
Executive Summary

EXECUTIVE SUMMARY***Florida's Population***

Florida is the fourth largest state in the nation with a population approaching 19 million. Florida's population continues to expand at a steady rate and experienced a 1.1% increase from January 2007 to January 2008. The most significant increases in population (3% or greater) occurred in Sumter County, Taylor County, Flagler County, St. Johns County, Union County, and Lee County.

Florida's Trial Courts

Florida's trial court system consists of 20 circuit courts and 67 county courts. Currently there are 599 circuit judges and 322 county judges to handle cases flowing through the trial court system. The six divisions of court in which these cases are filed are circuit criminal, circuit civil, circuit family court, circuit probate, county criminal, and county civil. Total statewide filings from all divisions for fiscal year 2007-08 equaled 4,579,640 (1,107,039 in circuit court and 3,472,601 in county court). These totals represent a 21% increase in circuit court filings and a 10% increase in county court filings from fiscal year 2006-07. The total number of cases disposed statewide for fiscal year 2007-08 was 3,722,090.

Clearance rates¹ in circuit court divisions all exceeded 90%, with the exception of circuit civil. The rate for fiscal year 2007-08 was 54.5% in this division of court, mostly due to the overwhelming increase in mortgage foreclosure cases. In county court the clearance rate was 83.5% in county criminal and 80.3% in county civil.

Florida's Economy and the Court System: Increased Filings in Civil**Circuit Civil Division*****Overall Division Statistics***

In fiscal year 2006-07 circuit civil filings experienced significant growth. That trend continued in fiscal year 2007-08 with an 85% increase in filings, or almost double the number of cases filed in fiscal year 2006-07. Although increases in filings were seen in

¹ The clearance rate is a useful measure of the responsiveness of a court to the demand for services, and is nationally recognized as a measure of court performance. The rate is determined by taking the total number of cases *disposed* divided by the total number of cases *filed* during a specific time period.

nearly all case types across the division, the driving force behind this growth is the rapid rise in real property/mortgage foreclosure and contract and indebtedness cases.

Type of Case	Filings		
	FY 2005-06	FY 2006-07	FY 2007-08
Professional Malpractice	1,363	1,193	1,217
Products Liability	732	710	2,609
Auto Negligence	20,539	19,382	20,348
Other Negligence	12,115	11,885	13,148
Condominium	475	1,172	2,540
Contract and Indebtedness	36,703	42,764	55,116
Real Property/Mortgage Foreclosure	57,272	112,840	284,266
Eminent Domain	1,592	1,649	1,149
Other	33,454	34,693	38,186
Circuit Civil Division	164,245	226,288	418,579

Real Property/Mortgage Foreclosures

From fiscal year 2006-07 to fiscal year 2007-08 real property/mortgage foreclosure filings rose by an astounding 152%, representing an increase of 171,426 filings statewide. Since fiscal year 2005-06 the number of cases filed has risen by almost 400%.

Between fiscal year 2006-07 and fiscal year 2007-08, four Florida counties experienced growth rates exceeding 200%, Franklin County, St. Lucie County, Collier County, and Lee County. Sarasota County experienced the highest percentage increase, 306%. Across the nation Florida counties were among the most affected by the rising number of foreclosures. According to RealtyTrac Inc, "Nevada, Arizona, California, and Florida were among the hardest hit states, with metropolitan areas in California and Florida accounting for nine of the top 10 areas with the highest rate of foreclosure." ² The 20th circuit in Southwest Florida (which includes Collier and Lee Counties) accounts for the largest increase in actual filings – almost 25,000 new cases filed during fiscal year 2007-08. In Southeast Florida, Miami-Dade County and Broward County also experienced substantial increases in actual cases filed in fiscal year 2007-08, 23,893 and 21,232, respectively.

² Homes Facing Foreclosure Have Risen 65%, Report Says By Alex Veiga, *Bloomberg News*, May 15, 2008, *The New York Sun* <<http://www.nysun.com/real-estate/homes-facing-foreclosure-have-risen-65-report-says/76486/>>.

