

ENROLLED
HB 1787

2004 Legislature

A bill to be entitled

An act relating to name change petitions; amending s. 68.07, F.S.; requiring name change petitions to include a copy of the petitioner's fingerprints; authorizing the use of such information to determine certain criminal background information concerning the petitioner; providing an exception in circumstances involving the restoration of a former name; requiring the clerk of court to submit certain reports to the Department of Law Enforcement; requiring the Department of Law Enforcement to submit a copy of such reports to the Department of Highway Safety and Motor Vehicles; authorizing the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles to revise or supplement certain information retained by those departments in accordance with such reports; authorizing the Department of Law Enforcement to forward the report to other law enforcement agencies; providing that the petitioner shall bear any cost associated with fingerprinting; reenacting ss. 382.002(13) and 382.016(1)(c), F.S., relating to definitions related to vital statistics and amending certain records concerning live births, respectively, for the purpose of incorporating the amendments to s. 68.07, F.S., in references thereto; providing an effective date.

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

Section 1. Subsections (2) and (5) of section 68.07, Florida Statutes, are amended to read:

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68.07 Change of name.--

(2) The petition shall include a copy of the petitioner's fingerprints taken by a law enforcement agency except where a former name is being restored and be verified and show:

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

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

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

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

(e) Petitioner's occupation and where petitioner is employed and has been employed for 5 years next preceding filing of the petition. If petitioner owns and operates a business, the name and place of it shall be stated and petitioner's connection therewith and how long petitioner has been identified with said business. If petitioner is in a profession, the profession shall be stated, where the petitioner has practiced the profession and if a graduate of a school or schools, the name or names thereof, time of graduation, and degrees received.

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

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

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

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to have committed a criminal offense, regardless of adjudication, ~~convicted of a felony~~ and if so, when and where.

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

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

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

(5) ~~If the petitioner is a convicted felon,~~ The clerk must, upon the filing of the final judgment, send a report of the judgment to the ~~Florida~~ Department of Law Enforcement on a form to be furnished by that department. The Department of Law Enforcement must send a copy of the report to the Department of Highway Safety and Motor Vehicles, which may be delivered by electronic transmission. The report must contain sufficient information to identify the ~~original criminal record of the petitioner,~~ including a copy of the petitioner's fingerprints taken by a law enforcement agency, the new name of the petitioner, and the file number of the judgment. Any information retained by the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles may be revised or supplemented by said departments to reflect changes made by the final judgment. With respect to a person convicted of a felony in another state or of a federal offense, the ~~Florida~~ Department

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of Law Enforcement must send the report to the respective state's office of law enforcement records or to the office of the Federal Bureau of Investigation. The Department of Law Enforcement may forward the report to any other law enforcement agency it believes may retain information related to the petitioner. Any costs associated with fingerprinting must be paid by the petitioner.

Section 2. For the purpose of incorporating the amendment to section 68.07, Florida Statutes, in a reference thereto, subsection (13) of section 382.002, Florida Statutes, is reenacted to read:

382.002 Definitions.--As used in this chapter, the term:

(13) "Vital records" or "records" means certificates or reports of birth, death, fetal death, marriage, dissolution of marriage, name change filed pursuant to s. 68.07, and data related thereto.

Section 3. For the purpose of incorporating the amendment to section 68.07, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 382.016, Florida Statutes, is reenacted to read:

382.016 Amendment of records.--The department, upon receipt of the fee prescribed in s. 382.0255; documentary evidence, as specified by rule, of any misstatement, error, or omission occurring in any birth, death, or fetal death record; and an affidavit setting forth the changes to be made, shall amend or replace the original certificate as necessary.

(1) CERTIFICATE OF LIVE BIRTH AMENDMENT.--

(c) If a father's name is listed on the birth certificate, the birth certificate may only be amended to remove the father's

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name or to add a different father's name upon court order. If a change in the registrant's surname is also desired, such change must be included in the court order or the name must be changed pursuant to s. 68.07.

Section 4. This act shall take effect July 1, 2004.