

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 #: [CS/HB 925](#)

TITLE: Clerks of Court

SPONSOR(S): Trabulsky

COMPANION BILL: [SB 1322](#) (Martin)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

16 Y, 0 N, As CS

[Justice Budget](#)

[Judiciary](#)

SUMMARY

Effect of the Bill:

CS/HB 925 would increase funding to the Clerks of the Court by:

- Increasing the per-petition reimbursement amount from \$40 to \$195 for certain filings for which the Legislature prohibits the Clerks from charging filing fees but authorizes the Clerks to seek reimbursement funding, subject to an appropriation, and expanding the types of filings eligible for reimbursement.
- Equally dividing between a municipality and the Clerk the remainder of certain penalties for civil traffic violations that occur within the municipality's jurisdiction after initial payouts are made as specified in law, thereby increasing the portion of such fee remainder paid to the Clerk from 5.6 percent to 28.2 percent.

Fiscal or Economic Impact:

According to the Revenue Estimating Conference, the bill would have a positive indeterminate fiscal impact on the Clerks and a negative indeterminate fiscal impact on municipalities.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 925 would, through several changes to the existing statutory funding structure discussed below, increase funding for the [Clerks of the Court](#). However, the bill does not raise any existing service charges or fees, or create new service charges or fees, which the Clerks may assess.

Statutory Reimbursement Scheme

The bill increases the per-filing reimbursement amount from \$40 to \$195 for certain filings for which the Legislature prohibits the Clerks from assessing filing fees but otherwise authorizes the Clerks to seek reimbursement funding on a quarterly basis from the [Justice Administrative Commission](#) ("JAC"), subject to a Legislative appropriation. Practically speaking, the bill aligns the reimbursement amount to the amount retained by the Clerks where a party pays a filing fee after instituting a civil action in circuit court, except where otherwise provided in law. (Section [1](#))

The bill also expands the statutory reimbursement scheme to include reimbursement to the Clerks for the following fees and service charges which the Legislature prohibits the Clerks from assessing but for which the Clerks are not currently authorized to seek reimbursement:

- Filing fees and service charges waived for [indigent persons](#). (Section [2](#))
- Filing fees pertaining to applications for a determination of civil indigent status and to petitions for review of the Clerk's determination of nonindigent status. (Section [3](#))
- Filing fees for petitions for involuntary treatment under the [Marchman Act](#). (Section [10](#))

Further, the bill:

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- Modifies the entity that may submit the reimbursement requests to the JAC from the Clerks themselves to the [Florida Clerk of Courts Operations Corporation](#), on behalf of the Clerks. (Section [1](#))
- Adds cross-references in certain statutes, wherein Florida law currently authorizes the Clerks to seek reimbursement for filing fees enumerated therein but the statutes do not reference the relevant statutory authority for such reimbursement. (Sections [5](#), [6](#), [7](#), [8](#), [9](#), [11](#), [12](#), [13](#), and [14](#))

[Civil Traffic Violation Penalties](#)

The bill increases the Clerk's share of penalties for [civil traffic violations](#) that occur within a municipality and reduces the municipality's share thereof, so that such penalties are divided equally between the Clerk and the municipality. Specifically, the bill directs that, after statutorily-required distributions to DOR from the total penalty amount, the Clerk and the municipality would each receive 28.2 percent of the penalty's remainder, thereby increasing the Clerk's share from 5.6 percent of the remainder and reducing the municipality's share from 50.8 percent thereof. (Section [4](#))

[Miscellaneous Provisions](#)

The bill:

- Makes technical, conforming changes. (Section [15](#))
- Provides an effective date of July 1, 2026. (Section [16](#))

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The Revenue Estimating Conference considered the bill on January 16, 2026, and determined that the bill will have a positive indeterminate fiscal impact on the Clerks due to the bill's increase:

- To the Clerk's portion of fees for civil traffic violations occurring in municipalities; and
- Of the per-filing reimbursement amounts which the Clerks may request.

However, the Conference also determined that the bill's decrease of a municipality's portion of fees for civil traffic violations occurring in the municipality will have a negative indeterminate fiscal impact on such municipalities.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Florida Constitution mandates that there be an elected [Clerk of the 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.¹ As court officers, the Clerks serve in a ministerial capacity, with their duties and authority conferred entirely by law.² 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;

¹ 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 Feb. 3, 2026).

² "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.](#)

- Processing of bond forfeiture payments;
- Data collection and reporting;
- Determination of indigent status;³ and
- Paying reasonable administrative costs to enable the clerks to carry out these functions.⁴

Funds Remitted to the Department of Revenue

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.”⁵ 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.⁶ However, such revenue does not go entirely to the Clerks. Instead, Florida law directs the Clerks to direct a portion of such revenue to the Florida Department of Revenue (“DOR”), which must then distribute such revenue among the Clerks, municipalities, counties, 51 state trust funds of various statutory functions, and the state’s General Revenue Fund (“GR Fund”).⁷

Furthermore, the Legislature last increased the amount of such service charges and filing fees in 2008.⁸ 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; even so, the Clerks must still remit a portion of such fees and charges to DOR, and the [Florida Clerks of Court Operations Corporation](#)⁹ has now identified a funding gap between what it will take to run the Clerks’ offices and the revenue available to do so.¹⁰

Statutory Reimbursement Scheme

Except as otherwise provided in law, the party instituting a civil action in the circuit court must generally pay a \$395 filing fee to the Clerk in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50, from which the clerk shall remit \$0.50 to DOR for deposit into the GR Fund, for each defendant in excess of five.¹¹ Of the first \$200.00 in filing fees, the Clerk retains \$195.00.¹²

As a general policy matter, the Legislature prohibits the Clerks from assessing filing fees for certain filings relating to Baker Act¹³ proceedings, petitions for protection from domestic and other forms of interpersonal violence, and other proceedings in support of vulnerable populations; the Legislature also prohibits the Clerks from assessing

³ 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.](#)

⁴ [S. 28.35\(3\)\(a\), F.S.](#)

⁵ [Art. V, s. 14, Fla. Const.](#)

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

⁷ The GR Fund consists of all moneys received by the state from every source whatsoever, except as otherwise provided in law. Such moneys shall be expended pursuant to GR Fund appropriations acts, transferred as provided in law, or maintained as unallocated general revenue. Unallocated general revenue is considered the working capital balance of the state. [S. 215.32, F.S.](#); Florida Court Clerks & Comptrollers, *Bill Analysis for HB 977* (Mar. 7, 2023).

