

By Senator Wise

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2009258__

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

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

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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 of
23 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 if where a former name is being

5-00214-09

2009258

30 restored. Fingerprints for all name change petitioners shall be
31 taken in a manner approved by the Department of Law Enforcement
32 and shall be submitted electronically to the department for
33 state 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 check shall be returned to the clerk of the court.

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

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

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

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

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

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

5-00214-09

2009258__

59 petitioner has practiced the profession, and if a graduate of a
60 school or schools, the name or names thereof, date ~~time~~ of
61 graduation, and degrees received.

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

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

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

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

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

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

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

85 ~~(5)-(4)~~ On filing the final judgment, the clerk shall, if
86 the birth occurred in this state, send a report of the judgment
87 to the Office of Vital Statistics of the Department of Health on

5-00214-09

2009258__

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

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

5-00214-09

2009258__

117 (7)~~(6)~~ A husband and wife and minor children may join in
118 one petition for change of name and the petition must ~~shall~~ show
119 the facts required of a petitioner as to the husband and wife
120 and the names of the minor children may be changed at the
121 discretion of the court.

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

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

132 Section 2. This act shall take effect July 1, 2009.