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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/11/2026 10:43 AM

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Senator Simon moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (4) of section
28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to
the state.—

(4)

~~(b) No later than February 1, 2022, and each February 1
thereafter, the Department of Revenue shall transfer 50 percent~~



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12 ~~of The cumulative excess of the original revenue projection from~~
13 ~~the Clerks of the Court Trust Fund to the General Revenue Fund.~~
14 ~~The remaining 50 percent in the Clerks of the Court Trust Fund~~
15 may be used in the development of the total combined budgets of
16 the clerks of the court as provided in s. 28.35(2)(f)6. However,
17 a minimum of 10 percent of ~~the clerk-retained portion of the~~
18 cumulative excess ~~amount~~ must be held in reserve until such
19 funds reach an amount equal to at least 16 percent of the total
20 budget authority from the current county fiscal year, as
21 provided in s. 28.36(3)(a).

22 Section 2. Paragraph (f) of subsection (2) of section
23 28.35, Florida Statutes, is amended to read:

24 28.35 Florida Clerks of Court Operations Corporation.-

25 (2) The duties of the corporation shall include the
26 following:

27 (f) Approving the proposed budgets submitted by clerks of
28 the court pursuant to s. 28.36. The corporation must ensure that
29 the total combined budgets of the clerks of the court do not
30 exceed the total estimated revenues from fees, service charges,
31 court costs, and fines for court-related functions available for
32 court-related expenditures as determined by the most recent
33 Revenue Estimating Conference, plus the total of unspent
34 budgeted funds for court-related functions carried forward by
35 the clerks of the court from the previous county fiscal year,
36 plus the cumulative excess as provided in ~~balance of funds~~
37 ~~remaining in the Clerks of the Court Trust Fund after the~~
38 ~~transfer of funds to the General Revenue Fund required pursuant~~
39 ~~to~~ s. 28.37(4)(b), and plus any appropriations for court-related
40 functions. The corporation may amend any individual clerk of the



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41 court budget to ensure compliance with this paragraph and must
42 consider performance measures, workload performance standards,
43 workload measures, and expense data before modifying the budget.
44 As part of this process, the corporation shall:

45 1. Calculate the minimum amount of revenue necessary for
46 each clerk of the court to efficiently perform the list of
47 court-related functions specified in paragraph (3) (a). The
48 corporation shall apply the workload measures appropriate for
49 determining the individual level of review required to fund the
50 clerk's budget.

51 2. Prepare a cost comparison of similarly situated clerks
52 of the court, based on county population and numbers of filings,
53 using the standard list of court-related functions specified in
54 paragraph (3) (a).

55 3. Conduct an annual base budget review and an annual
56 budget exercise examining the total budget of each clerk of the
57 court. The review shall examine revenues from all sources,
58 expenses of court-related functions, and expenses of noncourt-
59 related functions as necessary to determine that court-related
60 revenues are not being used for noncourt-related purposes. The
61 review and exercise shall identify potential targeted budget
62 reductions in the percentage amount provided in Schedule VIII-B
63 of the state's previous year's legislative budget instructions,
64 as referenced in s. 216.023(3), or an equivalent schedule or
65 instruction as may be adopted by the Legislature.

66 4. Identify those proposed budgets containing funding for
67 items not included on the standard list of court-related
68 functions specified in paragraph (3) (a).

69 5. Identify those clerks projected to have court-related



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70 revenues insufficient to fund their anticipated court-related
71 expenditures.

72 6. Use revenue estimates based on the official estimate for
73 funds from fees, service charges, court costs, and fines for
74 court-related functions accruing to the clerks of the court made
75 by the Revenue Estimating Conference, as well as any unspent
76 budgeted funds for court-related functions carried forward by
77 the clerks of the court from the previous county fiscal year and
78 the cumulative excess as provided in ~~balance of funds remaining~~
79 ~~in the Clerks of the Court Trust Fund after the transfer of~~
80 ~~funds to the General Revenue Fund required pursuant to s.~~
81 28.37(4) (b), plus any appropriations for the purpose of funding
82 court-related functions.

