

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 759](#)

**TITLE:** Court Fees

**SPONSOR(S):** Smith

### Committee References

[Civil Justice & Claims](#)

17 Y, 0 N



[Justice Budget](#)



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

HB 759 increases certain service charges which the Clerks of the Circuit Court may impose for court-related services rendered by the Clerk's office and certain filing and other fees which the Clerks collect in connection with certain judicial proceedings. The bill also directs that, by January 1, 2030, and every three years thereafter, the Clerk must adjust and increase such service charges and filing fees according to the percentage change in the Consumer Price Index and round to either the nearest \$1.00 (for service charges) or to the nearest \$5.00 (for filing fees). Further, consistent with previous legislative efforts in 2023 CS/HB 977, the bill eliminates a requirement that, by the 10<sup>th</sup> day of each month, the Clerk must submit that portion of specified fees collected in the previous month which is in excess of one-twelfth of the Clerk's total budget for the performance of court-related functions to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.

### Fiscal or Economic Impact:

The bill may have a positive fiscal impact on the Clerks of the Circuit Court and an indeterminate fiscal impact on the private sector.

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## ANALYSIS

### **EFFECT OF THE BILL:**

#### Funding

As set forth in the charts below and pursuant to the [constitutional mandate of Article V, s. 1 of the Florida Constitution](#) pertaining to funding of the [Clerks of the Circuit Court](#), HB 759 increases:

- Certain service charges which the Clerks may impose for court-related services rendered by the Clerk's office; and
- Certain filing and other fees which the Clerks collect in connection with certain judicial proceedings.

In doing so, the bill brings these service charges and filing fees up to the amounts they would have reached in 2019 had the Legislature provided for the adjustment and increase of the charges and fees in accordance with the percentage change in the [Consumer Price Index](#) ("CPI") when it last increased these amounts in [2008](#). Further, to eliminate the future need for the passage of legislation to adjust the service charges and filing fees to account for inflation, the bill directs that, by January 1, 2030, and every three years thereafter, the Clerk must adjust and increase such charges and fees according to the percentage change in the CPI and round to either the nearest \$1.00 (for service charges) or to the nearest \$5.00 (for filing fees). Thus, under the bill, the service charges and filing fees would increase to 2030 inflation rates in 2030, and adjust every three years thereafter. Moreover, in generally not also increasing the portion of such service charges or fees which the Clerks must remit to the Department of Revenue for payment into various trust funds – that is, those portion of the charges and fees directed away from the Clerks – the bill directs more funding towards the [Florida Clerks of Court Operations Corporation](#) and, thus, to the Clerks. (Sections [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), and [7](#))

**STORAGE NAME:** h0759a.CIV

**DATE:** 1/14/2026

Service Charges - S. 28.24, F.S (Section 1)		
Service Impacted	Current Amount	Proposed Amount
Examining, comparing, correcting, verifying, and certifying appellate proceeding transcripts	\$5.00	\$6.00
Preparing, numbering, and indexing an original appellate record	\$3.50	\$4.00
Verifying any instrument presented for certification	\$3.50	\$4.00
Writing any paper that is a court record	\$7.00	\$8.00
Receiving money into the court registry for eminent domain actions	\$170.00	\$200.00
Oath, administering, attesting, and sealing of court records	\$3.50	\$4.00
Validating certificates or any authorized bonds	\$3.50	\$4.00
Exemplified certificates	\$7.00	\$8.00
Authenticated certificates	\$7.00	\$8.00
Issuing and filing witness subpoenas, with signing and sealing	\$7.00	\$8.00
Signing and sealing of witness subpoenas, only	\$2.00	\$3.00
Approving a court bond	\$8.50	\$10.00
Searching court records, per year	\$2.00	\$3.00
Sealing any court file or expunging any record	\$42.00	\$50.00

Service Charges and Filing Fees in Probate Matters - S. 28.2401, F.S. (Section 2)		
Service or Proceeding Impacted	Current Amount	Proposed Amount
The opening of any estate	\$230	\$275
Petition and order to admit foreign wills, authenticated or exemplified copies, or transcripts	\$230	\$275
Disposition of personal property without administration	\$230	\$275
Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings	\$395	\$470

[Charts continued on next page.]

