

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2014-16-Civ

SECOND CORRECTED ADMINISTRATIVE ORDER ESTABLISHING  
PROCEDURES FOR DIRECT FILING OR  
REASSIGNMENT OF CIRCUIT CIVIL CASES TO A COMPLEX BUSINESS OR  
COMPLEX TORT DIVISION

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(a) Florida Rule of Judicial Administration 2.215(b) (3) states the chief judge shall “considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) Fla. R. Civ. P. 1.201 shall govern the designation of a case as complex and thereafter the management of the case to final disposition.

(2) A case may be direct filed or reassigned/transferred to a complex litigation division (business or tort) only as set forth in this Administrative Order.

**(3) DIRECT FILING OF NEW CASES INTO A COMPLEX BUSINESS OR COMPLEX TORT DIVISION.** Any party seeking to direct file an original complaint meeting criteria as set forth in this order, into a complex business or tort division, shall complete form “B” and e file same with clerk of the court at the time of filing. The clerk of court shall thereafter randomly assign the case to a complex business or tort division as set forth in this Administrative Order. (See Form “B” attached). Any case direct filed into a complex division not meeting criteria set forth in this order may be reassigned by the Administrative Judge of Circuit Civil.

**(4) REASSIGNMENT OF PENDING CASES TO A COMPLEX BUSINESS OR TORT DIVISION.** A party seeking to reassign a **tort case** to a complex litigation division shall file a motion and set a hearing before the assigned division judge. The division judge, on his or her own motion may also request the case be reassigned to a complex litigation division. The division judge at the time of the hearing will determine if the case meets the requirements of this Administrative Order for reassignment to a complex litigation division. In cases involving complex **tort** matters, if the division judge has sufficient time and resources to handle the matter he or she may keep the case and not recommend transfer to a complex **tort** division. Upon a recommendation by the division judge to transfer a case to a complex litigation division, the Administrative Judge of Circuit Civil may reassign the case consistent with criteria set forth in this order.

As it pertains to **business cases**, a party seeking to transfer a case to the complex business division shall set a hearing before the Administrative Judge of Circuit Civil on the courts transfer calendar which will be on Wednesday mornings at 8:45 a.m. Requests for scheduling a business case for transfer shall be made through the Court's judicial assistant. A form (Form "A") as attached to this order shall accompany any motion to transfer/reassign a case to a complex division. All requests to transfer **business** cases to a complex business division shall be set on the courts transfer calendar. A motion to transfer/reassign a **tort** case shall be transferred as set forth above.

Upon the denial of a request for transfer of a *tort* case to a complex division, any party may request a hearing before the Administrative Judge of Circuit Civil, for final consideration as to whether the matter meets criteria for transfer to a complex division. Any such request for a hearing shall be accompanied by use of (Form "A") and set on the court's transfer calendar on Wednesday mornings at 8:45 a.m.

Factors to be considered regarding a dispute over transfer to a complex division include the length of time needed for trial; number of times case has been set or reset for trial; age of the case; number of parties in case; complexity of the subject matter of the case; availability of division judge to hear the case; and any prejudice that might inure to a party if the case is transferred.

(5) The Administrative Judge of Circuit Civil may decline reassignment of a case to a complex litigation division. If such a situation arises, the case will remain assigned to the division randomly determined at the time of filing.

(6) Cases may be direct filed or reassigned/transferred to a complex business division based on a number of factors including the nature of the case, complexity of the issues, complexity of the discovery, number of parties in the case, and if the subject matter of the case meets one or more of the following:

- (a) the amount in controversy exceeds \$150,000.00 and is a Uniform Commercial Code non-consumer related transaction;
- (b) the amount in controversy exceeds \$500,000.00 and arises from the purchase and sale of a business or the assets of a business (including non-consumer contract disputes, commercial foreclosures which are accompanied by requests/motions for appointment of receiver or assignment of rents)
- (c) the amount in controversy exceeds \$150,000.00 and involves the sale of goods or services by or to business entities;
- (d) the amount in controversy exceeds \$150,000.00 and involves non-consumer bank or brokerage accounts (including loan, deposit, cash management, and investment accounts);
- (e) the amount in controversy exceeds \$150,000.00 and arises from the purchase, sale, or lease of commercial real or personal property or security interests;

