

Florida Change of Name Law

This handout discusses changing your name in Florida, and which agencies military members should advise of a name change. The Florida Change of Name Act is found under Title VI, Chapter 68.07. Under this act, the general way to change a name is to file a petition with the court. However, this law also allows for different name change processes depending on the reason for the name change and the age of the requestor. The most common reasons for changing a name are marriage, adoption, and divorce. Each of these name changes can be accomplished as part of the relevant proceeding and do not require the requestor to go through the petition process. For more information on these three areas, please go directly to page 3 of this handout.

CHANGE OF NAME PETITION PROCESS

In Florida, chancery courts have the power to change the name of any person residing in the state, provided that a petition is filed in the county where the person is a resident. The name change process can take several weeks. If you are recently **married** and changing your name due to marriage, please skip to that section on page 3, as the change of name petition process does not apply to those who are changing their name due to marriage.

A person seeking to change their name in court must fill out the appropriate forms and file them at them at their local county clerk's office. These will include a Family Law Coversheet, Notice of Related Cases, Designation of Mailing Address, and Request for Name Change. Please note that there are three types of Request for Name Change forms: one for adult name changes, one for child name changes, and one for family name changes (Name Change; Forms 12.982(a)-(g)). The Request for Name Change forms should not be used in connection with dissolution of marriage (divorce), paternity, or adoption actions, where the change of name should be requested as a part of that case. These forms can be purchased at your local County Clerk's Office or downloaded for free online (see resources section at the end of this handout). Each form requires that it must be printed or typed in **black** ink, and be signed before a notary public. Our free notary services at the Eglin legal office run Monday to Friday, from 0730-1530.

A change of name petitioner must also submit fingerprints for a state and national criminal history records check, unless a former name is being restored. The petitioner or a parent or guardian of a minor petitioner will be responsible for paying the fingerprinting fee. A hearing may not be requested on the petition until the clerk of court has received the results of your criminal history records check, unless it is a petition to restore a former name, which is addressed on page 3.

Next, you must obtain a hearing date where the court will consider your request. Check with the clerk of court about local procedure to set a hearing. You may be required to attend the final hearing. The final hearing may be held immediately after filing the forms the petitioner is reverting to a previous name, otherwise, the hearing will be after the clerk of court receives the results of the criminal history records check. You should check with the clerk to see if you need to bring a final judgment form with you. Final judgment forms are different for each petition, whether adult, family, or child change of name petition (See Forms 12.982(a)-(g)). You should type or print the heading, including the circuit, county, case number, division, and the parties' names, and leave the rest blank for the judge to complete at your hearing or trial. The County Clerk's Office can provide you with guidance on what information you should complete.

If the judge grants your petition, he or she will sign the change of name order. This officially changes your name. The clerk can provide you with certified copies of the signed order, subject to fees.

According to Florida Statute §68.07, each petition should show:

- Residency and domicile in the county where the change of name is sought.
- Date and place of birth of the petitioner, the petitioner's father's name, the petitioner's mother's maiden name, and where the petitioner has resided since birth.
- If the petitioner is married, the name of the petitioner's spouse and if the petitioner has children, the names and ages of each and where they reside.
- If the petitioner's name has previously been changed and when and where and by what court.
- The petitioner's occupation and where the petitioner is employed and has been employed for 5 years next preceding the filing of the petition. If the petitioner owns and operates a business, the name and place of it shall be stated and the petitioner's connection therewith and how long the petitioner has been identified with that business. If the petitioner is in a profession, the profession shall be stated, where the petitioner has practiced the profession, and if a graduate of a school or schools, the name or names thereof, date of graduation, and degrees received.
- Whether the petitioner has been known or called by any other names and if so, what names, when, and where.
- Whether the petitioner has ever been adjudicated as bankrupt and if so, where and when.
- Whether the petitioner has ever been arrested for or charged with, pled guilty or nolo contendere to, or been found to have committed a criminal offense, regardless of adjudication, and if so, when and where.
- Whether any money judgment has ever been entered against the petitioner and if so, the name of the judgment creditor, the amount and date thereof, the court by which entered, and whether the judgment has been satisfied.
- That the petition is filed for no ulterior or illegal purpose and granting it will not in any manner invade the property rights of others, whether partnership, patent, good will, privacy, trademark, or otherwise.
- That the petitioner's civil rights have never been suspended or, if the petitioner's civil rights have been suspended, that full restoration of civil rights has occurred.

