
Executive Summary

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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 slow rate and experienced a 0.6 percent increase from 2008 to 2009. The most significant increases in population (3 percent or greater) occurred in seven counties across the state, more specifically in Hendry County, Jackson County, Liberty County, Nassau County, St. Johns County, Wakulla County, and Washington County.

Florida's Trial Courts

Florida's trial court system is comprised 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 include circuit criminal, circuit civil, family court, probate, county criminal and county civil. Total statewide filings from all divisions for fiscal year 2008-09 equaled 4,628,260 (3,437,274 in county court and 1,190,986 in circuit court). When compared to fiscal year 2007-08, these totals represent a 1 percent decrease in county court filings and an 8 percent increase in circuit court filings, mostly related to the number of mortgage foreclosure cases. The total number of cases disposed statewide for fiscal year 2008-09 was 4,515,194.

Fiscal year 2008-09 statewide clearance rates¹ in circuit court divisions all exceeded 95 percent, with the exception of circuit civil. The rate for fiscal year 2008-09 was 60.1 percent in this division of court, again due to the overwhelming number of mortgage foreclosure cases flowing through Florida's trial court system. In county court the fiscal year 2008-09 statewide clearance rate was 93.2 percent in county criminal and 107.3 percent in county civil.

Florida's Economy and the Court System: Increased Filings in Civil

Circuit Civil Division

Overall Division Statistics

Circuit civil filings continued to increase in fiscal year 2008-09. The trend began 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.

fiscal year 2006-07 with 226,288 filings, or 38 percent increase when compared to fiscal year 2005-06. From fiscal year 2005-06 to fiscal year 2008-09 the number of circuit civil filings has increased over 230 percent. Although increases in filings were seen in several case types across the division, the driving force behind this extreme growth is the steady rise in real property/mortgage foreclosure and contract and indebtedness case filings.

Type of Case	Filings			
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09
Professional Malpractice	1,363	1,193	1,217	1,286
Products Liability	732	710	2,609	953
Auto Negligence	20,539	19,382	20,348	19,497
Other Negligence	12,115	11,885	13,148	12,173
Condominium	475	1,172	2,540	2,327
Contract and Indebtedness	36,703	42,764	55,116	70,466
Real Property/Mortgage Foreclosure	57,272	112,840	284,266	403,477
Eminent Domain	1,592	1,649	1,149	856
Other	33,454	34,693	38,186	36,159
Circuit Civil Division	164,245	226,288	418,579	547,194

Real Property/Mortgage Foreclosures

From fiscal year 2007-08 to fiscal year 2008-09 real property/mortgage foreclosure filings rose 42 percent. Since fiscal year 2005-06 the number of real property/mortgage foreclosure case filings has risen over 600 percent. The mortgage foreclosure crisis continues to burden Florida's court system.

Florida counties are among the most affected by the rising number of foreclosures in the nation. Foreclosure filings in 11 of 20 circuit courts increased over 40 percent from fiscal year 2007-08 to fiscal year 2008-09. According to the National Delinquency Survey conducted by the Mortgage Bankers Association in the first quarter of 2009, "10.6 percent of the mortgages in Florida are now somewhere in the process of foreclosure."² This is the highest rate in the nation, followed by Nevada, Arizona and California.

² [Delinquencies, Foreclosures Hit Record Levels In MBA National Delinquency Survey](http://www.mortgagebankers.org/tools/Fullstory.aspx?ArticleId=4824) By Mike Sorohan, *The Daily Newsletter of the Mortgage Bankers Association*, May 29, 2009, <<http://www.mortgagebankers.org/tools/Fullstory.aspx?ArticleId=4824>>.

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In the next few years, Florida's state courts system may see continued growth in the number of mortgage foreclosure filings. The Miami Herald reports, "There's a new wave of foreclosures making its way through the courts that has nothing to do with exotic subprime loans, real-estate flippers out to make a quick buck or people who bought way more house than they could afford."³ According to Jacksonville News, "thousands of adjustable-rate mortgages are going to reset and interest rates on those mortgages could go up."⁴

Contract and Indebtedness

Contract and indebtedness cases rose significantly from fiscal year 2007-08 to fiscal year 2008-09, with filings increasing by 28 percent. Since fiscal year 2005-06 the number of cases filed has risen by 92 percent. In fiscal year 2008-09, nearly 15,500 additional cases were filed statewide when compared to fiscal year 2007-08. These type of cases tend to rise during bad economic times.

County Civil Division

Overall Division Statistics

County civil filings decreased by 18 percent from fiscal year 2007-08 to fiscal year 2008-09 (excluding civil traffic infractions). With the exception of civil (\$5,001 to \$15,000) and replevins, all case types in the county civil division experienced a decrease.

Type of Case	Filings			
	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09
Small Claims (up to \$5,000)	216,042	263,220	305,992	229,465
Civil (\$5,001 to \$15,000)	90,230	105,192	125,882	129,976
Replevins	3,288	3,253	3,695	3,763
Evictions	165,391	163,914	173,933	135,316
Other Civil (non-monetary)	4,563	6,244	5,788	4,794
County Civil Division	479,514	541,823	615,290	503,314

³ Foreclosure Crisis Far From Over For South Florida By Cammy Clark, *The Miami Herald*, October 18, 2009, <<http://www.miamiherald.com/1382/story/1288053.html>>.

⁴ Experts see a 'second tsunami of foreclosures' on the way By Marcia Lane, *Jacksonville News*, November 13, 2009, <http://jacksonville.com/community/my_st_johns_sun/2009-11-14/story/experts_see_a_second_tsunami_of_foreclosures%E2%80%99_on_the_way>.

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

Civil (\$5,001 to \$15,000) cases rose slightly, 3.3 percent, from fiscal year 2007-08 to fiscal year 2008-09. Included in this case type are auto loan defaults that are less than \$15,000.

Further Information

On-line versions of the *Fiscal Year 2000-01 through 2008-09 Statistical Reference Guides 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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