Filing Fees for Trial and Appellate Proceedings - S. 28.241, F.S. (Section 3)		
Service or Proceeding Impacted	Current Amount	Proposed Amount

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For instituting a general civil action, suit, or proceeding in circuit court	\$395	\$460
If more than five defendants	\$2.50 per additional defendant	\$5.00 per additional defendant
For the party instituting a civil action, suit, or proceeding in circuit court under Chs. 39, 61, 741, 742, 752, or 753, F.S.,	\$295	\$345
If more than five defendants	\$2.50 per additional defendant	\$5.00 per additional defendant
For instituting a civil action in circuit court relating to real property or mortgage foreclosure if the claim's value is: - \$50,000 or less -More than \$50,000 but less than \$250,000 -\$250,000 or more	\$395 \$900 \$1,900	\$470 \$1,070 \$2,260
If more than five defendants	\$2.50 per additional defendant	\$5.00 per additional defendant
For the party reopening any civil action, suit, or proceeding in circuit court	\$50	\$60
For parties in new litigation who file in circuit court a cross-claim, counterclaim, counterpetition, or third-party complaint	\$395	\$470
For parties in reopened litigation who file in circuit court a cross-claim, counterclaim, counterpetition, or third-party complaint	\$295	\$350
For parties in a civil action relating to real property or mortgage foreclosure who file in circuit court a cross-claim, counterclaim, counterpetition, or third-party complaint where the value of the pleading is: -\$50,000 or less -More than \$50,000 but less than \$250,000 -\$250,000 or more	\$395 \$900 \$1,900	\$470 \$1,070 \$2,260
Issuing an original, certified copy or an electronic certified copy of a summons	\$10	\$15
Filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court	\$100	\$115

#### County Court Filing Fees - S. 34.041, F.S. (Section 4)

Service or Proceeding Impacted	Current Amount	Proposed Amount
For all claims more than \$15,000	\$395	\$460
Additional filing fee for deposit into specified funds	\$4	\$5
Issuing a summons	\$10	\$15
For reopening any civil action, suit, or proceeding in the county court for all claims: -Of not more than \$500 -Of more than \$500	\$25 \$50	\$30 \$60

#### Annual Accounting in Guardianship Proceedings - S. 744.3678, F.S. (Section 7)

Service or Proceeding Impacted	Current Amount	Proposed Amount
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Upon the filing of the annual financial return, for the auditing of such return, where the estate's value is:		
- \$25,000 or less	\$20	\$25
- More than \$25,000 up to and including \$100,000	\$85	\$100
- More than \$100,000 up to and including \$500,000	\$170	\$200
- More than \$500,000	\$250	\$295

<b>Consolidation of Judicial Foreclosure Actions – S. 721.83, F.S. (Section 6)</b>		
<b>Service or Proceeding Impacted</b>	<b>Current Amount</b>	<b>Proposed Amount</b>
An additional filing fee for deposit into specified funds	\$10	\$15

## Budget Procedures

Consistent with changes made in [2023 CS/HB 977](#), the bill eliminates from [s. 34.041\(1\)\(b\) and \(e\), F.S.](#), the requirement that, by the 10<sup>th</sup> day of each month, the Clerk must submit that portion of the fees collected thereunder in the previous month which is in excess of one-twelfth of the Clerk's total budget for the performance of court-related functions to the Department of Revenue for deposit into the [Florida Clerks of the Court Trust Fund](#) ("FCC Trust Fund"). In doing so, the bill changes the remissions period in this section for the submission of budget allocation overages to the FCC Trust Fund from monthly to quarterly and the basis for such submissions from a monthly calculation to a quarterly calculation, which should help in reducing any cash-flow problems created by the month-to-month remissions period and calculation basis. (Section [4](#))

## Effective Date

The bill provides an effective date of July 1, 2026. (Section [8](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **LOCAL GOVERNMENT:**

According to the estimate of the Revenue Estimating Conference, the bill will increase the portion of fees and service charges deposited into the Clerk's Fine and Forfeiture Fund and the Administrative Trust Fund within the Department of Financial Services to fund the Florida Clerks of Court Operations Corporation, and, thus, the Clerks. This will seemingly have a positive fiscal impact on the Clerks.

