

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

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Section 68.07, Florida Statutes, is amended to
 27 read:
 28 68.07 Change of name.--

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

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

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

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

57 | change is being sought.

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

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

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

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

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

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

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

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

84 | (h) Whether the petitioner has ever been arrested for or

85 charged with, pled guilty or nolo contendere to, or been found
 86 to have committed a criminal offense, regardless of
 87 adjudication, and if so, when and where.

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

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

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

99 ~~(4)-(3)~~ The hearing on a the petition for restoring a
 100 former name may be held immediately after it is filed. The
 101 hearing on any other petition for a name change may be held
 102 immediately after the clerk of the court receives the results of
 103 the criminal history records check.

104 ~~(5)-(4)~~ On filing the final judgment, the clerk of the
 105 court shall, if the birth occurred in this state, send a report
 106 of the judgment to the Office of Vital Statistics of the
 107 Department of Health on a form to be furnished by the
 108 department. The form must ~~shall~~ contain sufficient information
 109 to identify the original birth certificate of the person, the
 110 new name, and the file number of the judgment. This report shall
 111 be filed by the department with respect to a person born in this
 112 state and shall become a part of the vital statistics of this

113 state. With respect to a person born in another state, the clerk
 114 of the court shall provide the petitioner with a certified copy
 115 of the final judgment.

116 ~~(6)-(5)~~ The clerk of the court must, upon the filing of the
 117 final judgment, send a report of the judgment to the Department
 118 of Law Enforcement on a form to be furnished by that department.
 119 The Department of Law Enforcement must send a copy of the report
 120 to the Department of Highway Safety and Motor Vehicles, which
 121 may be delivered by electronic transmission. The report must
 122 contain sufficient information to identify the petitioner,
 123 including the results of the criminal history records check, if
 124 applicable ~~a set of the petitioner's fingerprints taken by a law~~
 125 ~~enforcement agency,~~ the new name of the petitioner, and the file
 126 number of the judgment. Any information retained by the
 127 Department of Law Enforcement and the Department of Highway
 128 Safety and Motor Vehicles may be revised or supplemented by said
 129 departments to reflect changes made by the final judgment. With
 130 respect to a person convicted of a felony in another state or of
 131 a federal offense, the Department of Law Enforcement must send
 132 the report to the respective state's office of law enforcement
 133 records or to the office of the Federal Bureau of Investigation.
 134 The 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

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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,~~
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.