⁸ Ch. 2008-111, Laws of Fla.

⁹ The Florida Clerks of Court Operations Corporation is a public corporation which provides budget support to the Clerks. [S. 28.35, F.S.](#)

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

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/legislative_activity/2026_session/comms_materials/2026_co-sponsor_letter - hb .pdf (last visited Feb. 3, 2026).

¹¹ [S. 28.241, F.S.](#)

¹² [Id.](#)

¹³ The Florida Mental Health Act of 1971 (codified in [Part I of Ch. 394, F.S.](#)), known as the “Baker Act,” provides legal procedures for both the voluntary and involuntary examination and treatment of individuals endangered by a mental illness.

filings fees and service charges to persons determined to be indigent. However, in 2022, the Legislature recognized the need to account for the fact that such filings and services contribute to the Clerk's workload and, accordingly, established a statutory reimbursement scheme under which the Clerks could request reimbursement from the **Justice Administrative Commission**¹⁴ for certain of these fees and charges on a per-filing basis, subject to a Legislative appropriation.¹⁵ Specifically, under this scheme, the Clerks may request, on a quarterly basis, reimbursement at a rate of \$40 per filing for filings arising from:

- Petitions for protection from domestic and other forms of interpersonal violence;¹⁶
- Baker Act proceedings;¹⁷ and
- Jimmy Ryce Act¹⁸ proceedings.¹⁹

However, the statutory reimbursement scheme does not presently authorize the Clerks to seek reimbursement for:

- Filing fees arising from **Marchman Act**²⁰ proceedings;²¹
- Filing fees arising from petitions for a determination of civil indigent status and requests for review of a determination of nonindigent status; or
- Filing fees and service charges waived for indigent persons.

Civil Traffic Violation Penalties

Under Florida law, after the imposition of a civil penalty for a **civil traffic violation**,²² the Clerk must remit \$2.00 from every such penalty to DOR for deposit into specified trust funds.²³ Of the penalty's remainder, where the violation occurred within a county's unincorporated area, the Clerk may retain 56.4 percent, with the balance going to DOR for deposit into various other trust funds; however, where the violation occurred within a municipality, the Clerk must pay 50.8 percent of the penalty's remainder to the municipality and may retain only 5.6 percent of the remainder, with the balance again going to DOR for deposit into various trust funds.²⁴

¹⁴ The Justice Administrative Commission provides administrative services on behalf of 49 "judicial related offices." Justice Administrative Commission, *Home*, <https://www.justiceadmin.org/> (last visited Feb. 3, 2026).

¹⁵ Ch. 2022-201, Laws of Fla.

¹⁶ See ss. [741.30](#), [784.046](#), and [784.0485, F.S.](#)

¹⁷ See (ss. [394.459](#), [394.463](#), and [394.467, F.S.](#))

¹⁸ The Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act (codified in [Part V of Ch. 394, F.S.](#)), known as the "Jimmy Ryce Act," allows for the involuntary civil commitment of "sexually violent predators" to a secure facility for long-term treatment after their prison sentences ends. Under the Act, a "sexually violent predator" is an individual found to have a "mental abnormality" or "personality disorder" making them likely to engage in acts of sexual violence if not so confined.

¹⁹ See [s. 394.917, F.S.](#)

²⁰ The Hal S. Marchman Alcohol and Other Drug Services Act of 1993 (codified in [Ch. 397, F.S.](#)), known as the "Marchman Act," provides legal procedures for both the voluntary and involuntary examination and treatment of individuals endangered by a substance use disorder.

²¹ Florida law previously authorized the Clerks to seek reimbursement for filing fees arising from Marchman Act proceedings; however, when the relevant Marchman Act statute was renumbered, a cross-reference thereto was removed from the reimbursement authorization statute and never corrected. *Compare s. 40.29, F.S. (2023)* to *s. 40.29, F.S. (2026)*; *see s. 397.6814, F.S. (2023)* and *s. 397.681 (2026)*.

²² A civil traffic violation is a non-criminal, non-jailable traffic offense, the penalties for which include fines and, potentially, the assessment of points on the offender's driver license or attendance of a driver improvement course. Examples include minor speeding, failure to yield, running red lights, and improper lane changes. [S. 318.14, F.S.](#)

²³ [S. 318.21, F.S.](#)

²⁴ *Id.*

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|--|----------|------------------------------------|-------------------------|
| Civil Justice & Claims Subcommittee | 16 Y, 0 N, As CS | 2/3/2026 | Jones | Mawn |
| THE CHANGES ADOPTED BY THE COMMITTEE: | Removed provisions: | | | |
| | <ul style="list-style-type: none"> • Directing moneys away from the GR Fund and towards the Clerks. • Eliminating a case reopen fee exemption for certain probate proceedings. | | | |
| Justice Budget Subcommittee | | | | |
| Judiciary Committee | | | | |

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.