

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 532

INTRODUCER: Judiciary Committee; Senator Simon and others

SUBJECT: Court Fees

DATE: February 11, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bond	Cibula	JU	Fav/CS
2.		ACJ	
3.		AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## **I. Summary:**

CS/SB 532 increases funds available to fund the operations of the clerks of court. The increased funds for clerk operations will result from the repeal the requirement that 50 percent of the cumulative excess revenue from the operations of all the clerks of court be transferred to the General Revenue Fund. Instead, the Clerks of Court Operations Corporation will retain the funds to fund the combined budgets of the clerks of court.

The future fiscal impact of this bill is unknown. Recently, the average amount of the excess has been approximately \$9 million annually.

The bill is effective July 1, 2026.

## **II. Present Situation:**

The clerk of the circuit court is a constitutional officer elected at the county level.<sup>1</sup> Historically, the clerk not only managed the court system (keeping court files, staffing the courtroom, and collecting criminal court fines and court-related filing fees and service charges), but also acted as the clerk to the county commission, auditor, recorder, and custodian of county funds. Most counties still follow this model, although some historical county-level functions of individual clerks are now assigned to other offices or officials.

<sup>1</sup> FLA. CONST. art. V, s. 16.

Before 2004, all monies collected by the clerk went first to any fund or funds, if any, that the authorizing statute required.<sup>2</sup> The remaining monies collected by a clerk were deposited into either the county general fund or the county's fine and forfeiture fund. The clerk's budget was adopted by the county commission, which used the fine and forfeiture fund together with county general funds to pay for the services of the clerk. The county has always been responsible for providing a clerk appropriate office space and utilities, and thus, most of a clerk's budget today is for staff (wages and benefits).

A constitutional amendment, which was approved by the voters in 1998 and took effect in 2004, requires a clerk to internally split the office budget into court-related functions and county-related functions.<sup>3</sup> The amendment requires that a county fund the clerk's county-related functions. The amendment also requires the state to fund court-related functions of a clerk by authorizing the clerk to retain filing fees, service charges, and other monies collected. The state is required to implement sufficient filing fees and service charges to cover a clerk's expenses and may be required to provide supplemental appropriations.

Current law provides a framework that complies with the constitutional requirements.<sup>4</sup> Each office of the clerk of court retains whatever funds it collects that are not otherwise allocated. The state authorizes each clerk to develop a budget subject to statutory guidelines. To the extent that a clerk collects court-related monies in excess of budgeted expenses, the clerk must send the excess to the Clerks of Court Operations Corporation (CCOC), a corporation wholly owned by the state. To the extent that a clerk's revenues are less than the budgeted expense for operations, a clerk may seek additional funding from the CCOC payable from the excess funds of other clerks. If at the end of the fiscal year the CCOC has a surplus, it reverts to the state. If at the end of the fiscal year the CCOC is short of funds needed for some clerks, the CCOC may ask for supplemental state funding. Current year projections are that 18 counties will have a surplus, and the remaining counties will incur a deficit. The current year estimated statewide total deficit is \$29.2 million.<sup>5</sup>

### III. Effect of Proposed Changes:

CS/SB 532 increases funds available to fund the operations of the clerks of court. The increased funds for clerk operations will result from the repeal the requirement that 50 percent of the cumulative excess revenue from the operations of all the clerks of court be transferred to the General Revenue Fund. Instead, the Clerks of Court Operations Corporation will retain the funds to fund the combined budgets of the clerks of court.

The bill is effective July 1, 2026.

<sup>2</sup> For an example of the distribution requirements, a payment for a traffic ticket may be spread among as many as 20 funds, the clerk keeping the remainder. See s. 318.21, F.S. To see the current complexity of the system, there is a 125-page manual. See Florida Association of Court Clerks & Comptrollers, *2025 Distribution Schedule*, at [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025\\_Distribution\\_Schedule\\_.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2025_Distribution_Schedule_.pdf).

<sup>3</sup> Revision 7, 1998 general election. See FLA. CONST. art. V, s. 14(b)-(c).

<sup>4</sup> See generally, ss. 28.35, 28.36, 28.37, 28.42, and 28.44, F.S.

<sup>5</sup> See, untitled spreadsheet at <https://flccoc.org/wp-content/uploads/2025/08/CFY-2025-26-Funded-Depository-Calculation.pdf>.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill may increase revenues of the clerks of court by \$9 million annually.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 28.35, 28.36, and 28.37.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

**CS by Judiciary on February 10, 2026:**

The committee substitute does not include the provisions in the original bill which would have increased fees and service charges collected by the clerks of court or the provisions directing the Office of Economic and Demographic Research to recommend further increases. The committee substitute, however, provides increased funding for clerk of court operations by repealing a requirement that certain cumulative excess revenues be transferred to the General Revenue Fund.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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