

**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.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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**BILL:** CS/SB 532

**INTRODUCER:** Judiciary Committee and Senator Simon and others

**SUBJECT:** Clerks of the Court

**DATE:** February 16, 2026      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 532 allows the clerks of court to retain all the funds they collect above the Article V Revenue Estimating Conference’s original revenue projection. This cumulative excess is derived from fines, fees, service charges, and court costs.

The bill also provides conforming changes to related statutes.

The bill is estimated to provide the clerks with an additional \$13.3 million in revenue for FY 2026-2027. See Section V., Fiscal Impact Statement.

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.

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<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 required that a county fund the clerk's county-related functions. The amendment also required 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 that the Department of Revenue shall transfer 50 percent of the cumulative excess<sup>4</sup> of the original revenue<sup>5</sup> 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. 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.<sup>6</sup>

### III. Effect of Proposed Changes:

CS/SB 532 amends s. 28.37, F.S., to repeal the requirement that the Department of Revenue transfer 50 percent of the cumulative excess of the original revenue projection from the Clerks of the Court Trust Fund to the General Revenue Fund. This change allows the clerks of court to retain all the funds they collect above the Article V. Revenue Estimating Conference's original revenue projection.

The bill is effective July 1, 2026.

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<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> Section 28.37(2)(a), F.S., provides "Cumulative excess" means revenues derived from fines, fees, service charges, and court costs collected by the clerks of the court which are greater than the original revenue projection.

<sup>5</sup> Section 28.37(2)(b), F.S., provides "Original revenue projection" means the official estimate, as determined by the Revenue Estimating Conference, of revenues from fines, fees, service charges, and court costs available for court-related functions for the county fiscal year covered by the projection.

<sup>6</sup> Section 28.37, F.S.

**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:

The Revenue Estimating Conference (REC) reviewed SB 1322, relating to the Clerks of the Court, on January 16, 2026. Although the bill is substantially different than CS/SB 532, it includes the amendment made to s. 28.37, F.S. The REC determined that this change would result in a \$13.3 million increase to the Clerks of the Court Trust Fund for Fiscal Year 2026-2027. Subsequently, there will be a corresponding \$13.3 million decrease to the General Revenue Fund.

**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 by repealing a requirement that certain cumulative excess revenues be transferred to the General Revenue Fund.