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1 A bill to be entitled
2 An act relating to change of name; amending s. 68.07,
3 F.S.; requiring that a person filing a petition for
4 change of name have fingerprints submitted for a state
5 and national criminal history records check before the
6 court hearing on the petition; providing an exception
7 to such requirement; providing procedures for the
8 taking and submission of fingerprints; requiring
9 submission of the results of a criminal history
10 records check to the clerk of the court; providing for
11 use of the results by the clerk of the court;
12 requiring the clerk of the court to instruct the
13 petitioner on the taking and submission of
14 fingerprints; providing for the payment of costs
15 associated with processing fingerprints and conducting
16 criminal history records checks; providing for the
17 scheduling of a hearing on a petition to restore a
18 former name and the scheduling of a hearing on a
19 petition for which a criminal history records check is
20 required; revising the content of a report of the
21 final judgment on a petition for a name change;
22 deleting duplicative provisions regarding payment of
23 costs associated with fingerprinting; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Section 68.07, Florida Statutes, is amended to
29 read:

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30 68.07 Change of name.—

31 (1) Chancery courts have jurisdiction to change the name of
32 any person residing in this state on petition of the person
33 filed in the county in which he or she resides.

34 (2) (a) Before the court hearing on a petition for a name
35 change, the petitioner must have fingerprints submitted for a
36 state and national criminal history records check, ~~The petition~~
37 shall include a set of the petitioner's fingerprints taken by a
38 law enforcement agency except if where a former name is being
39 restored. Fingerprints for the petitioner shall be taken in a
40 manner approved by the Department of Law Enforcement and shall
41 be submitted electronically to the department for state
42 processing for a criminal history records check. The department
43 shall submit the fingerprints to the Federal Bureau of
44 Investigation for national processing. The department shall
45 submit the results of the state and national records check to
46 the clerk of the court. The court shall consider the results in
47 reviewing the information contained in the petition and
48 evaluating whether to grant the petition.

49 (b) When a petition is filed which requires a criminal
50 history records check, the clerk of court shall instruct the
51 petitioner on the process for having fingerprints taken and
52 submitted, including providing information on law enforcement
53 agencies or service providers authorized to submit fingerprints
54 electronically to the Department of Law Enforcement.

55 (c) The cost of processing fingerprints and conducting the
56 state and national criminal history records check required under
57 this subsection shall be borne by the petitioner for the name
58 change or by the parent or guardian of a minor for whom a name

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59 change is being sought.

60 (3) Each petition shall ~~and~~ be verified and show:

61 (a) That the petitioner is a bona fide resident of and
62 domiciled in the county where the change of name is sought.

63 (b) If known, the date and place of birth of the
64 petitioner, the petitioner's father's name, the petitioner's
65 mother's maiden name, and where the petitioner has resided since
66 birth.

67 (c) If the petitioner is married, the name of the
68 petitioner's spouse and if the petitioner has children, the
69 names and ages of each and where they reside.

70 (d) If the petitioner's name has previously been changed
71 and when and where and by what court.

72 (e) The petitioner's occupation and where the petitioner is
73 employed and has been employed for 5 years next preceding the
74 filing of the petition. If the petitioner owns and operates a
75 business, the name and place of it shall be stated and the
76 petitioner's connection therewith and how long the petitioner
77 has been identified with that ~~said~~ business. If the petitioner
78 is in a profession, the profession shall be stated, where the
79 petitioner has practiced the profession, and if a graduate of a
80 school or schools, the name or names thereof, date ~~time~~ of
81 graduation, and degrees received.

82 (f) Whether the petitioner has been generally known or
83 called by any other names and if so, by what names and where.

84 (g) Whether the petitioner has ever been adjudicated a
85 bankrupt and if so, where and when.

86 (h) Whether the petitioner has ever been arrested for or
87 charged with, pled guilty or nolo contendere to, or been found

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88 to have committed a criminal offense, regardless of
89 adjudication, and if so, when and where.

90 (i) Whether any money judgment has ever been entered
91 against the petitioner and if so, the name of the judgment
92 creditor, the amount and date thereof, the court by which
93 entered, and whether the judgment has been satisfied.

94 (j) That the petition is filed for no ulterior or illegal
95 purpose and granting it will not in any manner invade the
96 property rights of others, whether partnership, patent, good
97 will, privacy, trademark, or otherwise.

98 (k) That the petitioner's civil rights have never been
99 suspended, ~~or,~~ if the petitioner's civil rights have been
100 suspended, that full restoration of civil rights has occurred.

101 ~~(4)-(3)~~ The hearing on a the petition for restoring a former
102 name may be held immediately after it is filed. The hearing on
103 any other petition for a name change may be held immediately
104 after the clerk receives the results of the criminal history
105 records check.

106 ~~(5)-(4)~~ On filing the final judgment, the clerk of the court
107 shall, if the birth occurred in this state, send a report of the
108 judgment to the Office of Vital Statistics of the Department of
109 Health on a form to be furnished by the department. The form
110 must ~~shall~~ contain sufficient information to identify the
111 original birth certificate of the person, the new name, and the
112 file number of the judgment. This report shall be filed by the
113 department with respect to a person born in this state and shall
114 become a part of the vital statistics of this state. With
115 respect to a person born in another state, the clerk of the
116 court shall provide the petitioner with a certified copy of the

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117 final judgment.

118 (6)~~(5)~~ The clerk of the court must, upon the filing of the
119 final judgment, send a report of the judgment to the Department
120 of Law Enforcement on a form to be furnished by that department.
121 The Department of Law Enforcement must send a copy of the report
122 to the Department of Highway Safety and Motor Vehicles, which
123 may be delivered by electronic transmission. The report must
124 contain sufficient information to identify the petitioner,
125 including the results of the criminal history records check if
126 applicable ~~a set of the petitioner's fingerprints taken by a law~~
127 ~~enforcement agency~~, the new name of the petitioner, and the file
128 number of the judgment. Any information retained by the
129 Department of Law Enforcement and the Department of Highway
130 Safety and Motor Vehicles may be revised or supplemented by said
131 departments to reflect changes made by the final judgment. With
132 respect to a person convicted of a felony in another state or of
133 a federal offense, the Department of Law Enforcement must send
134 the report to the respective state's office of law enforcement
135 records or to the office of the Federal Bureau of Investigation.
136 The Department of Law Enforcement may forward the report to any
137 other law enforcement agency it believes may retain information
138 related to the petitioner. ~~Any costs associated with~~
139 ~~fingerprinting must be paid by the petitioner.~~

140 (7)~~(6)~~ A husband and wife and minor children may join in
141 one petition for change of name and the petition must ~~shall~~ show
142 the facts required of a petitioner as to the husband and wife
143 and the names of the minor children may be changed at the
144 discretion of the court.

145 (8)~~(7)~~ When only one parent petitions for a change of name

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146 of a minor child, process shall be served on the other parent
147 and proof of such service shall be filed in the cause; ~~provided,~~
148 however, if ~~that~~ where the other parent is a nonresident,
149 constructive notice of the petition may be given pursuant to
150 chapter 49, and proof of publication shall be filed in the cause
151 without the necessity of recordation.

152 (9) ~~(8)~~ This section does not apply ~~Nothing herein applies~~
153 to any change of name in proceedings for dissolution of marriage
154 or for adoption of children.

155 Section 2. This act shall take effect October 1, 2009.