

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: SB 532

INTRODUCER: Senator Simon and others

SUBJECT: Court Fees

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 532 increases numerous civil court filing fees and service charges that are paid by litigants in cases filed in the state court system. The increases benefit the clerks of court, none directly accrue to the state. The bill also requires the Office of Economic and Demographic Research to prepare reports with recommendations for increasing filing fees and service charges collected by the clerks of court. The first report is due January 1, 2030, and future reports are required every 3 years thereafter.

The bill will increase revenues to the clerks of courts by approximately \$47 million annually.

This bill requires approval by a two-thirds vote of the membership of each chamber on final passage, pursuant to Article VII, section 19 of the State Constitution.

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 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.

¹ 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.² The remaining monies collected by a clerk were deposited in 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 requires that a county must fund the clerk's county-related functions, and the state must 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 if necessary.

Current law provides a framework that complies with the constitutional requirements.⁴ 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 overall current year estimated statewide deficit is \$29.2 million.⁵

III. Effect of Proposed Changes:

Primarily, the bill increases many civil court filing fees and service charges that are collected by the clerks of court, as shown on the tables below.

² For an example of the extreme 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 See generally, ss. 28.35, 28.36, 28.37, 28.42, and 28.44, F.S.

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

SB 532 Proposed Changes to Court-Related Fees			
Statute	Description	Current	Proposed
<i>Clerk Fees Applicable to All Case Types</i>			
28.24(2)	Service charge for examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, per page.	\$ 5.00	\$ 6.00
28.24(3)	Service charge for preparing, numbering, and indexing an original record of appellate proceedings, per instrument.	\$ 3.50	\$ 4.00
28.24(5)(a)	Service charge for verifying any instrument presented for certification prepared by someone other than clerk, per page.	\$ 3.50	\$ 4.00
28.24(9)(a)	Service charge for writing any paper that is a court record (unless other service charge applies).	\$ 7.00	\$ 8.00
28.24(11)(b)	Service charge for collecting and holding a deposit in an eminent domain lawsuit, per deposit.	\$ 170.00	\$ 200.00
28.24(14)(a)	Service charge for an oath, administering, attesting, and sealing of court records not otherwise provided for.	\$ 3.50	\$ 4.00
28.24(15)(a)	Service charge for validating certificates or any authorized bonds that are court records.	\$ 3.50	\$ 4.00
28.24(17)	Service charge for exemplified certificates, including the signing and sealing of them.	\$ 7.00	\$ 8.00
28.24(18)(a)	Service charge for authenticated certificates that are court records, including the signing and sealing of them.	\$ 7.00	\$ 8.00
28.24(19)(a)	Service charge for issuing and filing a subpoena for a witness, including the writing, preparing, signing, and sealing of the subpoena.	\$ 7.00	\$ 8.00
28.24(19)(b)	Service charge for signing and sealing only.	\$ 2.00	\$ 3.00
28.24(20)(a)	Service charge for approving a court bond.	\$ 8.50	\$ 10.00
28.24(21)(a)	Service charge for searching court records, per year.	\$ 2.00	\$ 3.00
28.24(26)	Service charge for sealing any court file or expungement of any record.	\$ 42.00	\$ 50.00

<i>Circuit Court Fees</i>			
28.241(1)(a)1.a.	Circuit court filing fee, where other specialized filing fees do not apply, up to 5 defendants.	\$ 395.00	\$ 460.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.b.	Reduced circuit court filing fee applicable to proceedings related to children, dissolution of marriage, paternity, conservatorship, temporary custody of minor children by extended family, grandparent visitation, and supervised visitation.	\$ 295.00	\$ 345.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.c.	Additional civil court filing fee applicable to all circuit civil actions. Fee is designated for court education and clerk education trust funds.	\$ 4.00	\$ 5.00
28.241(1)(a)1.d.	Civil filing fee for mortgage foreclosure, where outstanding debt is \$50,000 or less, up to 5 defendants.	\$ 395.00	\$ 470.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.d.	Civil filing fee for mortgage foreclosure, where outstanding debt is between \$50,000 and \$250,000, up to 5 defendants.	\$ 900.00	\$ 1,070.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.d.	Civil filing fee for mortgage foreclosure where the outstanding debt is in excess of \$250,000, up to 5 defendants.	\$ 1,900.00	\$ 2,260.00
	If more than 5 defendants named, additional filing fee per defendant.	\$ 2.50	\$ 5.00
28.241(1)(a)1.e.	Additional filing fee in all foreclosure actions, designated for court education and clerk education trust funds.	\$ 4.00	\$ 5.00
28.241(1)(b)	Filing fee for motion to reopen civil action (with numerous exceptions).	\$ 50.00	\$ 60.00
28.241(1)(c)1.	Filing fee for initial filing of defensive pleading if the defendant is seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, if s. 24.241(1)(a)1.a. applied to initial complaint or petition.	\$ 395.00	\$ 470.00
	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, if s. 24.241(1)(a)1.b. applied to the initial complaint or petition (in general, family law proceedings).	\$ 295.00	\$ 350.00

