

HB 365

2008

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 records checks; requiring the return of  
11    the results of a criminal history records check to the  
12    clerk of court; providing for the scheduling of a hearing  
13    on a petition to restore a former name when a criminal  
14    history records check is required; providing an effective  
15    date.

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

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

21           68.07 Change of name.--

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

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

29 ~~enforcement agency~~ except where a former name is being restored.  
 30 Fingerprints for all name change petitioners shall be taken in a  
 31 manner approved by the Department of Law Enforcement and shall  
 32 be submitted electronically to the department for state  
 33 processing and to the Federal Bureau of Investigation for  
 34 national processing for a criminal history records check. The  
 35 cost of processing fingerprints and conducting this criminal  
 36 history records check shall be borne by the petitioner for the  
 37 name change or by the parent or guardian of a minor for whom a  
 38 name change is being sought. The results of the state and  
 39 national criminal history records check shall be returned to the  
 40 clerk of the court.

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

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

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

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

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

53 (e) The petitioner's occupation and where the petitioner  
 54 is employed and has been employed for 5 years next preceding the  
 55 filing of the petition. If the petitioner owns and operates a  
 56 business, the name and place of it shall be stated and the

57 petitioner's connection therewith and how long the petitioner  
58 has been identified with that ~~said~~ business. If the petitioner  
59 is in a profession, the profession shall be stated, where the  
60 petitioner has practiced the profession and, if a graduate of a  
61 school or schools, the name or names thereof, date ~~time~~ of  
62 graduation, and degrees received.

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

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

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

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

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

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

82 ~~(4)-(3)~~ The hearing on a the petition for restoring a  
83 former name may be held immediately after the petition ~~it~~ is  
84 filed. If a criminal history records check is required, the

85 hearing on the petition may be held immediately after the  
86 results are returned to the clerk.

87 (5)~~(4)~~ On filing the final judgment, the clerk shall, if  
88 the birth occurred in this state, send a report of the judgment  
89 to the Office of Vital Statistics of the Department of Health on  
90 a form to be furnished by the department. The form shall contain  
91 sufficient information to identify the original birth  
92 certificate of the person, the new name, and the file number of  
93 the judgment. This report shall be filed by the department with  
94 respect to a person born in this state and shall become a part  
95 of the vital statistics of this state. With respect to a person  
96 born in another state, the clerk shall provide the petitioner  
97 with a certified copy of the final judgment.

98 (6)~~(5)~~ The clerk must, upon the filing of the final  
99 judgment, send a report of the judgment to the Department of Law  
100 Enforcement on a form to be furnished by that department. The  
101 Department of Law Enforcement must send a copy of the report to  
102 the Department of Highway Safety and Motor Vehicles, which may  
103 be delivered by electronic transmission. The report must contain  
104 sufficient information to identify the petitioner, including a  
105 set of the petitioner's fingerprints taken by a law enforcement  
106 agency, the new name of the petitioner, and the file number of  
107 the judgment. Any information retained by the Department of Law  
108 Enforcement and the Department of Highway Safety and Motor  
109 Vehicles may be revised or supplemented by those ~~said~~  
110 departments to reflect changes made by the final judgment. With  
111 respect to a person convicted of a felony in another state or of  
112 a federal offense, the Department of Law Enforcement must send

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113 the report to the respective state's office of law enforcement  
114 records or to the office of the Federal Bureau of Investigation.  
115 The Department of Law Enforcement may forward the report to any  
116 other law enforcement agency it believes may retain information  
117 related to the petitioner. Any costs associated with  
118 fingerprinting must be paid by the petitioner.

119 (7)~~(6)~~ A husband and wife and minor children may join in  
120 one petition for change of name and the petition must ~~shall~~ show  
121 the facts required of a petitioner as to the husband and wife  
122 and the names of the minor children may be changed at the  
123 discretion of the court.

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

131 (9)~~(8)~~ This section does not apply ~~Nothing herein applies~~  
132 to any change of name in proceedings for dissolution of marriage  
133 or for adoption of children.

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