

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Nelson offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 17 and 18, insert:

5 Section 1. Section 68.07, Florida Statutes, is amended to
6 read:

7 68.07 Change of name.--

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

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

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17 manner approved by the Department of Law Enforcement and shall
18 be submitted electronically to the department for state
19 processing and to the Federal Bureau of Investigation for
20 national processing for a criminal history records check. The
21 cost of processing fingerprints and conducting this criminal
22 history records check shall be borne by the petitioner for the
23 name change or by the parent or guardian of a minor for whom a
24 name change is being sought. The results of the state and
25 national criminal history records check shall be returned to the
26 clerk of the court.

27 (3) Each petition shall and be verified and show:

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

30 (b) If known, the date and place of birth of the
31 petitioner, the petitioner's father's name, the petitioner's
32 mother's maiden name, and where the petitioner has resided since
33 birth.

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

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

39 (e) The petitioner's occupation and where the petitioner
40 is employed and has been employed for 5 years next preceding the
41 filing of the petition. If the petitioner owns and operates a
42 business, the name and place of it shall be stated and the
43 petitioner's connection therewith and how long the petitioner
44 has been identified with that ~~said~~ business. If the petitioner

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45 is in a profession, the profession shall be stated, where the
46 petitioner has practiced the profession and, if a graduate of a
47 school or schools, the name or names thereof, date ~~time~~ of
48 graduation, and degrees received.

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

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

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

57 (i) Whether any money judgment has ever been entered
58 against the petitioner and, if so, the name of the judgment
59 creditor, the amount and date thereof, the court by which
60 entered, and whether the judgment has been satisfied.

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

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

68 ~~(4)-(3)~~ The hearing on a the petition for restoring a
69 former name may be held immediately after the petition ~~it~~ is
70 filed. If a criminal history records check is required, the
71 hearing on the petition may be held immediately after the
72 results are returned to the clerk.

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73 (5)~~(4)~~ On filing the final judgment, the clerk shall, if
74 the birth occurred in this state, send a report of the judgment
75 to the Office of Vital Statistics of the Department of Health on
76 a form to be furnished by the department. The form shall contain
77 sufficient information to identify the original birth
78 certificate of the person, the new name, and the file number of
79 the judgment. This report shall be filed by the department with
80 respect to a person born in this state and shall become a part
81 of the vital statistics of this state. With respect to a person
82 born in another state, the clerk shall provide the petitioner
83 with a certified copy of the final judgment.

84 (6)~~(5)~~ The clerk must, upon the filing of the final
85 judgment, send a report of the judgment to the Department of Law
86 Enforcement on a form to be furnished by that department. The
87 Department of Law Enforcement must send a copy of the report to
88 the Department of Highway Safety and Motor Vehicles, which may
89 be delivered by electronic transmission. The report must contain
90 sufficient information to identify the petitioner, including a
91 set of the petitioner's fingerprints taken by a law enforcement
92 agency, the new name of the petitioner, and the file number of
93 the judgment. Any information retained by the Department of Law
94 Enforcement and the Department of Highway Safety and Motor
95 Vehicles may be revised or supplemented by those ~~said~~
96 departments to reflect changes made by the final judgment. With
97 respect to a person convicted of a felony in another state or of
98 a federal offense, the Department of Law Enforcement must send
99 the report to the respective state's office of law enforcement
100 records or to the office of the Federal Bureau of Investigation.

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101 The Department of Law Enforcement may forward the report to any
102 other law enforcement agency it believes may retain information
103 related to the petitioner. Any costs associated with
104 fingerprinting must be paid by the petitioner.

105 ~~(7)-(6)~~ A husband and wife and minor children may join in
106 one petition for change of name and the petition must ~~shall~~ show
107 the facts required of a petitioner as to the husband and wife
108 and the names of the minor children may be changed at the
109 discretion of the court.

110 ~~(8)-(7)~~ When only one parent petitions for a change of name
111 of a minor child, process shall be served on the other parent
112 and proof of such service shall be filed in the cause; ~~provided,~~
113 however, if ~~that where~~ the other parent is a nonresident,
114 constructive notice of the petition may be given pursuant to
115 chapter 49, and proof of publication shall be filed in the cause
116 without the necessity of recordation.

117 ~~(9)-(8)~~ This section does not apply ~~Nothing herein applies~~
118 to any change of name in proceedings for dissolution of marriage
119 or for adoption of children.

120 -----
121 -----

122 T I T L E A M E N D M E N T

123 Remove lines 2-3 and insert:

124 An act relating to criminal background checks; amending s.
125 68.07, F.S.; requiring that a person filing a petition for
126 change of name submit fingerprints for a state and national
127 criminal history records check before the court hearing on the
128 petition; providing an exception to such requirement; providing
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129 | procedures for the taking and submission of fingerprints;
130 | providing for the payment of costs associated with processing
131 | fingerprints and conducting criminal history records checks;
132 | requiring the return of the results of a criminal history
133 | records check to the clerk of court; providing for the
134 | scheduling of a hearing on a petition to restore a former name
135 | when a criminal history records check is required; creating s.
136 | 943.04355, F.S.; requiring a landlord who