

By Senator Wise

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1 A bill to be entitled

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

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 68.07, Florida Statutes, is amended to
19 read:

20 68.07 Change of name.--

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

24 (2) Before the court hearing on a petition for a name
25 change, the petitioner must submit fingerprints for a state and
26 national criminal history records check, ~~The petition shall~~
27 include a set of the petitioner's fingerprints taken by a law
28 enforcement agency except where a former name is being restored.
29 Fingerprints for all name change petitioners shall be taken in a

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30 manner approved by the Department of Law Enforcement and shall be
31 submitted electronically to the department for state processing
32 and to the Federal Bureau of Investigation for national
33 processing for a criminal history record check. The cost of
34 processing fingerprints and conducting this criminal history
35 records check shall be borne by the petitioner for the name
36 change or by the parent or guardian of a minor for whom a name
37 change is being sought. The results of the state and national
38 check shall be returned to the clerk of the court.

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

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

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

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

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

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

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59 | school or schools, the name or names thereof, date ~~time~~ of
60 | graduation, and degrees received.

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

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

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

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

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

77 | (k) That the petitioner's civil rights have never been
78 | suspended, ~~or,~~ if the petitioner's civil rights have been
79 | suspended, that full restoration of civil rights has occurred.

80 | ~~(4)-(3)~~ The hearing on a ~~the~~ petition for restoring a former
81 | name may be immediately after it is filed. If a criminal history
82 | records check is required, the hearing on the petition may be
83 | immediately after the results are returned to the clerk.

84 | ~~(5)-(4)~~ On filing the final judgment, the clerk shall, if
85 | the birth occurred in this state, send a report of the judgment
86 | to the Office of Vital Statistics of the Department of Health on
87 | a form to be furnished by the department. The form must ~~shall~~

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88 contain sufficient information to identify the original birth
89 certificate of the person, the new name, and the file number of
90 the judgment. This report shall be filed by the department with
91 respect to a person born in this state and shall become a part of
92 the vital statistics of this state. With respect to a person
93 born in another state, the clerk shall provide the petitioner
94 with a certified copy of the final judgment.

95 (6)~~(5)~~ The clerk must, upon the filing of the final
96 judgment, send a report of the judgment to the Department of Law
97 Enforcement on a form to be furnished by that department. The
98 Department of Law Enforcement must send a copy of the report to
99 the Department of Highway Safety and Motor Vehicles, which may be
100 delivered by electronic transmission. The report must contain
101 sufficient information to identify the petitioner, including a
102 set of the petitioner's fingerprints taken by a law enforcement
103 agency, the new name of the petitioner, and the file number of
104 the judgment. Any information retained by the Department of Law
105 Enforcement and the Department of Highway Safety and Motor
106 Vehicles may be revised or supplemented by said departments to
107 reflect changes made by the final judgment. With respect to a
108 person convicted of a felony in another state or of a federal
109 offense, the Department of Law Enforcement must send the report
110 to the respective state's office of law enforcement records or to
111 the office of the Federal Bureau of Investigation. The Department
112 of Law Enforcement may forward the report to any other law
113 enforcement agency it believes may retain information related to
114 the petitioner. Any costs associated with fingerprinting must be
115 paid by the petitioner.

116 (7)~~(6)~~ A husband and wife and minor children may join in

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117 | one petition for change of name and the petition must ~~shall~~ show
118 | the facts required of a petitioner as to the husband and wife and
119 | the names of the minor children may be changed at the discretion
120 | of the court.

121 | (8)~~(7)~~ When only one parent petitions for a change of name
122 | of a minor child, process shall be served on the other parent and
123 | proof of such service shall be filed in the cause; ~~provided,~~
124 | however, if ~~that where~~ the other parent is a nonresident,
125 | constructive notice of the petition may be given pursuant to
126 | chapter 49, and proof of publication shall be filed in the cause
127 | without the necessity of recordation.

128 | (9)~~(8)~~ This section does not apply ~~Nothing herein applies~~
129 | to any change of name in proceedings for dissolution of marriage
130 | or for adoption of children.

131 | Section 2. This act shall take effect July 1, 2008.