



757352

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2009	.	
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The Committee on Judiciary (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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) (a) Before the court hearing on a petition for a name  
change, the petitioner must have fingerprints submitted for a



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13 state and national criminal history records check, ~~The petition~~  
14 ~~shall include a set of the petitioner's fingerprints taken by a~~  
15 ~~law enforcement agency except if where~~ a former name is being  
16 restored. Fingerprints for the petitioner shall be taken in a  
17 manner approved by the Department of Law Enforcement and shall  
18 be submitted electronically to the department for state  
19 processing for a criminal history records check. The department  
20 shall submit the fingerprints to the Federal Bureau of  
21 Investigation for national processing. The department shall  
22 submit the results of the state and national records check to  
23 the clerk of the court. The court shall consider the results in  
24 reviewing the information contained in the petition and  
25 evaluating whether to grant the petition.

26 (b) When a petition is filed which requires a criminal  
27 history records check, the clerk of court shall instruct the  
28 petitioner on the process for having fingerprints taken and  
29 submitted, including providing information on law enforcement  
30 agencies or service providers authorized to submit fingerprints  
31 electronically to the Department of Law Enforcement.

32 (c) The cost of processing fingerprints and conducting the  
33 state and national criminal history records check required under  
34 this subsection shall be borne by the petitioner for the name  
35 change or by the parent or guardian of a minor for whom a name  
36 change is being sought.

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

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

40 (b) If known, the date and place of birth of the  
41 petitioner, the petitioner's father's name, the petitioner's



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42 mother's maiden name, and where the petitioner has resided since  
43 birth.

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

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

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

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

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

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

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



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

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

78 (4) ~~(3)~~ The hearing on a the petition for restoring a former  
79 name may be held immediately after it is filed. The hearing on  
80 any other petition for a name change may be held immediately  
81 after the clerk receives the results of the criminal history  
82 records check.

83 (5) ~~(4)~~ On filing the final judgment, the clerk shall, if  
84 the birth occurred in this state, send a report of the judgment  
85 to the Office of Vital Statistics of the Department of Health on  
86 a form to be furnished by the department. The form must ~~shall~~  
87 contain sufficient information to identify the original birth  
88 certificate of the person, the new name, and the file number of  
89 the judgment. This report shall be filed by the department with  
90 respect to a person born in this state and shall become a part  
91 of the vital statistics of this state. With respect to a person  
92 born in another state, the clerk shall provide the petitioner  
93 with a certified copy of the final judgment.

94 (6) ~~(5)~~ The clerk must, upon the filing of the final  
95 judgment, send a report of the judgment to the Department of Law  
96 Enforcement on a form to be furnished by that department. The  
97 Department of Law Enforcement must send a copy of the report to  
98 the Department of Highway Safety and Motor Vehicles, which may  
99 be delivered by electronic transmission. The report must contain



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100 sufficient information to identify the petitioner, including the  
101 results of the criminal history records check if applicable 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  
111 to the office of the Federal Bureau of Investigation. The  
112 Department of Law Enforcement may forward the report to any  
113 other law enforcement agency it believes may retain information  
114 related to the petitioner. ~~Any costs associated with~~  
115 ~~fingerprinting must be paid by the petitioner.~~

116 (7)~~(6)~~ A husband and wife and minor children may join in  
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  
119 and the names of the minor children may be changed at the  
120 discretion 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  
123 and 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~~



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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, 2009.  
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134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause  
137 and insert:

138 A bill to be entitled

139 An act relating to change of name; amending s. 68.07, F.S.;  
140 requiring that a person filing a petition for change of name  
141 have fingerprints submitted for a state and national criminal  
142 history records check before the court hearing on the petition;  
143 providing an exception to such requirement; providing procedures  
144 for the taking and submission of fingerprints; providing for the  
145 payment of costs associated with processing fingerprints and  
146 conducting criminal history checks; requiring submission of the  
147 results of a criminal history records check to the clerk of  
148 court; providing for use of the results by the court; requiring  
149 the clerk of court to instruct the petitioner on the taking and  
150 submission of fingerprints; providing for the scheduling of a  
151 hearing on a petition to restore a former name and the  
152 scheduling of a hearing on a petition for which a criminal  
153 history records check is required; revising the content of a  
154 report of the final judgment on a petition for a name change;  
155 providing an effective date.  
156