### **PRIVATE SECTOR:**

The bill may have a negative fiscal impact on the private sector to the extent that it increases the costs of civil litigation and of obtaining court records. However, the bill may have a positive fiscal impact on the private sector to the extent that it increases the funding available to the Clerks, thereby ensuring that the Clerks can continue to provide necessary court-related services utilized by private parties to protect their personal financial interests through lawsuits and other means.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

The Florida Constitution mandates that there be an elected [Clerk of the Circuit Court](#) ("Clerk") in each of Florida's 67 counties to serve as *ex officio* of the board of county commissioners, auditor, official records recorder, and

custodian of all county funds.<sup>1</sup> As court officers, the Clerks serve in a ministerial capacity, with their duties and authority conferred entirely by law.<sup>2</sup> Such duties include the performance of court-related functions, such as:

- Collecting and distributing certain fines, fees, service charges, and court costs;
- Case maintenance;
- Records management;
- Court preparation and attendance;
- Processing case assignment, reopening, reassignment, and appeals;
- Processing of bond forfeiture payments;
- Data collection and reporting;
- Determination of indigent status;<sup>3</sup> and
- Paying reasonable administrative costs to enable the clerks to carry out these functions.<sup>4</sup>

## Funding

The [Florida Constitution mandates](#) that all funding for the Clerks performing court-related functions, except as otherwise provided therein, “shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law.”<sup>5</sup> To that end, Florida law provides schedules of service charges and filing fees which the Clerks may impose and collect in connection with judicial proceedings and the performance of court-related functions; a portion of each such charge or fee is then deposited into the [Florida Clerk of Court Trust Fund](#) (“FCC Trust Fund”), from which much of the funding for the Clerks’ annual operating budgets come.<sup>6</sup> However, such revenue does not go entirely to the Clerks. Instead, Florida law directs the Florida Department of Revenue (“DOR”) to distribute such revenue among the Clerks, municipalities, counties, 51 state trust funds of various statutory functions, and the state’s General Revenue Fund.<sup>7</sup>

Furthermore, the Legislature last increased the amount of such service charges and filing fees in [2008](#), and, in doing so, did not provide a mechanism by which the amounts would increase in accordance with the percentage change in the [Consumer Price Index](#).<sup>8</sup> Thus, Florida law generally sets the service charges and filing fees which the Clerks currently may impose at amounts deemed sufficient in 2008 but which have not kept up with inflation rates, and the [Florida Clerks of Court Operations Corporation](#)<sup>9</sup> (“CCOC”) has identified a \$75 million funding gap between what it will take to run the Clerks’ offices and the revenue available to do so for the current fiscal year.<sup>10</sup>

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<sup>1</sup> The Clerk of the Circuit Court is elected by the county’s electors to serve a four-year term. [Art. V, s. 16](#) and [Art. VIII, s. 1, Fla. Const.](#); Florida Department of State, *County Governments*, <https://dos.myflorida.com/library-archives/research/florida-information/government/local-resources/fl-counties/> (last visited Jan. 14, 2026).

<sup>2</sup> “Ministerial” means acting “in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person’s own judgment or discretion as the propriety of the action taken.” The clerk may appoint deputies, for whose acts the clerk is liable, which deputies have the same power as the clerk, excepting the power to appoint deputies. Ss. [28.06](#) and [112.312\(17\), F.S.](#)

<sup>3</sup> Florida law exempts an indigent person from paying specified fees, charges, and costs in any judicial proceeding. A person seeking to be designated indigent must apply to the clerk for a determination of his or her status, which application must meet specified statutory requirements. A person is considered “indigent” if he or she has an annual income equal to or below 200 percent of the federal poverty guidelines or is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans’ benefits, or supplemental Social Security income. Ss. [57.081](#) and [57.082, F.S.](#)

<sup>4</sup> [S. 28.35\(3\)\(a\), F.S.](#)

<sup>5</sup> [Art. V., s. 14, Fla. Const.](#)

<sup>6</sup> Other funding sources include grants and payments remitted by counties for the performance of county-related functions.

<sup>7</sup> Florida Court Clerks & Comptrollers, *Bill Analysis for HB 977* (Mar. 7, 2023).

<sup>8</sup> The Consumer Price Index (CPI) is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. Percentage changes in the CPI, meanwhile, measures the inflation rate between any two time periods – that is, the rate at which the price of goods and services increases over time. Indexes are available for the United States and other geographical areas. Board of Governors of the Federal Reserve System, *Economy at a Glance - Inflation (PCE)*, <https://www.federalreserve.gov/economy-at-a-glance-inflation-pce.htm> (last visited Jan. 14, 2026); Ch. 2008-111, Laws of Fla.

<sup>9</sup> Created by Legislative act in 2003, the Florida Clerk of Courts Operations Corporation (“CCOC”) is a public corporation which provides budget support to the clerks. [S. 28.35, F.S.](#)

<sup>10</sup> Florida Court Clerks and Comptrollers, *Please Support House Bill 925 (2026)*,

<https://cdnymaws.com/www.flclerks.com/resource/resmgr/legislative%20activity/2026%20session/comms%20materials/2026%20co-sponsor%20letter%20-hb.pdf> (last visited Jan. 14, 2026).

