

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:

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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

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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 October 1, 2009.