

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 Appropriations

BILL: CS/CS/SB 532

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Judiciary Committee; and Senator Simon and others

SUBJECT: Clerks of the Court

DATE: February 27, 2026

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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 requires that a foreclosure case use the statutory foreclosure procedure, specifies that those procedures require that the clerk of court must conduct the sale, and 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.¹ 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

¹ FLA. CONST. art. V, s. 16.

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.

Before 2004, all monies collected by the clerk went first to any fund or funds, if any, that the authorizing statute required.² 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.³ 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 excess⁴ of the original revenue⁵ 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.⁶

Current law provides a foreclosure procedure that includes sale of the subject property by the clerk of court.⁷ The procedure is optional but is used in most foreclosure cases. Recently, plaintiff attorneys have requested that courts allow procedures that differ from the suggested statutory procedure and trial court judges have allowed those differences.⁸ The troublesome differences have used private auctioneers, thus avoiding clerk of court fees and oversight of the

² 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.

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

⁴ 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.

⁵ 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.

⁶ Section 28.37, F.S.

⁷ See generally, s. 45.031, F.S.

⁸ Ben Weider and Brittany Wallman, *RIGGED. Florida lawyer writes rules to win condo auctions for \$100. Judges let him do it.* MIAMI HERALD, April 2, 2024, updated January 23, 2025, <https://www.miamiherald.com/news/business/real-estate-news/article285934076.html>.

foreclosure sale. The alternative procedures appear to have led to apparent fraud. One attorney involved in this activity has been disbarred.⁹

III. Effect of Proposed Changes:

This bill 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 amends s. 45.031, F.S., to make the statutory foreclosure procedure mandatory. Only the clerk of court may conduct a foreclosure sale.

The bill is effective July 1, 2026.

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.

⁹ Disposition, *In re: Petition for Disciplinary Revocation of Brad Ira Schandler*, July 3, 2025, Case No. SC2025-0676 (noting that "disciplinary revocation is tantamount to disbarment.")

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, 28.37, and 45.031.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 19, 2026:

The committee substitute added the amendments to s. 45.031, F.S., that require that the clerk of court must conduct a foreclosure sale.

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.

B. Amendments:

None. .