

HB 805

2009

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 a  
4 change of name submit fingerprints for a state and  
5 national criminal history records check before the court  
6 hearing on the petition; providing an exception to such  
7 requirement; providing procedures for the taking and  
8 submission of fingerprints; providing for the payment of  
9 costs associated with processing fingerprints and  
10 conducting criminal history checks; requiring the return  
11 of 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 and 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 if ~~where~~ a former name is being  
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  
53 is 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  
 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  
 82 | former name may be held immediately after it is filed. If a  
 83 | criminal history records check is required, the hearing on the  
 84 | petition may be immediately after the results are returned to

85 | the clerk.

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

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

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

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

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

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

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