

Bill No. SB 142

Barcode 663158

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Criminal Justice (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

68.07 Change of name.--

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

(2) Before the court hearing on a petition for a name change, the petitioner must submit fingerprints for a state and national criminal history records check, The petition shall include a set of the petitioner's fingerprints taken by a law enforcement agency except where a former name is being restored. Fingerprints for all name change petitioners shall be taken in a manner approved by the Department of Law Enforcement and shall be submitted electronically to the

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1 department for state processing and the Federal Bureau of
 2 Investigation for national processing for a criminal history
 3 record check. The cost of processing fingerprints and
 4 conducting this criminal history records check shall be borne
 5 by the petitioner for the name change, or the parent or
 6 guardian of a minor for whom a name change is being sought.
 7 The results of the state and national check shall be returned
 8 to the clerk of the court.

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

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

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

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

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

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

31 (f) Whether the petitioner has been generally known or

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1 called by any other names and if so, by what names and where.

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

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

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

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

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

19 ~~(4)(3)~~ The hearing on a the petition for restoring a
20 former name may be immediately after it is filed. If a
21 criminal history records check is required, the hearing on the
22 petition may be immediately after the results are returned to
23 the clerk.

24 ~~(5)(4)~~ On filing the final judgment, the clerk shall,
25 if the birth occurred in this state, send a report of the
26 judgment to the Office of Vital Statistics of the Department
27 of Health on a form to be furnished by the department. The
28 form must ~~shall~~ contain sufficient information to identify the
29 original birth certificate of the person, the new name, and
30 the file number of the judgment. This report shall be filed by
31 the department with respect to a person born in this state and

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1 shall become a part of the vital statistics of this state.
 2 With respect to a person born in another state, the clerk
 3 shall provide the petitioner with a certified copy of the
 4 final judgment.

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

27 ~~(7)(6)~~ A husband and wife and minor children may join
 28 in one petition for change of name and the petition must ~~shall~~
 29 show the facts required of a petitioner as to the husband and
 30 wife and the names of the minor children may be changed at the
 31 discretion of the court.

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1 ~~(8)(7)~~ When only one parent petitions for a change of
2 name of a minor child, process shall be served on the other
3 parent and proof of such service shall be filed in the cause;
4 ~~provided,~~ however, if ~~that where~~ the other parent is a
5 nonresident, constructive notice of the petition may be given
6 pursuant to chapter 49, and proof of publication shall be
7 filed in the cause without the necessity of recordation.

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

11 Section 2. This act shall take effect July 1, 2007.

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete everything before the enacting clause

18 and insert:

19 A bill to be entitled

20 An act relating to change of name; amending s.
21 68.07, F.S.; requiring that a person filing a
22 petition for change of name submit fingerprints
23 for a state and national criminal history
24 records check before the court hearing on the
25 petition; providing an exception to such
26 requirement; providing procedures for the
27 taking and submission of fingerprints;
28 providing for the payment of costs associated
29 with processing fingerprints and conducting
30 criminal history checks; requiring the return
31 of the results of a criminal history records

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1 check to the clerk of court; providing for the
2 scheduling of a hearing on a petition to
3 restore a former name when a criminal history
4 records check is required; providing an
5 effective date.

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