

By the Committee on Criminal Justice; and Senator Wise

591-2231-07

1                                   A bill to be entitled  
 2           An act relating to change of name; amending s.  
 3           68.07, F.S.; requiring that a person filing a  
 4           petition for change of name submit fingerprints  
 5           for a state and national criminal history  
 6           records check before the court hearing on the  
 7           petition; providing an exception to such  
 8           requirement; providing procedures for the  
 9           taking and submission of fingerprints;  
 10          providing for the payment of costs associated  
 11          with processing fingerprints and conducting  
 12          criminal history checks; requiring the return  
 13          of the results of a criminal history records  
 14          check to the clerk of court; providing for the  
 15          scheduling of a hearing on a petition to  
 16          restore a former name when a criminal history  
 17          records check is required; providing an  
 18          effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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

24           68.07 Change of name.--

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

28           (2) Before the court hearing on a petition for a name  
 29 change, the petitioner must submit fingerprints for a state  
 30 and national criminal history records check. The petition  
 31 ~~shall include a set of the petitioner's fingerprints taken by~~

1 ~~a law enforcement agency~~ except where a former name is being  
2 restored. Fingerprints for all name change petitioners shall  
3 be taken in a manner approved by the Department of Law  
4 Enforcement and shall be submitted electronically to the  
5 department for state processing and the Federal Bureau of  
6 Investigation for national processing for a criminal history  
7 record check. The cost of processing fingerprints and  
8 conducting this criminal history records check shall be borne  
9 by the petitioner for the name change, or the parent or  
10 guardian of a minor for whom a name change is being sought.  
11 The results of the state and national check shall be returned  
12 to the clerk of the court.

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

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

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

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

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

25 (e) The petitioner's occupation and where the  
26 petitioner is employed and has been employed for 5 years next  
27 preceding the filing of the petition. If the petitioner owns  
28 and operates a business, the name and place of it shall be  
29 stated and the petitioner's connection therewith and how long  
30 the petitioner has been identified with ~~that said~~ business. If  
31 the petitioner is in a profession, the profession shall be

1 | stated, where the petitioner has practiced the profession and,  
2 | if a graduate of a school or schools, the name or names  
3 | thereof, date ~~time~~ of graduation, and degrees received.

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

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

8 | (h) Whether the petitioner has ever been arrested for  
9 | or charged with, pled guilty or nolo contendere to, or been  
10 | found to have committed a criminal offense, regardless of  
11 | adjudication, and if so, when and where.

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

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

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

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

28 | ~~(5)(4)~~ On filing the final judgment, the clerk shall,  
29 | if the birth occurred in this state, send a report of the  
30 | judgment to the Office of Vital Statistics of the Department  
31 | of Health on a form to be furnished by the department. The

1 form must ~~shall~~ contain sufficient information to identify the  
2 original birth certificate of the person, the new name, and  
3 the file number of the judgment. This report shall be filed by  
4 the department with respect to a person born in this state and  
5 shall become a part of the vital statistics of this state.  
6 With respect to a person born in another state, the clerk  
7 shall provide the petitioner with a certified copy of the  
8 final judgment.

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

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1           ~~(7)(6)~~ A husband and wife and minor children may join  
2 in one petition for change of name and the petition ~~must~~ shall  
3 show the facts required of a petitioner as to the husband and  
4 wife and the names of the minor children may be changed at the  
5 discretion of the court.

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

13           ~~(9)(8)~~ This section does not apply ~~Nothing herein~~  
14 ~~applies~~ to any change of name in proceedings for dissolution  
15 of marriage or for adoption of children.

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

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18                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19                                   COMMITTEE SUBSTITUTE FOR  
20                                   Senate Bill 142

- 21 - Modifies the procedures by which the fingerprints of the  
22 person petitioning for a name change submits fingerprints  
23 for a state and national history records check, the  
24 processing of the records check, and the return of the  
25 records check to the clerk of the court.  
26 - Requires the cost of processing fingerprints and  
27 conducting the records check to be borne by the  
28 petitioner or, if the petitioner is a minor, by the  
29 petitioner's parent or guardian.  
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