- (f) the amount in controversy exceeds \$500,000.00 and relates to construction litigation (non-personal injury);
- (g) the amount in controversy exceeds \$150,000.00 and is a franchisee/franchisor dispute;
- (h) the amount in controversy exceeds \$150,000.00 and is professional malpractice of non-medical professionals in connection with rendering services to a business entity;
- (i) the amount in controversy exceeds \$150,000.00 and relates to the internal affairs, governance, dissolution, liquidation rights, or obligations between or among owners of a business entity (shareholders, partners, members);
- (j) the amount in controversy exceeds \$150,000.00 and concerns the liability or indemnity of officers, directors, managers, trustees, members or partners functioning as managers of a business entity;
- (k) the amount in controversy exceeds \$150,000.00 and relates to trade secrets;
- (l) the amount in controversy exceeds \$150,000.00 and relates to non- compete agreements;
- (m) the amount in controversy exceeds \$150,000.00 and is an intellectual property claim;
- (n) the amount in controversy exceeds \$150,000.00 and arises under state securities laws or antitrust statutes;

Further, the following **business** cases in A-H below, meeting criteria as set forth in this order, **shall** be mandatorily direct filed or reassigned/transferred to the complex business division:

- A) All UCC non-consumer claims which exceed \$150,000
- B) All commercial foreclosure exceeding \$500,000 which are accompanied by a request/motion for appointment of a receiver or assignment of rents
- C) All cases in which the subject matter is an Assignment for the Benefit of Creditors
- D) All business dissolutions and related shareholder/partnership/LLC disputes
- E) Any business case where the subject matter relates to trade secrets where the amount in controversy exceeds \$150,000
- F) All business cases involving Non-Competition Agreements or disputes where the amount in controversy exceeds \$150,000
- G) Disputes involving the confirmation of non-consumer arbitration awards
- H) All shareholder derivative actions where the amount in controversy exceeds \$150,000

(7) Post-judgment matters and proceedings supplementary are generally not subject to transfer to the complex litigation division absent approval from *both* the division judge and Administrative Judge of Circuit Civil.

(8) Personal injury cases, construction claims with personal injuries, eminent domain, professional negligence and class action cases that meet either the time duration or complexity criteria may qualify for transfer to a complex litigation division. Personal injury or other tort related cases seeking transfer to a complex litigation division, meeting criteria above, must require a minimum of (10) days for trial.

(9) Class Actions: Class Actions may be subject to assignment/reassignment to a complex business division subject to the following limitations:

- a) the amount in controversy regarding the class action exceeds \$250,000 exclusive of claims for attorney fees;
- b) a class action has been previously certified by the division judge and the matter will take substantial judicial management of the class or issues relating to the class;
- c) any other class action in which the division judge *and* Administrative Judge of Circuit Civil agree meet criteria for transfer to a complex division.

(10) The division judge and counsel of record should strive to make an early determination of any case that may qualify for transfer to a complex litigation division and make a timely motion to transfer. Factors to be considered regarding a dispute over transfer to a complex division include the length of time needed for trial; number of times the case has been set or reset for trial; age of the case; number of parties in case; complexity of the subject matter of the case; and availability of division judge to hear the case and any prejudice that might inure to a party if the case is transferred.

(11) Cases subject to transfer to a complex division pursuant to this Administrative Order shall be reassigned to a particular complex division based on the nature, type, duration, complexity of the case, workload of the judges serving in the complex division and other factors within the discretion of the Administrative Judge of Circuit Civil.

(12) Should a judge presiding over a case in a complex business or tort division be disqualified or enter an order of recusal, the matter shall be reassigned by the Administrative Judge of Circuit Civil utilizing criteria set forth in this order.

(13) Requests for direct filing or reassignment to a complex division shall be accompanied by a notice/motion utilizing the forms attached to this order.

(14) The Clerk of the Court is directed to furnish each judge assigned to a complex litigation division a list of newly filed or assigned cases each month.

