

CHAPTER 2026-112

Committee Substitute for House Bill No. 925

An act relating to clerks of the court; amending s. 28.37, F.S.; authorizing the cumulative excess of funds to be used in the development of the total combined budgets of the clerks of the court; amending ss. 28.35 and 28.36, F.S.; conforming provisions to changes made by the act; amending s. 50.0311, F.S.; revising the definition of the term “publicly accessible website”; amending s. 318.18, F.S.; providing exceptions to requirements that certain civil penalties be remitted to school districts; amending s. 318.21, F.S.; increasing the percentage of certain penalties which must be deposited into the fine and forfeiture fund and decreasing the percentage of certain penalties that must be paid to a municipality; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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 of the original revenue 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 as provided in s. 28.35(2)(f)6. 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, as provided in s. 28.36(3)(a).~~

The cumulative excess of the original revenue 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 as provided in s. 28.35(2)(f)6. 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, as provided in s. 28.36(3)(a).

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

28.35 Florida Clerks of Court Operations Corporation.—

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

(f) Approving the proposed budgets submitted by clerks of the court pursuant to s. 28.36. The corporation must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues from fees, service charges, court costs, and fines for court-related functions available for court-related expenditures as determined by the most recent Revenue Estimating Conference, plus the total of unspent budgeted funds for court-related functions carried forward by the clerks of the court from the

previous county fiscal year, plus the cumulative excess as provided in balance of funds remaining in the Clerks of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to s. 28.37(4)(b), and plus any appropriations for court-related functions. The corporation may amend any individual clerk of the court budget to ensure compliance with this paragraph and must consider performance measures, workload performance standards, workload measures, and expense data before modifying the budget. As part of this process, the corporation shall:

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

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

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

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

5. Identify those clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures.

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

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

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

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

For the purposes of this paragraph, the term “unspent budgeted funds for court-related functions” means undisbursed funds included in the clerks of the courts budgets for court-related functions established pursuant to this section and s. 28.36.

Section 3. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 28.36, Florida Statutes, are amended to read:

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

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

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

(3)(a) The Florida Clerks of Court Operations Corporation shall establish and manage a reserve for contingencies within the Clerks of the Court Trust Fund which must consist of an amount not to exceed 16 percent of the total budget authority for the clerks of court during the current county fiscal year, to be carried forward at the end of the fiscal year. Funds to be held in reserve include the transfers of cumulative excess, as provided in s. 28.37(4)(b), ~~from the Clerks of the Court Trust Fund~~ and may also include revenues provided by law or moneys appropriated by the Legislature.

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

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

(2) For purposes of notices and advertisements required under s. 50.011, the term “publicly accessible website” means a county’s official website or other private website designated by the county for the publication of legal notices and advertisements that is accessible via the Internet. For legal notices and advertisements regarding real property required under s. 50.011 by a clerk of the circuit court or county comptroller, the term “publicly accessible website” means such entity’s website, a private website designated by such entity, a county’s official website, or a private website designated by the county in which such entity is located. All advertisements and public notices published on a website as provided in this chapter must be in searchable form and indicate the date on which the advertisement or public notice was first published on the website.

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

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

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

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

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

2. If a violation of s. 316.172(1)(b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty under this subparagraph is a minimum of \$200. If, at a hearing contesting a notice of violation or uniform traffic citation, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of \$200. Notwithstanding any other provision of law except s. 28.37(6), the civil

penalties assessed under this subparagraph resulting from notice of violation or uniform traffic citation shall be remitted to the school district at least monthly and used pursuant to s. 316.173(8).

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

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

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

(2) Of the remainder:

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

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

3. If the violation occurred within the unincorporated area of a county, including the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution, that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be deposited into the fine and forfeiture fund established pursuant to s. 142.01.

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

Approved by the Governor May 22, 2026.

Filed in Office Secretary of State May 22, 2026.