

By the Committee on Judiciary and 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
4 change of name have fingerprints submitted for a state
5 and 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; requiring
9 submission of the results of a criminal history
10 records check to the clerk of court; providing for use
11 of the results by the court; requiring the clerk of
12 court to instruct the petitioner on the taking and
13 submission of fingerprints; providing for the payment
14 of costs associated with processing fingerprints and
15 conducting criminal history records checks; providing
16 for the scheduling of a hearing on a petition to
17 restore a former name and the scheduling of a hearing
18 on a petition for which a criminal history records
19 check is required; revising the content of a report of
20 the final judgment on a petition for a name change;
21 deleting duplicative provisions regarding payment of
22 costs associated with fingerprinting; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 68.07, Florida Statutes, is amended to
28 read:
29 68.07 Change of name.—

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

33 (2) (a) Before the court hearing on a petition for a name
34 change, the petitioner must have fingerprints submitted for a
35 state and national criminal history records check, ~~The petition~~
36 shall include a set of the petitioner's fingerprints taken by a
37 law enforcement agency except if where a former name is being
38 restored. Fingerprints for the petitioner shall be taken in a
39 manner approved by the Department of Law Enforcement and shall
40 be submitted electronically to the department for state
41 processing for a criminal history records check. The department
42 shall submit the fingerprints to the Federal Bureau of
43 Investigation for national processing. The department shall
44 submit the results of the state and national records check to
45 the clerk of the court. The court shall consider the results in
46 reviewing the information contained in the petition and
47 evaluating whether to grant the petition.

48 (b) When a petition is filed which requires a criminal
49 history records check, the clerk of court shall instruct the
50 petitioner on the process for having fingerprints taken and
51 submitted, including providing information on law enforcement
52 agencies or service providers authorized to submit fingerprints
53 electronically to the Department of Law Enforcement.

54 (c) The cost of processing fingerprints and conducting the
55 state and national criminal history records check required under
56 this subsection shall be borne by the petitioner for the name
57 change or by the parent or guardian of a minor for whom a name
58 change is being sought.

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

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

62 (b) If known, the date and place of birth of the
63 petitioner, the petitioner's father's name, the petitioner's
64 mother's maiden name, and where the petitioner has resided since
65 birth.

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

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

71 (e) The petitioner's occupation and where the petitioner is
72 employed and has been employed for 5 years next preceding the
73 filing of the petition. If the petitioner owns and operates a
74 business, the name and place of it shall be stated and the
75 petitioner's connection therewith and how long the petitioner
76 has been identified with that ~~said~~ business. If the petitioner
77 is in a profession, the profession shall be stated, where the
78 petitioner has practiced the profession, and if a graduate of a
79 school or schools, the name or names thereof, date ~~time~~ of
80 graduation, and degrees received.

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

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

85 (h) Whether the petitioner has ever been arrested for or
86 charged with, pled guilty or nolo contendere to, or been found
87 to have committed a criminal offense, regardless of

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88 adjudication, and if so, when and where.

89 (i) Whether any money judgment has ever been entered
90 against the petitioner and if so, the name of the judgment
91 creditor, the amount and date thereof, the court by which
92 entered, and whether the judgment has been satisfied.

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

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

100 ~~(4)-(3)~~ The hearing on a the petition for restoring a former
101 name may be held immediately after it is filed. The hearing on
102 any other petition for a name change may be held immediately
103 after the clerk receives the results of the criminal history
104 records check.

105 ~~(5)-(4)~~ On filing the final judgment, the clerk shall, if
106 the birth occurred in this state, send a report of the judgment
107 to the Office of Vital Statistics of the Department of Health on
108 a form to be furnished by the department. The form must ~~shall~~
109 contain sufficient information to identify the original birth
110 certificate of the person, the new name, and the file number of
111 the judgment. This report shall be filed by the department with
112 respect to a person born in this state and shall become a part
113 of the vital statistics of this state. With respect to a person
114 born in another state, the clerk shall provide the petitioner
115 with a certified copy of the final judgment.

116 ~~(6)-(5)~~ The clerk must, upon the filing of the final

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117 judgment, send a report of the judgment to the Department of Law
118 Enforcement on a form to be furnished by that department. The
119 Department of Law Enforcement must send a copy of the report to
120 the Department of Highway Safety and Motor Vehicles, which may
121 be delivered by electronic transmission. The report must contain
122 sufficient information to identify the petitioner, including the
123 results of the criminal history records check if applicable a
124 ~~set of the petitioner's fingerprints taken by a law enforcement~~
125 ~~agency~~, the new name of the petitioner, and the file number of
126 the judgment. Any information retained by the Department of Law
127 Enforcement and the Department of Highway Safety and Motor
128 Vehicles may be revised or supplemented by said departments to
129 reflect changes made by the final judgment. With respect to a
130 person convicted of a felony in another state or of a federal
131 offense, the Department of Law Enforcement must send the report
132 to the respective state's office of law enforcement records or
133 to the office of the Federal Bureau of Investigation. The
134 Department of Law Enforcement may forward the report to any
135 other law enforcement agency it believes may retain information
136 related to the petitioner. ~~Any costs associated with~~
137 ~~fingerprinting must be paid by the petitioner.~~

138 (7)~~(6)~~ A husband and wife and minor children may join in
139 one petition for change of name and the petition must ~~shall~~ show
140 the facts required of a petitioner as to the husband and wife
141 and the names of the minor children may be changed at the
142 discretion of the court.

143 (8)~~(7)~~ When only one parent petitions for a change of name
144 of a minor child, process shall be served on the other parent
145 and proof of such service shall be filed in the cause; ~~provided,~~

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146 however, if ~~that~~ where the other parent is a nonresident,
147 constructive notice of the petition may be given pursuant to
148 chapter 49, and proof of publication shall be filed in the cause
149 without the necessity of recordation.

150 (9) ~~(8)~~ This section does not apply ~~Nothing herein applies~~
151 to any change of name in proceedings for dissolution of marriage
152 or for adoption of children.

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