(15) This Administrative Order vacates and supersedes Administrative Order 2013-11-Civ.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on  
June 26, 2014 nunc pro tunc to April 16, 2014.

s/ Peter M. Weinstein  
Peter M. Weinstein, Chief Judge

**FORM "A"**

(To be utilized only when seeking to reassign or transfer a pending case into a complex business or tort division)

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

Case Number CACE \_\_\_\_\_

Plaintiff(s)

v.

Defendant(s).

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**MOTION REQUESTING TRANSFER OF BUSINESS CASE OR TORT CASE  
FROM GENERAL CIVIL DIVISION TO COMPLEX BUSINESS DIVISION**

The undersigned seeks transfer of the above entitled case to a complex business division and certifies -this action is appropriate for assignment/reassignment to complex business, and complies with Administrative Order 2014-16-Civ in that:

The case meets criteria for one or more of the following categories:

☐ the amount in controversy exceeds \$150,000.00 and is a Uniform Commercial Code non-consumer related transaction

☐ the amount in controversy exceeds \$500,000.00 and arises from the purchases and sale of businesses or the assets of a business (including non-consumer contract disputes, commercial foreclosures which are accompanied by requests/motions for appointment of receiver or assignment of rents)

☐ the amount in controversy exceeds \$150,000.00 and the sale of goods or services by or to business entities

☐ the amount in controversy exceeds \$150,000.00 and involves non- consumer bank or brokerage accounts (including loan, deposit, cash management, and investment accounts)

☐ the amount in controversy exceeds \$150,000.00 and arises from the purchase or, sale or financing, or lease of commercial, real or personal property or security interests

☐ the amount in controversy exceeds \$150,000.00 and relates to construction litigation (non-personal injury) and OR surety bonds

☐ the amount in controversy exceeds \$150,000.00 and is a franchisee/franchisor dispute

☐ the amount in controversy exceeds \$150,000.00 and is professional malpractice of non-medical professionals in connection with rendering services to a business entity

☐ The amount in controversy exceeds \$150,000 and involves non-competition agreements

☐ The action involves confirmation of a non-consumer arbitration award that exceeds \$150,000

☐ This action is a shareholder derivative action and the amount in controversy exceeds \$150,000

☐ This is an action predicated on an assignment for the benefit of creditors

☐ the amount in controversy exceeds \$150,000.00 and is an insurance coverage dispute, bad faith litigation, or a third party indemnity action against insurers arising under policies issued to a business entity

☐ personal injury claims, construction claims with personal injury, eminent domain, professional negligence and class action cases that meet either the time duration or complexity requirements (Personal Injury cases must exceed 10 days for trial)

Is this a class action case where the amount in controversy exceeds \$250,000?

☐ Yes ☐ NO

[Attorney Signature Block]

CERTIFICATE OF SERVICE

**FORM "B"**

(To be utilized when filing an original complaint)

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA**

**NOTICE OF INTENT TO FILE NEW CASE IN  
COMPLEX BUSINESS OR TORT DIVISION**

THIS ACTION IS APPROPRIATE FOR ASSIGNMENT TO A COMPLEX BUSINESS  
OR TORT DIVISION AND COMPLIES WITH REQUIRMENTS FOR FILING IN SUCH  
DIVISION AS SET FORTH IN ADMINISTRATIVE ORDER 2014-16-Civ

Is this a **tort** case which meets criteria of Administrative Order 2014-16-Civ?

YES \_\_\_\_\_

NO \_\_\_\_\_

Is this a **business** case which meets criteria of Administrative Order 2014-16-Civ?

YES \_\_\_\_\_

NO \_\_\_\_\_

Is this a class action case?

YES \_\_\_\_\_

NO \_\_\_\_\_

I CERTIFY the information herein is accurate and this case meets criteria pursuant to  
Administrative Order 2014-16-Civ for filing in the complex business or tort division of the 17<sup>th</sup>  
Judicial Circuit.

Signature of attorney \_\_\_\_\_

Florida Bar #

Name, Address and Phone Number