

A bill to be entitled

An act relating to change of name; amending s. 68.07, F.S.; requiring that a petition for a change of name include two sets of fingerprints and a processing fee; providing 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 for duties following the granting of a petition; revising when hearings on certain change of name petitions may occur; providing an effective date.

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

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) The petition must ~~shall~~ include two sets ~~a set~~ of the petitioner's fingerprints taken by a law enforcement agency, along with the fingerprint processing fee, except where a former name is being restored. The clerk of the court shall forward one set of fingerprints to the Department of Law Enforcement for a state and national criminal history records check, the results of which shall be returned to the clerk for use by the court in determining whether to grant the petition. The fee for this

29 processing is the fee established by s. 943.053 for the state
30 criminal history records check plus the fee established by the
31 Federal Bureau of Investigation for the national criminal
32 history records check. The second set of fingerprints shall be
33 retained by the clerk to be forwarded to the Department of Law
34 Enforcement, along with the report of the judgment, if the
35 petition is granted. The petition shall ~~and~~ be verified and
36 show:

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

39 (b) If known, the date and place of birth of the
40 petitioner, the petitioner's father's name, the petitioner's
41 mother's maiden name, and where the petitioner has resided since
42 birth.

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

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

48 (e) The petitioner's occupation and where the petitioner
49 is employed and has been employed for 5 years next preceding
50 filing of the petition. If the petitioner owns and operates a
51 business, the name and place of it shall be stated and the
52 petitioner's connection therewith and how long the petitioner
53 has been identified with that ~~said~~ business. If the petitioner
54 is in a profession, the profession shall be stated, where the
55 petitioner has practiced the profession and if a graduate of a

56 school or schools, the name or names thereof, time of
 57 graduation, and degrees received.

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

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

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

66 (i) Whether any money judgment has ever been entered
 67 against the petitioner and if so, the name of the judgment
 68 creditor, the amount and date thereof, the court by which
 69 entered, and whether the judgment has been satisfied.

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

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

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

82 (4) On filing the final judgment, the clerk must ~~shall~~, if
 83 the birth occurred in this state, send a report of the judgment

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

93 (5) The clerk must, upon the filing of the final judgment,
94 send a report of the judgment to the Department of Law
95 Enforcement on a form to be furnished by that department. The
96 Department of Law Enforcement must send a copy of the report to
97 the Department of Highway Safety and Motor Vehicles, which may
98 be delivered by electronic transmission. The report must contain
99 sufficient information to identify the petitioner, including a
100 set of the petitioner's fingerprints taken by a law enforcement
101 agency, the new name of the petitioner, and the file number of
102 the judgment. Any information retained by the Department of Law
103 Enforcement and the Department of Highway Safety and Motor
104 Vehicles may be revised or supplemented by said departments to
105 reflect changes made by the final judgment. With respect to a
106 person convicted of a felony in another state or of a federal
107 offense, the Department of Law Enforcement must send the report
108 to the respective state's office of law enforcement records or
109 to the office of the Federal Bureau of Investigation. The
110 Department of Law Enforcement may forward the report to any
111 other law enforcement agency it believes may retain information

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112 related to the petitioner. Any costs associated with
113 fingerprinting must be paid by the petitioner.

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

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

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

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