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

Order Number 2013-11-Civ

ADMINISTRATIVE ORDER ESTABLISHING PROCEDURE FOR
REASSIGNMENT OF CIRCUIT CIVIL CASES TO COMPLEX LITIGATION DIVISION

(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 reassigned to a complex litigation division only as set forth in this Administrative Order.

(3) A party seeking to reassign a case to a complex litigation division shall file a motion and set the motion for hearing before the assigned division judge. A division judge, on his or her own motion may also request the case be reassigned to the 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 subject to the approval of the Circuit Civil Administrative Judge.

(4) The Circuit Civil Administrative Judge may reject the reassignment of a case to a complex litigation division for failure to meet the requirements of this Administrative Order that will result in the case remaining assigned to the division randomly determined at the time of filing.

(5) Cases may be assigned to a complex litigation division based on a number of factors including the nature of the case, complexity of the issues, 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 an Uniform Commercial Code related transaction;

(b) the amount in controversy exceeds $150,000.00 and arises from the purchases and sales of businesses or the assets of a business (including contract disputes, commercial landlord-tenant claims, and business torts);

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

(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 is an insurance coverage dispute, bad faith litigation, or a third party indemnity action against insurers arising under policies issued to a business entity;

(j) the amount in controversy exceeds $100,000.00 and relates to the internal affairs, governance, dissolution, liquidation rights, or obligations between or among owners (shareholders, partners, members);

(k) the amount in controversy exceeds $100,000.00 and concerns the liability or indemnity of officers, directors, managers, trustees, members or partners functioning as managers of a business entity;

(l) the amount in controversy exceeds $100,000.00 and relates to trade secrets;

(m) the amount in controversy exceeds $100,000.00 and relates to non- compete agreements;

(n) the amount in controversy exceeds $100,000.00 and is an intellectual property claim;

(o) the amount in controversy exceeds $100,000.00 and arises under the state securities laws or antitrust statutes;

(p) the amount in controversy exceeds $100,000.00 and is a shareholder derivative action and class action;

(q) Personal injury claims, construction claims with personal injury, eminent domain, professional negligence and class action cases that meet either the time duration or complexity criteria may qualify for transfer to the complex litigation division. Transfer of these type cases is subject to approval of the Administrative Judge of the Circuit Civil Division of the Seventeenth Judicial Circuit;

(r) Personal injury cases seeking transfer to the complex litigation division, unless meeting any of the criteria above must require a minimum of (10) days for trial;

(s) 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 the Circuit Civil Division of the Seventeenth Judicial Circuit.

(6) The division judge and counsel of record should strive to make an early determination of the cases that may qualify for transfer to the complex litigation

division and make a timely motion to transfer. Cases may not be reassigned to a complex litigation division if the case is set for trial within sixty (60) days of the motion or if the Administrative Judge of Circuit Civil determines due to the length of time the case has been pending it would be an injustice to one or more parties if the case is transferred.

(7) 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.

(8) Cases subject to transfer to the complex division under this Administrative Order shall be reassigned 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 the Circuit Civil Division. Upon the disqualification or recusal of a judge in the complex litigation division the case shall be reassigned by the Administrative Judge of the Circuit Civil Division or the Chief Judge of the 17th Judicial Circuit utilizing the criteria above.

(9) This Administrative Order vacates and supersedes Administrative Order 2010- 36-Civ.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on March 11, 2013.

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