

**Revenue Estimating Conference  
Article V Fees & Transfers  
Executive Summary  
February 20, 2023**

Revenue collections for Article V Fees and Transfers during the six-month period following the Revenue Estimating Conference held on July 21, 2022, were mixed relative to the estimates adopted for FY 2022-23. County Court was a combined 7.6% above estimate; Circuit Court Other was -7.7% below estimate; Traffic Court was 1.5% above estimate; Family Court was -1.8% below estimate; and the miscellaneous collection of Other was -4.1% below estimate. Foreclosure Filings are treated separately and were below the activity level forecasted by the prior conference, resulting in a -27.0% revenue loss to the Circuit Courts for this component. The higher than expected activity in parts of the judicial system (County Court, Traffic Court and Clerks of Court) more than offset the losses in the remaining parts (Family, Circuit and Other) leading to a combined surplus of \$3.1 million relative to the prior forecast, an overage of 0.9%.

Adopted February 20, 2023, the overall forecast for Article V Fees and Transfers was revised upward relative to the prior estimate; however, actual FY 2022-23 revenue performance through January was used to adjust the individual revenue variables. As a result, the forecast did not change for seven revenue categories: Family Court Base Fees; Family Court Marriage Dissolution; Circuit Court Base Fees; Circuit Court Probate; Circuit Court Additional Fees; Appeals; and Counterclaims. Further, County Court Claims above \$2500 and below \$15,000; Removal of Tenant Action; County Court Additional Fees; Traffic Court Allocated Civil Penalties; Violations/Red Light Ticket/Unlawful Speed; Other Revenue to the Clerk; and Chapter 2008-111 Fees were increased each year of the forecast period. In contrast, Foreclosure Base Fee and Foreclosure Variable Fee were decreased throughout their forecasts. The change relative to prior forecast was mixed among increases, no changes, and decreases for the remaining categories: County Court Claims above \$15,000; County Court Foreclosure; Mediation/Marriage License/Other; and 10% of Fines to the Clerks of Court.

The most significant loss to the overall forecast during the first two fiscal years related to foreclosure filings. The Conference adopted a new foreclosure forecast that takes into account both the actual filings observed during the first half of FY 2022-23 and the relatively low number of homes seriously delinquent or in foreclosure. FY 2022-23 actual filings through February have been impacted by Hurricane Ian—both through court office closings and various private and public mortgage assistance programs available to homeowners. Over the longer term, the Conference continues to recognize that the heightened foreclosure activity throughout most of the prior decade, as well as the significant refinancing opportunities in the recent past, has likely affected the forecast for years to come. While the new forecast begins a gradual return to normal levels, the last year of the forecast is still below the Conference’s long-term expectations. The annual changes to filings are shown below; however, all years have been affected by the correction of a past coding error by several Clerks of the Court.

Foreclosure Filings	July 2022 REC	February 2023 REC	Forecast Diff
<b>2022-23</b>	44,736	36,899	(7,837)
<b>2023-24</b>	49,800	43,800	(6,000)
<b>2024-25</b>	51,600	45,600	(6,000)
<b>2025-26</b>	52,600	46,600	(6,000)
<b>2026-27</b>	53,600	47,600	(6,000)
<b>2027-28</b>	54,600	48,600	(6,000)

Note: a coding error overstated actual foreclosure filings for the 2019-20, 2020-21, 2021-22 and 2022-23 fiscal years by approximately 6,000 filings. The series has now been corrected.

The Conference also discussed several other issues involving the clerks of court. Most importantly, state law (s. 28.37(3)(b)2, F.S.) requires that not less than 50% of the cumulative excess of all fines, fees and charges be transferred to General Revenue no later than February 1, 2022 and each year thereafter. Based on the new forecast, \$2.7 million is expected to be transferred by the February 2023 deadline and \$8.8 million is expected to be transferred by the February 2024 deadline.

Cumulatively, the Article V revisions resulted in positive changes to the overall forecast throughout the forecast period. The impact on specific funds, however, varies in both size and direction. For the major funds, the new forecast results in the following near-term changes:

- Direct receipts into the General Revenue Fund were increased by \$0.1 million in FY 2022-23 and decreased by -\$0.1 million in FY 2023-24. In addition to the direct receipts, the prior forecast projected a transfer of \$1.6 million in FY 2022-23 and no transfer for FY 2023-24, while the new forecast includes a transfer of \$2.7 million in FY 2022-23 and \$8.8 million for FY 2023-24. Combining the two sources of revenue, the net change relative to the July forecast was an increase of \$1.2 million for FY 2022-23 and \$8.7 million for FY 2023-24.
- The State Courts Revenue Trust Fund was increased by \$1.4 million in FY 2022-23 and by \$1.6 million in FY 2023-24.
- The Clerks' Fine and Forfeiture Funds was increased by \$15.5 million in FY 2022-23 and by \$16.8 million in FY 2023-24.