

CHAMBER ACTION

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1 The Civil Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to change of name; amending s. 68.07,  
7 F.S.; requiring that a petition for a change of name  
8 include two sets of fingerprints and a processing fee;  
9 providing duties of the clerk of the court with respect to  
10 forwarding sets of fingerprints to the Department of Law  
11 Enforcement for purposes of the state and national  
12 criminal history records check and for duties following  
13 the granting of a petition; revising when hearings on  
14 certain change of name petitions may occur; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 68.07, Florida Statutes, is amended to  
20 read:

21 68.07 Change of name.--

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

25 (2) The petition must ~~shall~~ include two sets ~~a copy~~ of the  
26 petitioner's fingerprints taken by a law enforcement agency,  
27 along with the fingerprint processing fee, except where a former  
28 name is being restored. The clerk of the court shall forward one  
29 set of fingerprints to the Department of Law Enforcement for a  
30 state and national criminal history records check, the results  
31 of which shall be returned to the clerk for use by the court in  
32 determining whether to grant the petition. The fee for this  
33 processing is the fee established by s. 943.053 for the state  
34 criminal history records check plus the fee established by the  
35 Federal Bureau of Investigation for the national criminal  
36 history records check. The second set of fingerprints shall be  
37 retained by the clerk to be forwarded to the Department of Law  
38 Enforcement, along with the report of the judgment, if the  
39 petition is granted. The petition shall ~~and~~ be verified and  
40 show:

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

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

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

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

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

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

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

66 (h) Whether the petitioner has ever been arrested for or  
67 charged with, pled guilty or nolo contendere to, or been found  
68 to have committed a criminal offense, regardless of  
69 adjudication, and if so, when and where.

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

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

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

81 (3) The hearing on a the petition for restoring a former  
82 name may be immediately after it is filed. When a criminal  
83 history records check is required, the hearing on the petition  
84 may be immediately after the results are returned to the clerk.

85 (4) On filing the final judgment, the clerk shall, if the  
86 birth occurred in this state, send a report of the judgment to  
87 the Office of Vital Statistics of the Department of Health on a  
88 form to be furnished by the department. The form must ~~shall~~  
89 contain sufficient information to identify the original birth  
90 certificate of the person, the new name, and the file number of  
91 the judgment. This report shall be filed by the department with  
92 respect to a person born in this state and shall become a part  
93 of the vital statistics of this state. With respect to a person  
94 born in another state, the clerk shall provide the petitioner  
95 with a certified copy of the final judgment.

96 (5) The clerk must, upon the filing of the final judgment,  
97 send a report of the judgment to the Department of Law  
98 Enforcement on a form to be furnished by that department. The  
99 Department of Law Enforcement must send a copy of the report to  
100 the Department of Highway Safety and Motor Vehicles, which may  
101 be delivered by electronic transmission. The report must contain  
102 sufficient information to identify the petitioner, including a  
103 set copy of the petitioner's fingerprints taken by a law  
104 enforcement agency, the new name of the petitioner, and the file  
105 number of the judgment. Any information retained by the

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106 Department of Law Enforcement and the Department of Highway  
107 Safety and Motor Vehicles may be revised or supplemented by said  
108 departments to reflect changes made by the final judgment. With  
109 respect to a person convicted of a felony in another state or of  
110 a federal offense, the Department of Law Enforcement must send  
111 the report to the respective state's office of law enforcement  
112 records or to the office of the Federal Bureau of Investigation.  
113 The Department of Law Enforcement may forward the report to any  
114 other law enforcement agency it believes may retain information  
115 related to the petitioner. Any costs associated with  
116 fingerprinting must be paid by the petitioner.

117 (6) A husband and wife and minor children may join in one  
118 petition for change of name and the petition must ~~shall~~ show the  
119 facts required of a petitioner as to the husband and wife and  
120 the names of the minor children may be changed at the discretion  
121 of the court.

122 (7) When only one parent petitions for a change of name of  
123 a minor child, process shall be served on the other parent and  
124 proof of such service shall be filed in the cause; ~~provided,~~  
125 however, if ~~that where~~ the other parent is a nonresident,  
126 constructive notice of the petition may be given pursuant to  
127 chapter 49, and proof of publication shall be filed in the cause  
128 without the necessity of recordation.

129 (8) This section does not apply ~~Nothing herein applies~~ to  
130 any change of name in proceedings for dissolution of marriage or  
131 for adoption of children.

132 Section 2. This act shall take effect July 1, 2006.