83 7. Identify pay and benefit increases in any proposed clerk
84 budget, including, but not limited to, cost of living increases,
85 merit increases, and bonuses.

86 8. Identify increases in anticipated expenditures in any
87 clerk budget that exceeds the current year budget by more than 3
88 percent.

89 9. Identify the budget of any clerk which exceeds the
90 average budget of similarly situated clerks by more than 10
91 percent.

92
93 For the purposes of this paragraph, the term "unspent budgeted
94 funds for court-related functions" means undisbursed funds
95 included in the clerks of the courts budgets for court-related
96 functions established pursuant to this section and s. 28.36.

97 Section 3. Paragraph (b) of subsection (2) and paragraph
98 (a) of subsection (3) of section 28.36, Florida Statutes, are



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99 amended to read:

100 28.36 Budget procedure.—There is established a budget
101 procedure for the court-related functions of the clerks of the
102 court.

103 (2) Each proposed budget shall further conform to the
104 following requirements:

105 (b) The proposed budget must be balanced such that the
106 total of the estimated revenues available equals or exceeds the
107 total of the anticipated expenditures. Such revenues include
108 revenue projected to be received from fees, service charges,
109 court costs, and fines for court-related functions during the
110 fiscal period covered by the budget, plus the total of unspent
111 budgeted funds for court-related functions carried forward by
112 the clerk of the court from the previous county fiscal year and
113 ~~the cumulative excess as provided in plus the portion of the~~
114 ~~balance of funds remaining in the Clerks of the Court Trust Fund~~
115 ~~after the transfer of funds to the General Revenue Fund required~~
116 ~~pursuant to~~ s. 28.37(4) (b) which has been allocated to each
117 respective clerk of the court by the Florida Clerks of Court
118 Operations Corporation. For the purposes of this paragraph, the
119 term "unspent budgeted funds for court-related functions" means
120 undisbursed funds included in the clerk of the courts' budget
121 for court related functions established pursuant to s. 28.35 and
122 this section. The anticipated expenditures must be itemized as
123 required by the corporation.

124 (3) (a) The Florida Clerks of Court Operations Corporation
125 shall establish and manage a reserve for contingencies within
126 the Clerks of the Court Trust Fund which must consist of an
127 amount not to exceed 16 percent of the total budget authority



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128 for the clerks of court during the current county fiscal year,
129 to be carried forward at the end of the fiscal year. Funds to be
130 held in reserve include the transfers of cumulative excess, as
131 provided in s. 28.37(4)(b), ~~from the Clerks of the Court Trust~~
132 ~~Fund~~ and may also include revenues provided by law or moneys
133 appropriated by the Legislature.

134 Section 4. Subsection (2) of section 50.0311, Florida
135 Statutes, is amended to read:

136 50.0311 Publication of advertisements and public notices on
137 a publicly accessible website and governmental access channels.-

138 (2) For purposes of notices and advertisements required
139 under s. 50.011, the term "publicly accessible website" means a
140 county's official website or other private website designated by
141 the county for the publication of legal notices and
142 advertisements that is accessible via the Internet. For legal
143 notices and advertisements regarding real property required
144 under s. 50.011 by a clerk of the circuit court or county
145 comptroller, the term "publicly accessible website" means such
146 entity's website, a private website designated by such entity, a
147 county's official website, or a private website designated by
148 the county in which such entity is located. All advertisements
149 and public notices published on a website as provided in this
150 chapter must be in searchable form and indicate the date on
151 which the advertisement or public notice was first published on
152 the website.

153 Section 5. Paragraphs (a) and (b) of subsection (5) of
154 section 318.18, Florida Statutes, are amended to read:

155 318.18 Amount of penalties.-The penalties required for a
156 noncriminal disposition pursuant to s. 318.14 or a criminal



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157 offense listed in s. 318.17 are as follows:

158 (5) (a) 1. Except as provided in subparagraph 2., \$200 for a
159 violation of s. 316.172(1) (a), failure to stop for a school bus.
160 If, at a hearing, the alleged offender is found to have
161 committed this offense, the court shall impose a minimum civil
162 penalty of \$200. In addition to this penalty, for a second or
163 subsequent offense within a period of 5 years, the department
164 shall suspend the driver license of the person for not less than
165 180 days and not more than 1 year.

