings of fact relative to the factors enumerated in
59 subsection (2) supporting an award or denial of alimony.

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

62 732.8025 Parental offenses against minor child; effect on
63 child's estate.—

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

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

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

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