28.241(1)(c)2.a.	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, in foreclosure case where the outstanding debt is \$50,000 or less	\$ 395.00	\$ 470.00
28.241(1)(c)2.b.	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, in foreclosure case where the outstanding debt is between \$50,000 and \$250,000.	\$ 900.00	\$ 1,070.00
28.241(1)(c)2.c.	Filing fee for the initial filing of a defensive pleading seeking affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, in foreclosure case where the outstanding debt is in excess of \$250,000.	\$ 1,900.00	\$ 2,260.00
28.241(1)(d)	Service charge for issuing an original, a certified copy, or an electronic certified copy of a summons.	\$ 10.00	\$ 15.00
28.241(2)(b)	Additional filing fee for filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court.	\$ 100.00	\$ 115.00

County Court Fees

34.041(1)(a)5.	County court civil action filing fee for a claim in excess of \$15,000. ⁶	\$ 395.00	\$ 460.00
34.041(1)(b)	Additional case filing fee for court and clerk education programs.	\$ 4.00	\$ 5.00
34.041(1)(d)	Service charge for issuing a summons.	\$ 10.00	\$ 15.00
34.041(2)	County court civil action filing fee for a motion to reopen a civil action, claim under \$500.	\$ 25.00	\$ 30.00
	County court civil action filing fee for a motion to reopen a civil action, claim over \$500.	\$ 50.00	\$ 60.00

Probate Fees

28.2401(1)(a)	Case filing fee for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor’s claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to	\$ 230.00	\$ 275.00
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⁶ Note that this bill does not change the county court case filing fees applicable to claims of less than \$15,000.

	include issuance of letters or order of summary administration.		
28.2401(1)(c)	Case filing fee for a petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record.	\$ 230.00	\$ 275.00
28.2401(1)(d)	Case filing fee for disposition of personal property without administration.	\$ 230.00	\$ 275.00
28.2401(1)(g)	Case filing fee for formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings.	\$ 395.00	\$ 470.00

<i>Guardianship Fees</i>			
744.3678(4)(a)	Annual guardianship audit fee, if guardianship estate is less than \$25,000.	\$ 20.00	\$ 25.00
744.3678(4)(b)	Annual guardianship audit fee, if guardianship estate is valued between \$25,000 and \$100,000.	\$ 85.00	\$ 100.00
744.3678(4)(c)	Annual guardianship audit fee, if guardianship estate is valued between \$100,000 and \$500,000.	\$ 170.00	\$ 200.00
744.3678(4)(d)	Annual guardianship audit fee, if guardianship estate is valued in excess of \$500,000.	\$ 250.00	\$ 295.00

<i>Other</i>			
45.035(2)(b)	Service charge for distribution of a foreclosure sale surplus in a foreclosure action.	\$ 15.00	\$ 20.00
721.83(3)	Additional filing fee per timeshare unit in a consolidated timeshare foreclosure action.	\$ 10.00	\$ 15.00

Many of these filing fees and service charges have a portion specifically directed to a particular fund or to the state General Revenue Fund, with the clerk retaining the remainder. The bill does not affect the amounts directed to the state nor does it impact remittances to other funds or entities.

The bill also directs the Office of Economic and Demographic Research to prepare a report by January 1, 2030. The report must examine the filing fees and service charges and must include recommendations for increasing the filing fees and service charges according to the percentage change in the Consumer Price Index. Most of the recommended filing fees and service charges must be rounded to the nearest \$5. The reports must be furnished to the President of the Senate and the Speaker of the House of Representatives before the start of the next regularly scheduled session of the Legislature. Future reports are required every 3 years thereafter.

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:

This bill appears to increase state taxes or fees, and thus, appears to be subject to the requirements of Article VII, section 19 of the Florida Constitution. That section requires that a bill imposing, approving, or raising any tax or fee be contained in a separate bill that contains no other subject. The section also requires approval of this bill by a two-thirds vote of the membership of each chamber on final passage.

E. Other Constitutional Issues:

None.

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

This bill increases fees and thus is subject to Article VII, section 19 of the State Constitution.

B. Private Sector Impact:

This bill will increase the filing fees and service charges paid by the private sector by \$47 million annually.

C. Government Sector Impact:

This bill will increase revenues of the clerks of court by \$47 million annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The effective date of the bill is July 1, 2026. Using July 1 as an effective date of Florida legislation is traditional as a reflection of the state budget cycle that starts every fiscal year on

July 1. The clerks of court, however, are a part of local government, and thus, their fiscal year starts on October 1.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 28.24, 28.2401, 28.241, 34.041, 45.035, 721.83, and 744.3678.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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