166 2. If a violation of s. 316.172(1) (a) is enforced by a
167 school bus infraction detection system pursuant to s. 316.173,
168 the penalty of \$200 shall be imposed. If, at an administrative
169 hearing contesting a notice of violation or uniform traffic
170 citation, the alleged offender is found to have committed this
171 offense, a minimum civil penalty of \$200 shall be imposed.
172 Notwithstanding any other provision of law except s. 28.37(6),
173 the civil penalties assessed under this subparagraph resulting
174 from a notice of violation or uniform traffic citation shall be
175 remitted to the school district at least monthly and used
176 pursuant to s. 316.173(8).

177 (b) 1. Except as provided in subparagraph 2., \$400 for a
178 violation of s. 316.172(1) (b), passing a school bus on the side
179 that children enter and exit when the school bus displays a stop
180 signal. If, at a hearing, the alleged offender is found to have
181 committed this offense, the court shall impose a minimum civil
182 penalty of \$400.

183 2. If a violation of s. 316.172(1) (b) is enforced by a
184 school bus infraction detection system pursuant to s. 316.173,
185 the penalty under this subparagraph is a minimum of \$200. If, at



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186 a hearing contesting a notice of violation or uniform traffic
187 citation, the alleged offender is found to have committed this
188 offense, the court shall impose a minimum civil penalty of \$200.
189 Notwithstanding any other provision of law except s. 28.37(6),
190 the civil penalties assessed under this subparagraph resulting
191 from notice of violation or uniform traffic citation shall be
192 remitted to the school district at least monthly and used
193 pursuant to s. 316.173(8).

194 3. In addition to this penalty, for a second or subsequent
195 offense within a period of 5 years, the department shall suspend
196 the driver license of the person for not less than 360 days and
197 not more than 2 years.

198 Section 6. Paragraph (g) of subsection (2) of section
199 318.21, Florida Statutes, is amended to read:

200 318.21 Disposition of civil penalties by county courts.—All
201 civil penalties received by a county court pursuant to the
202 provisions of this chapter shall be distributed and paid monthly
203 as follows:

204 (2) Of the remainder:

205 (g)1. If the violation occurred within a special
206 improvement district of the Seminole Indian Tribe or Miccosukee
207 Indian Tribe, 56.4 percent shall be paid to that special
208 improvement district.

209 2. If the violation occurred within a municipality, 28.2
210 ~~50.8~~ percent shall be paid to that municipality and 28.2 ~~5.6~~
211 percent shall be deposited into the fine and forfeiture ~~trust~~
212 fund established pursuant to s. 142.01.

213 3. If the violation occurred within the unincorporated area
214 of a county, including the unincorporated areas, if any, of a



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215 government created pursuant to s. 6(e), Art. VIII of the State
216 Constitution, that is not within a special improvement district
217 of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4
218 percent shall be deposited into the fine and forfeiture fund
219 established pursuant to s. 142.01.

220 Section 7. This act shall take effect July 1, 2026.

221
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete everything before the enacting clause
225 and insert:

226 A bill to be entitled
227 An act relating to clerks of the court; amending s.
228 28.37, F.S.; authorizing the cumulative excess of
229 funds to be used in the development of the total
230 combined budgets of the clerks of the court; amending
231 ss. 28.35 and 28.36, F.S.; conforming provisions to
232 changes made by the act; amending s. 50.0311, F.S.;
233 revising the definition of the term "publicly
234 accessible website"; amending s. 318.18, F.S.;
235 providing exceptions to requirements that certain
236 civil penalties be remitted to school districts;
237 amending s. 318.21, F.S.; increasing the percentage of
238 certain penalties which must be deposited into the
239 fine and forfeiture fund and decreasing the percentage
240 of certain penalties that must be paid to a
241 municipality; providing an effective date.