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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2026	.	
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The Committee on Judiciary (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (4) of section  
28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to  
the state.—

(4)

(b) ~~No later than February 1, 2022, and each February 1  
thereafter, the Department of Revenue shall transfer 50 percent~~



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~~of The cumulative excess of the original revenue projection from the Clerks of the Court Trust Fund to the General Revenue Fund. The remaining 50 percent in the Clerks of the Court Trust Fund~~ may be used in the development of the total combined budgets of the clerks of the court as provided in s. 28.35(2)(f)6. However, a minimum of 10 percent of ~~the clerk-retained portion of the~~ cumulative excess ~~amount~~ must be held in reserve until such funds reach an amount equal to at least 16 percent of the total budget authority from the current county fiscal year, as provided in s. 28.36(3)(a).

Section 2. Paragraph (f) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the following:

(f) Approving the proposed budgets submitted by clerks of the court pursuant to s. 28.36. The corporation must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues from fees, service charges, court costs, and fines for court-related functions available for court-related expenditures as determined by the most recent Revenue Estimating Conference, plus the total of unspent budgeted funds for court-related functions carried forward by the clerks of the court from the previous county fiscal year, plus the cumulative excess as provided in ~~balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to~~ s. 28.37(4)(b), and plus any appropriations for court-related functions. The corporation may amend any individual clerk of the



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41 court budget to ensure compliance with this paragraph and must  
42 consider performance measures, workload performance standards,  
43 workload measures, and expense data before modifying the budget.  
44 As part of this process, the corporation shall:

45       1. Calculate the minimum amount of revenue necessary for  
46 each clerk of the court to efficiently perform the list of  
47 court-related functions specified in paragraph (3)(a). The  
48 corporation shall apply the workload measures appropriate for  
49 determining the individual level of review required to fund the  
50 clerk's budget.

51       2. Prepare a cost comparison of similarly situated clerks  
52 of the court, based on county population and numbers of filings,  
53 using the standard list of court-related functions specified in  
54 paragraph (3)(a).

55       3. Conduct an annual base budget review and an annual  
56 budget exercise examining the total budget of each clerk of the  
57 court. The review shall examine revenues from all sources,  
58 expenses of court-related functions, and expenses of noncourt-  
59 related functions as necessary to determine that court-related  
60 revenues are not being used for noncourt-related purposes. The  
61 review and exercise shall identify potential targeted budget  
62 reductions in the percentage amount provided in Schedule VIII-B  
63 of the state's previous year's legislative budget instructions,  
64 as referenced in s. 216.023(3), or an equivalent schedule or  
65 instruction as may be adopted by the Legislature.

66       4. Identify those proposed budgets containing funding for  
67 items not included on the standard list of court-related  
68 functions specified in paragraph (3)(a).

69       5. Identify those clerks projected to have court-related



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revenues insufficient to fund their anticipated court-related expenditures.

6. Use revenue estimates based on the official estimate for funds from fees, service charges, court costs, and fines for court-related functions accruing to the clerks of the court made by the Revenue Estimating Conference, as well as any unspent budgeted funds for court-related functions carried forward by the clerks of the court from the previous county fiscal year and the cumulative excess as provided in ~~balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to s.~~ 28.37(4)(b), plus any appropriations for the purpose of funding court-related functions.

7. Identify pay and benefit increases in any proposed clerk budget, including, but not limited to, cost of living increases, merit increases, and bonuses.

8. Identify increases in anticipated expenditures in any clerk budget that exceeds the current year budget by more than 3 percent.

9. Identify the budget of any clerk which exceeds the average budget of similarly situated clerks by more than 10 percent.

For the purposes of this paragraph, the term "unspent budgeted funds for court-related functions" means undisbursed funds included in the clerks of the courts budgets for court-related functions established pursuant to this section and s. 28.36.

Section 3. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 28.36, Florida Statutes, are



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amended to read:

28.36 Budget procedure.—There is established a budget procedure for the court-related functions of the clerks of the court.

(2) Each proposed budget shall further conform to the following requirements:

(b) The proposed budget must be balanced such that the total of the estimated revenues available equals or exceeds the total of the anticipated expenditures. Such revenues include revenue projected to be received from fees, service charges, court costs, and fines for court-related functions during the fiscal period covered by the budget, plus the total of unspent budgeted funds for court-related functions carried forward by the clerk of the court from the previous county fiscal year and the cumulative excess as provided in ~~plus the portion of the balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to~~ s. 28.37(4)(b) which has been allocated to each respective clerk of the court by the Florida Clerks of Court Operations Corporation. For the purposes of this paragraph, the term "unspent budgeted funds for court-related functions" means undisbursed funds included in the clerk of the courts' budget for court related functions established pursuant to s. 28.35 and this section. The anticipated expenditures must be itemized as required by the corporation.

(3)(a) The Florida Clerks of Court Operations Corporation shall establish and manage a reserve for contingencies within the Clerks of the Court Trust Fund which must consist of an amount not to exceed 16 percent of the total budget authority



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for the clerks of court during the current county fiscal year,  
to be carried forward at the end of the fiscal year. Funds to be  
held in reserve include the ~~transfers of~~ cumulative excess, as  
provided in s. 28.37(4)(b), ~~from the Clerks of the Court Trust~~  
~~Fund~~ and may also include revenues provided by law or moneys  
appropriated by the Legislature.

Section 4. This act shall take effect July 1, 2026.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to clerks of the court; amending s.  
28.37, F.S.; authorizing the cumulative excess of  
funds to be used in the development of the total  
combined budgets of the clerks of the court; amending  
ss. 28.35 and 28.36, F.S.; conforming provisions to  
changes made by the act; providing an effective date.