

By Senator Wise

5-173-07

1 A bill to be entitled

2 An act relating to change of name; amending s.

3 68.07, F.S.; requiring that the petition for a

4 change of name include two sets of fingerprints

5 and a processing fee; providing duties of the

6 clerk of the court with respect to forwarding

7 sets of fingerprints to the Department of Law

8 Enforcement for purposes of the state and

9 national criminal history records check and

10 following the granting of a petition; revising

11 when a hearing on a change-of-name petition may

12 occur; providing an effective date.

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

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16 Section 1. Section 68.07, Florida Statutes, is amended

17 to read:

18 68.07 Change of name.--

19 (1) Chancery courts have jurisdiction to change the

20 name of any person residing in this state on petition of the

21 person filed in the county in which he or she resides.

22 (2) The petition ~~must shall~~ include two sets ~~a set~~ of

23 the petitioner's fingerprints taken by a law enforcement

24 agency, along with the fingerprint processing fee, except

25 where a former name is being restored. The clerk of the court

26 shall forward one set of fingerprints to the Department of Law

27 Enforcement for a state and national criminal history records

28 check, the results of which shall be returned to the clerk for

29 use by the court in determining whether to grant the petition.

30 The fee for this processing is established by s. 943.053 for

31 the state criminal records check and by the Federal Bureau of

1 Investigation for the national criminal records check. The
2 second set of fingerprints shall be retained by the clerk to
3 be forwarded to the Department of Law Enforcement, along with
4 the report of the judgment, if the petition is granted. The
5 petition shall ~~and~~ be verified and show:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (7) When only one parent petitions for a change of
31 name of a minor child, process shall be served on the other

1 parent and proof of such service shall be filed in the cause;
2 ~~provided,~~ however, if that where the other parent is a
3 nonresident, constructive notice of the petition may be given
4 pursuant to chapter 49, and proof of publication shall be
5 filed in the cause without the necessity of recordation.

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

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

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SENATE SUMMARY

Requires that the petition for a change of name include two sets of fingerprints and a processing fee. Provides duties of the clerk of the court with respect to forwarding sets of fingerprints to the Department of Law Enforcement for purposes of the state and national criminal history records check and following the granting of a petition. Revises when a hearing on a change-of-name petition may occur.