

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2482

SPONSOR: Judiciary committee and Senator Dockery

SUBJECT: Name Change Petitions

DATE: April 21, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Greenbaum</u>	<u>Roberts</u>	<u>JU</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>ACJ</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This CS increases the amount of criminal history information to be provided to Florida Department of Law Enforcement (FDLE) when a person petitions to change his or her name. This CS requires that a set of the petitioner's fingerprints made by a law enforcement agency be submitted with the petition. This CS requires the court to verify whether the petitioner has ever been charged with, pled guilty or nolo contendere to, or been found to have committed any criminal offense. This CS requires a set of the petitioner's fingerprints and report identifying the petitioner be sent to FDLE on every name change petition filed within the state. The cost of obtaining fingerprints is to be paid for by the petitioner. Finally, this CS requires FDLE to provide to the Department of Highway Safety and Motor Vehicles (DHSMV) a copy of each report, including the set of fingerprints, on the petitioner.

This CS substantially amends 68.07, Florida Statutes.

## II. Present Situation:

Currently, s. 68.07, F.S., provides the requirements for obtaining a name change, including the requirements of the petitioner's affidavit. The forms required may be picked up from any county courthouse. The generic forms approved by the Florida Supreme Court can also be found on-line at [www.flcourts.org](http://www.flcourts.org). There is no requirement for submittal of a set of fingerprints by the petitioner.

Section 68.07(2)(h), F.S., currently requires verification by the court of whether or not the petitioner is a convicted felon. This is done when a petitioner indicates on the petition form that he or she has been a convicted felon and such information is sent to the FDLE for verification.

Section 68.07(5), F.S., currently requires the Clerk of the Court to notify FDLE of every convicted felon that has his or her name changed. The statute currently requires sufficient information to identify the original criminal record of the petitioner, the new name of the petitioner, and the file number of the petitioner. If the petitioner was convicted in another state, FDLE must notify that state or the Federal Bureau of Investigation.

The staff of the House of Representatives surveyed Clerks' of Court regarding the procedures for verifying information in a name change petition.<sup>1</sup>The Clerks surveyed reported that they accept the signed and notarized affidavit from a petitioner as fact. No further investigation is done to verify any of the information on the affidavit, including whether or not the petitioner has a criminal history. All of the counties contacted indicated that the judge is given a packet, which includes the petitioner's affidavit. The judge reviews it and signs off on it if the paperwork is in order. No formal hearings are held.

### **III. Effect of Proposed Changes:**

This CS expands the reporting requirements of petitioners for a name change to require the petitioner provide information to show whether he or she has ever been charged with, pled guilty or nolo contendere to, or been found to have committed any criminal offense. The bill expands the amount of information reported to FDLE from that provided from admitted convicted felons to anyone who petitions to have their name changed within the state. This CS also requires that the petitioner submit a set of fingerprints made by a law enforcement agency with the petition.

This CS also requires a set of the petitioner's fingerprints and a report identifying the petitioner, be sent to FDLE on every name change petition filed within the state. The cost of having law enforcement take a set of fingerprints is to be paid for by the petitioner. This CS requires FDLE to copy the DHSMV electronically with the reports, including the set of fingerprints, provided on those who petition for a name change.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>1</sup> See House of Representative Staff Analysis of HB 1875 (2003) at 2. The House staff indicated it had contacted the Clerks of the Court for Escambia, Leon, Duval, Volusia, Hillsborough, and Miami-Dade counties.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Petitioners will have to pay for a set of fingerprints to be taken by a law enforcement agency for the purpose of obtaining a name change. Petitioners will also have to provide more information on criminal offenses regardless of the severity of the offense or the final judgment rendered for the offense.

**C. Government Sector Impact:**

Additional reporting requirements are placed on Clerks of Court and the FDLE in the instances where a person petitions the court for a change in name.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.