

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 is
 10 convicted of specified offenses against a minor child
 11 shall lose all right to the intestate succession in
 12 the child's estate and all right to administer the
 13 estate; providing an exception if a court determines
 14 that the parent-child relationship was subsequently
 15 restored; providing for distribution of that share of
 16 the estate; providing an effective date.

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

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 20 Section 1. Subsection (12) is added to section 61.075,
 21 Florida Statutes, to read:

22 61.075 Equitable distribution of marital assets and
 23 liabilities.—

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

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

29 61.08 Alimony.—

30 (1) (a) In a proceeding for dissolution of marriage, the
 31 court may grant alimony to either party, which alimony may be
 32 bridge-the-gap, rehabilitative, durational, or permanent in
 33 nature or any combination of these forms of alimony.

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

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

39 (d)1. A person convicted, as defined in s. 944.606, of
 40 first degree or second degree murder in violation of s. 782.04,
 41 manslaughter in violation of s. 782.07, DUI manslaughter in
 42 violation of s. 316.193(3)(c)3., BUI manslaughter in violation
 43 of s. 327.35(3)(c)3., aggravated assault in violation of s.
 44 784.021, or a substantially similar offense under the laws of
 45 another jurisdiction may not receive alimony if:

46 a. The crime results in death or creates a substantial
 47 risk of death or serious personal disfigurement, or protracted
 48 loss or impairment of the function of any bodily member or
 49 organ, of a family member of a divorcing party. For purposes of
 50 this sub-subparagraph, the term "family member" means a spouse,
 51 child, parent, or sibling, whether the individual is related by
 52 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 is convicted of abusing, abandoning, or
65 neglecting a minor child as defined in s. 39.01, committing a
66 violation of s. 827.03 against the child, or sexually abusing
67 the minor child as defined in s. 39.01 shall lose all right to
68 the intestate succession in any part of the child's estate and
69 all right to administer the estate of the child, unless a court
70 determines that the parent and child had subsequently reconciled
71 and the parent-child relationship was restored.

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

76 Section 4. This act shall take effect July 1, 2012.