

By the Committee on Judiciary; and Senator Fasano

590-03627-12

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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; defining the
9 term "family member"; creating s. 732.8025, F.S.;
10 providing that a parent who is convicted of specified
11 offenses against a minor child loses all right to the
12 intestate succession in the child's estate and all
13 right to administer the estate; providing an exception
14 if a court determines that the parent-child
15 relationship was subsequently restored; providing for
16 distribution of that share of the estate; providing an
17 effective date.

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

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

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

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

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

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30 61.08 Alimony.—

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

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

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

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

47 a. The crime results in death or creates a substantial risk
48 of death or serious personal disfigurement, or protracted loss
49 or impairment of the function of any bodily member or organ, of
50 a family member of a divorcing party. For purposes of this sub-
51 subparagraph, the term "family member" means a spouse, child,
52 parent, or sibling, whether the individual is related by blood,
53 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

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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 is convicted of abusing, abandoning, or
66 neglecting a minor child as defined in s. 39.01, committing a
67 violation of s. 827.03 against the child, or sexually abusing
68 the minor child as defined in s. 39.01, shall lose all right to
69 the intestate succession in any part of the child's estate and
70 all rights to administer the estate of the child, unless a court
71 determines that the parent and child had subsequently reconciled
72 and the parent-child relationship was restored.

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

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