

Fiscal Year 2025-2026 Conforming Bill
Relating to the Clerks of Court Trust Fund

BILL

2025

1 A bill to be entitled
2 An act relating to the Clerks of Court Trust Fund; amending
3 s. 28.36, F.S.; revising budget procedures relating to the
4 distribution of funds from the Clerks of Court Trust Fund;
5 amending s. 28.37, F.S.; providing technical changes;
6 providing an effective date.

7

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

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10 Section 1. Subsections (3) and (4) of section 28.36,
11 Florida Statutes, are amended to read:

12 28.36 Budget procedure.—

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

23 (b) The corporation shall provide a reporting of the
24 balance and use of these funds during each county fiscal year as
25 part of the corporation's annual report submitted under s.
26 28.35(2) (h).

27 (c) The corporation may use the reserve to ensure the
28 clerks of court can perform the court-related functions as
29 provided in s. 28.35(3) (a). Moneys in the Clerks of the Court

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30 Trust Fund which are held in the reserve may be used by the
31 corporation under the following circumstances:

32 1. To offset a current deficit between the revenue
33 available and the original budget authority. A deficit is deemed
34 to occur when the revenue available to the clerks of court falls
35 below the original revenue projection for that county fiscal
36 year.

37 2. To provide funding for an emergency, as defined in s.
38 252.34(4). The emergency must have been declared by the
39 Governor, pursuant to s. 252.36, or otherwise declared by law.

40 3. To provide funds in the development of the total
41 aggregate budget of the clerks of court to ensure that a minimum
42 continuation budget is met. For purposes of this subparagraph, a
43 minimum continuation budget is the budget approved for the
44 current county fiscal year or some lesser amount adopted by the
45 corporation.

46 ~~(d) To use the reserve, the corporation must request a~~
47 ~~budget amendment pursuant to s. 216.292.~~

48 (4) If a clerk of the court estimates that available funds
49 plus projected revenues from fines, fees, service charges, and
50 costs for court-related services are insufficient to meet the
51 anticipated expenditures for the standard list of court-related
52 functions in s. 28.35(3)(a) performed by his or her office, the
53 clerk must report the revenue deficit to the corporation in the
54 manner and form prescribed by the corporation. The corporation
55 shall verify that the proposed budget is limited to the standard
56 list of court-related functions in s. 28.35(3)(a). If the
57 corporation verifies that a revenue deficit is projected, the
58 corporation shall certify a revenue deficit and notify the

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59 Department of Revenue that the clerk is authorized to retain
60 revenues, in an amount necessary to fully fund the projected
61 revenue deficit, which he or she would otherwise be required to
62 remit to the Department of Revenue for deposit into the
63 department's Clerks of the Court Trust Fund pursuant to s.
64 28.37. If a revenue deficit is projected for that clerk after
65 retaining all of the projected collections from the court-
66 related fines, fees, service charges, and costs, the corporation
67 shall certify the amount of the revenue deficit to the Executive
68 Office of the Governor and request ~~release authority for~~ funds
69 from the department's Clerks of the Court Trust Fund. The
70 distribution of funds from the department's Clerks of Court
71 Trust Fund shall be made in accordance with s. 216.181(12).
72 ~~Notwithstanding s. 216.192 relating to the release of funds, the~~
73 ~~Executive Office of the Governor may approve the release of~~
74 ~~funds in accordance with the notice, review, and objection~~
75 ~~procedures set forth in s. 216.177 and shall provide notice to~~
76 ~~the Department of Revenue and the Chief Financial Officer.~~ The
77 Department of Revenue shall request monthly distributions from
78 the Chief Financial Officer in equal amounts to each clerk
79 certified to have a revenue deficit, ~~in accordance with the~~
80 ~~releases approved by the Governor.~~

81 Section 2. Paragraph (b) of subsection (4) of section
82 28.37, Florida Statutes, is amended to read:

83 28.37 Fines, fees, service charges, and costs remitted to
84 the state.—

85 (4)

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

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88 of the cumulative excess of the original revenue projection from
89 the Clerks of the Court Trust Fund to the General Revenue Fund.
90 The remaining 50 percent in the Clerks of the Court Trust Fund
91 may be used in the development of the total combined budgets of
92 the clerks of the court as provided in s. 28.35(2)(f)6. However,
93 a minimum of 10 percent of the clerk-retained portion of the
94 cumulative excess amount must be held in the reserve until such
95 funds reach an amount equal to at least 16 percent of the total
96 budget authority from the current county fiscal year, as
97 provided in s. 28.36(3)(a).

98 Section 3. This act shall take effect July 1, 2025.