FEES

The general fees for change of name are listed below. Please note that these fees are the current rates for 2015, and are subject to change.

- Okaloosa County Name Change Certificates: \$400.00
- Escambia County Name Change Filing Fee: \$400.00
- Santa Rosa County Name Change Filing Fee: \$400.00
- Fingerprinting: fees depend on where services are given.
- Driver's License: \$25.00
- Criminal History Record Check: \$18 (Please see <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks/submitting-an-identity-history-summary-request-to-the-fbi>.)
- Certified Copies: \$3.00

MARRIAGE

You need to have your original or certified marriage license. You do **not** need to fill out any petition for change of name forms. You can receive a certified copy of your marriage license from the clerk of court. Please note that there may not be a name change on your marriage license in Florida. Bring a certified copy of your marriage license, your birth certificate, and two forms of bills mailed to your current address (i.e.: utility bills) to the Social Security Administration to apply for a change of name on your social security card. Then take the same information to the DMV to receive a new license. Contact all other sources that need your new name.

DIVORCE

Changing your name during divorce proceedings is usually the best way to take care of a name change. You can request this name change as a part of the proceedings, and it will be issued as a separate document during the divorce decree. You will need sufficient documents evidencing your preferred name if you are changing back to your maiden name. If you have not requested this during your divorce, you will be subject to the filing fee for the appropriate change of name petition.

RESTORING YOUR FORMER NAME

If you are seeking to restore a former name, a hearing on the petition may be held immediately after the petition is filed. There may be local procedures for setting a hearing, depending on which county you filed the petition.

CHANGE OF NAME FOR MINORS – ADOPTION AND OTHERS

Minors can change their names upon petition from their parent(s) or guardian(s). However, if a change of name is sought under adoption or paternity proceedings, the change of name should be requested in that proceeding and not through the following forms.

Parental consent is required when filing for a change of name petition. When filing a Form 12.982(f) for children who are not legal children of both adults filing the petition, consent must be obtained from the legal parent(s). Parents not named as petitioners may consent by submitting a Consent for Change of Name (Minor Child(ren)), Florida Supreme Court Approved Family Law Form 12.982(d).

When no consent from the other parent is given, then you may still have a hearing on the petition upon properly serving and notifying the other parent about your petition or hearing. If the address is known, you must use personal service. If no known address is given, you may use constructive service. Constructive service requirements in Florida are complex. If you have questions about this process, please contact our legal office.

MILITARY PROCESSES

Bring a copy of the appropriate paperwork (marriage license, divorce decree, or change of name petition) to the Military Personnel Section (210 Van Matre Ave, Eglin AFB; Comm: 850-882-2742). The MPS will update your name in DEERS and in the Personnel System once they receive the proper paperwork. For other questions regarding this process, please contact the MPS.

UPDATE DOCUMENTS FOR NAME CHANGE

Contact these following organizations to let them know of your change of name, and be sure to provide documents as requested. This will be useful to inform the clerk of court how many copies you need of your change of name order after your hearing.

- The Social Security Administration: <http://www.ssa.gov/>
- Driver's License: FL - <http://www.flhsmv.gov/>
- Bank accounts, including a request for new debit cards and checks
- Billing information for various credit cards, insurance (home, auto, life), utilities or memberships
- Postal Service: <https://www.usps.com/>
- Passport
- Wills
- Beneficiary designation on SGLI
- Voter registration
- Schools and alumni associations
- Landlord or mortgage company
- DEERS and MPF

ADDITIONAL RESOURCES

Please visit <http://www.flsenate.gov> to search for Title VI, Chapter 68, §07 for the complete version of the Change of Name statute.

A list of the appropriate forms for name change in Escambia County can be found here:

http://www.escambiaclerk.com/clerk/coc_name_change.aspx. Please note that if you are filing in Okaloosa County, you must fill out the appropriate request for hearing or trial in Okaloosa County, instead of Escambia County, located here <http://www.clerkofcourts.cc/selfhelp/packages/>. If you are filing in Santa Rosa County, follow the online forms and services link at <http://www.santarosaclerk.com>. The forms can also be purchased at your local County Clerk's Office.

This handout may be able to answer some or all of your questions about changing your legal name in Florida. However, it is only general information and not a replacement for legal advice. If you have any further questions or need legal advice, the base legal office offers legal assistance to eligible members of the community.