

HB 1123

2012

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.

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

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 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
 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
 45 | risk of death or serious personal disfigurement, or protracted
 46 | loss or impairment of the function of any bodily member or
 47 | organ, of a family member of a divorcing party. For purposes of
 48 | this sub-subparagraph, the term "family member" means a spouse,
 49 | child, parent, sibling, aunt, uncle, niece, nephew, first
 50 | cousin, grandparent, grandchild, father-in-law, mother-in-law,
 51 | son-in-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
 56 | commit murder may not receive alimony from the person who was

HB 1123

2012

57 the intended victim of the attempt or conspiracy.

58 (e) In all dissolution actions, the court shall include
 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, 2012.