## Budget Procedures

On or before June 1<sup>st</sup> of each year, each Clerk must prepare, summarize, and submit a proposed budget to the CCOC in the manner and form prescribed by the CCOC.<sup>11</sup> The proposed budget must:

- Provide detailed information on the anticipated revenues available and expenditures necessary for the performance of court-related functions for the fiscal year beginning October 1; and
- Be balanced such that the total of the estimated revenues available<sup>12</sup> equals or exceeds the total of the anticipated expenditures.<sup>13</sup>

If a Clerk estimates that his or her available funds in addition to projected revenues are insufficient to meet anticipated expenditures, the Clerk must report the revenue deficit to the CCOC.<sup>14</sup> Where the CCOC then verifies that a revenue deficit is likely, the CCOC must certify the deficit and notify the DOR that the Clerk will, as required by statute, retain collected revenues in an amount necessary to fully fund the projected revenue deficit, which revenues the Clerk would otherwise have to remit to DOR for deposit into the FCC Trust Fund.<sup>15</sup>

If a revenue deficit is still projected for that Clerk after retaining revenues as described above, the CCOC must certify the revenue deficit amount to the Executive Office of the Governor ("EOG") and request release authority for additional funds from the FCC Trust Fund.<sup>16</sup> The EOG may approve the release of such funds and provide notice of such approval to DOR and the Chief Financial Officer ("CFO").<sup>17</sup> The DOR must then request monthly distributions from the CFO in equal amounts to each Clerk with a certified revenue deficit.<sup>18</sup>

Before 2023, once a Clerk received his or her court-related budget allocation for the fiscal year, this total was divided by 12 to give an estimated monthly budget allocation. In the event that the Clerk collected more than the monthly projection, Florida law required the clerk to submit such additional amount to the FCC Trust Fund by the 10<sup>th</sup> of the following month.<sup>19</sup> Such revenue was then redistributed to clerks in counties that did not bring in sufficient revenue to fund their budget allocations.<sup>20</sup> At the end of each fiscal year, the CCOC would then go through a "settle-up" process to determine which Clerks submitted more than necessary to, or received more than necessary from, the FCC Trust Fund.<sup>21</sup> Upon such a determination, moneys were paid from or collected by the FCC Trust Fund to remedy the imbalance.<sup>22</sup> However, this process sometimes created month-to-month cash-flow problems for Clerks who overpaid into the fund, as the funds were not reimbursed until the fiscal year's end.<sup>23</sup> Thus, in [2023 CS/HB 977](#), the Legislature generally changed the remissions period for the submission of budget allocation overages to the FCC Trust Fund from monthly to quarterly and the basis for such submissions from a monthly calculation to a quarterly calculation.<sup>24</sup> However, the bill did not make this change to [s. 34.041\(1\)\(b\) and \(e\), F.S.](#)<sup>25</sup> Thus, for these provisions, the remissions period and calculation basis remains a monthly remissions period and calculation basis instead of quarterly as provided elsewhere in law.

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<sup>11</sup> [S. 28.36, F.S.](#)

<sup>12</sup> "Estimated revenues available" may include the fines, fees, charges, and costs to be collected by the Clerk in the upcoming fiscal year and the total of unspent budgeted funds for court-related functions carried forward by the Clerk from the previous county fiscal year and the portion of the balance of funds remaining in the FCC Trust Fund after the transfer of funds to the General Revenue Fund which has been allocated to the Clerk by the CCOC. *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Bill Analysis, *supra* note 7.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Ch. No. 2023-284, Laws of Fla.

<sup>25</sup> *Id.*

**RECENT LEGISLATION:**

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	<a href="#">CS/HB 977</a> - Clerks of Court	Botana/ <i>Hutson</i>	Became law on July 1, 2023.
2021	<a href="#">CS/CS/SB 838</a> - Clerks of the Circuit Court	Barnaby/ <i>Boyd</i>	Parts of the bill became law on July 1, 2021; other parts became law on October 1, 2021.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Civil Justice &amp; Claims Subcommittee</a>	17 Y, 0 N	1/14/2026	Jones	Mawn
<a href="#">Justice Budget Subcommittee</a>				
<a href="#">Judiciary Committee</a>				