

By Senator Wise

5-693-06

1 A bill to be entitled
2 An act relating to the change of a name;
3 amending s. 68.07, F.S.; requiring that the
4 petition for a change of name include two sets
5 of fingerprints and a processing fee; providing
6 duties of the clerk of the court with respect
7 to forwarding sets of fingerprints to the
8 Department of Law Enforcement for purposes of
9 the state and national criminal history records
10 check and following the granting of a petition;
11 providing an effective date.

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

15 Section 1. Section 68.07, Florida Statutes, is amended
16 to read:

17 68.07 Change of name.--

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

21 (2) The petition ~~must shall~~ include two sets ~~a copy~~ of
22 the petitioner's fingerprints taken by a law enforcement
23 agency, along with the fingerprint processing fee, except
24 where a former name is being restored. The clerk of the court
25 shall forward one set of fingerprints to the Department of Law
26 Enforcement for a state and national criminal history records
27 check, the results of which shall be returned to the clerk for
28 use by the court in determining whether to grant the petition.
29 The fee for this processing is established by s. 943.053 for
30 the state criminal records check and by the Federal Bureau of
31 Investigation for the national criminal records check. The

1 second set of fingerprints shall be retained by the clerk to
2 be forwarded to the Department of Law Enforcement, along with
3 the report of the judgement, if the petition is granted. The
4 petition shall ~~and~~ be verified and show:

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

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

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

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

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

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

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

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

1 found to have committed a criminal offense, regardless of
2 adjudication, and if so, when and where.

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

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

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

14 (3) The hearing on the petition may be immediately
15 after it is filed.

16 (4) On filing the final judgment, the clerk shall, if
17 the birth occurred in this state, send a report of the
18 judgment to the Office of Vital Statistics of the Department
19 of Health on a form to be furnished by the department. The
20 form must ~~shall~~ contain sufficient information to identify the
21 original birth certificate of the person, the new name, and
22 the file number of the judgment. This report shall be filed by
23 the department with respect to a person born in this state and
24 shall become a part of the vital statistics of this state.
25 With respect to a person born in another state, the clerk
26 shall provide the petitioner with a certified copy of the
27 final judgment.

28 (5) The clerk must, upon the filing of the final
29 judgment, send a report of the judgment to the Department of
30 Law Enforcement on a form to be furnished by that department.
31 The Department of Law Enforcement must send a copy of the

1 report to the Department of Highway Safety and Motor Vehicles,
2 which may be delivered by electronic transmission. The report
3 must contain sufficient information to identify the
4 petitioner, including a set copy of the petitioner's
5 fingerprints taken by a law enforcement agency, the new name
6 of the petitioner, and the file number of the judgment. Any
7 information retained by the Department of Law Enforcement and
8 the Department of Highway Safety and Motor Vehicles may be
9 revised or supplemented by said departments to reflect changes
10 made by the final judgment. With respect to a person convicted
11 of a felony in another state or of a federal offense, the
12 Department of Law Enforcement must send the report to the
13 respective state's office of law enforcement records or to the
14 office of the Federal Bureau of Investigation. The Department
15 of Law Enforcement may forward the report to any other law
16 enforcement agency it believes may retain information related
17 to the petitioner. Any costs associated with fingerprinting
18 must be paid by the petitioner.

19 (6) A husband and wife and minor children may join in
20 one petition for change of name and the petition must ~~shall~~
21 show the facts required of a petitioner as to the husband and
22 wife and the names of the minor children may be changed at the
23 discretion of the court.

24 (7) When only one parent petitions for a change of
25 name of a minor child, process shall be served on the other
26 parent and proof of such service shall be filed in the cause;
27 ~~provided,~~ however, if that ~~where~~ the other parent is a
28 nonresident, constructive notice of the petition may be given
29 pursuant to chapter 49, and proof of publication shall be
30 filed in the cause without the necessity of recordation.

31

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

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Requires that the change-of-name petition include two sets of fingerprints and the fingerprint-processing fee. Requires that the clerk of the court forward a set of fingerprints to the Department of Law Enforcement for purposes of the state and national criminal records check and forward a set to the department upon the court granting the petition.