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In future years Florida's state court system may see continued growth in the number of mortgage foreclosures filings. Jay Brinkman, Mortgage Bankers Association's vice president for research and economics expects that "the rate of homes going into foreclosure will continue to climb sharply higher in California and Florida. In markets like these, where home prices have fallen so far from the market's peak, finding solutions to keep a home out of foreclosure are more difficult. Given the large impact California and Florida are having on the national foreclosure numbers, and the fact that historically foreclosures peak about three years into the loan's life, Brinkman also expects the number of foreclosures will continue to rise." ³

Contract and Indebtedness

Contract and indebtedness cases rose significantly from fiscal year 2006-07 to fiscal year 2007-08, with filings increasing by 29%. Since fiscal year 2005-06 the number of cases filed has risen by 50%. In fiscal year 2007-08, over 12,000 additional cases were filed statewide than in fiscal year 2006-07.

County Civil Division

Overall Division Statistics

County civil filings increased by 14% from fiscal year 2006-07 to fiscal year 2007-08 (excluding civil traffic infractions). With the exception of non-monetary cases, all case types in the county civil division experienced growth.

Included in county civil are any matters involving claims up to \$15,000, which includes mortgage foreclosures less than \$15,000. However, this increase in county civil filings may not only be limited to areas connected to the housing industry, but may also be attributed to a rise in auto loan defaults. Analysis by Experian Automotive, indicates that "it is not just home loans that are going into default, auto loan delinquencies also are on the rise. The data has shown a clear pattern of rising past-due loans in the auto industry. Nearly \$25 billion in auto loans are past due." ⁴

Though several types of cases contributed to the increase in county civil filings, the driving force behind the division's growth is the rise in county civil (\$5,001 to \$15,000), evictions and small claims cases.

³ Homes in foreclosure top 1 million: Mortgage bankers report hits grim a benchmark in first quarter, showing a record number of homes in jeopardy. By Chris Isidore, CNNMoney.com senior writer, Last Updated: June 5, 2008: 2:09 PM EDT, *America's Money* <<http://money.cnn.com/2008/06/05/news/economy/foreclosure/index.htm>>.

⁴ Auto loan delinquencies rise, Monday, October 6, 2008, *South Florida Business Journal* <<http://southflorida.bizjournals.com/southflorida/stories/2008/10/06/daily5.html>>.

Type of Case	Filings		
	FY 2005-06	FY 2006-07	FY 2007-08
Small Claims (up to \$5,000)	216,042	263,220	305,992
Civil (\$5,001 to \$15,000)	90,230	105,192	125,882
Replevins	3,288	3,253	3,695
Evictions	165,391	163,914	173,933
Other Civil (non-monetary)	4,563	6,244	5,788
County Civil Division	479,514	541,823	615,290

County Civil (\$5,001 to \$15,000)

County civil (\$5,001 to \$15,000) cases rose significantly from fiscal year 2006-07 to fiscal year 2007-08, with statewide filings increasing by 20%. In fiscal year 2007-08, over 20,000 additional cases were filed statewide than in fiscal year 2006-07.

Small Claims (up to \$5,000)

From fiscal year 2006-07 to fiscal year 2007-08 small claims filings increased by 16%. Since fiscal year 2005-06 the number of filings has risen by almost 42%. Nearly 306,000 small claims cases were filed in fiscal year 2007-08, representing an increase of 42,772 filings statewide from fiscal year 2006-07.

Evictions

Evictions cases rose by 6% from fiscal year 2006-07 to fiscal year 2007-08. In fiscal year 2007-08, over 10,000 additional cases were filed statewide than in fiscal year 2006-07.

According to The New York Times, "If South Florida is a barometer for the housing crisis and the economy, the forecast does not look good. Like other areas nationwide, evictions are rising throughout the state, clogging county courts." ⁵

⁵ In South Florida, Eviction Spares Few, By Damien Cave, Published: June 4, 2008, *The New York Times* <<http://www.nytimes.com/2008/06/04/us/04evict.html>>.

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Further Information

On-line versions of the fiscal year 2000-01 through 2007-08 *Statistical Reference Guide to Florida's Trial Courts*; the *Summary Reporting System Manual* and other detailed Summary Reporting System statistics may be accessed at www.flcourts.org.

For further information regarding judicial branch statistics or the Summary Reporting System, please contact:

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