

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 06-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 06-40**

**IN RE: CREATION OF SECTION 40  
("COMPLEX BUSINESS LITIGATION  
SECTION") IN THE GENERAL  
JURISDICTION DIVISION OF THE  
ELEVENTH JUDICIAL CIRCUIT OF  
FLORIDA**

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**WHEREAS**, the Circuit and County Courts in Miami-Dade County are organized into divisions for more efficient case and records management; and

**WHEREAS**, caseloads in each division are identified by numbered sections to facilitate the exchange of caseloads when changes of division assignment occur; and

**WHEREAS**, the Court has carefully studied and considered the creation of a complex business litigation section, including analyzing the business litigation section operating in the Ninth Judicial Circuit and similar courts in other jurisdictions throughout the country and the reports and evaluations of those divisions by legal commentators and experts and has received input from a cross section of the legal community; and

**WHEREAS**, the nature and volume of business litigation cases filed in the General Jurisdiction Division of this Court warrant the creation of another section designated to handle complex business litigation cases;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050, Florida Rules of Judicial Administration, it is hereby **ORDERED** that Section 40 is hereby created and dedicated as the Complex Business Litigation Section, within the General Jurisdiction Division of this Court.

It is further **ORDERED** that the following procedures shall be followed as to the assignment and reassignment of cases with respect to Section 40:

**Section 1.** The Clerk of the Court shall assign to Section 40 all newly filed cases that appear to meet the criteria established in this Administrative Order as designated on the Civil Cover Sheet by the filing attorney or party; and all cases

reassigned to the Complex Business Litigation Section by the Administrative Judge (or designee).

**Section 2. Cases Subject to the Complex Business Litigation Section.**

The principles set forth below shall guide the parties and the Court in the assignment and reassignment of cases to the Complex Business Litigation Section. Notwithstanding anything to the contrary in any prior general Administrative Order of Court procedure, all jury, non-jury, injunction and class action cases shall be assigned to the Complex Business Litigation Section, if they are among the following types of actions:

- a) Any of the following where the matter in controversy exceeds the amount of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest, costs and attorney's fees:
  - i. A breach of contract action, including a claim involving an employment agreement (except a claim primarily based upon allegations of discrimination) or a partnership, shareholder, joint venture or other business arrangement;
  - ii. An action asserting a business tort, such as a claim for breach of fiduciary duty, fraud, misrepresentation, unfair competition and the like;
  - iii. An action based on a statutory or common law violation where the breach or violation is alleged to arise out of a business dealing;
  - iv. An action asserting a claim arising under the U.C.C., including a claim involving the sale of goods or services by or to a business enterprise;
  - v. An action involving the purchase, sale or restructuring of a business or the purchase or sale of the stock, assets or liabilities of a business;
  - vi. An action relating to a surety bond;
  - vii. An action arising from a franchisee/franchisor relationship and associated liabilities;
  - viii. An insurance coverage dispute, bad faith suit, or third party indemnity action against an insurer arising under a policy issued to a business, such as a claim arising under a commercial general liability policy or commercial property policy;

- ix. An action under the Uniform Fraudulent Transfer Act (except proceedings supplementary in a case assigned to another Division).
  - x. An action under the Florida Deceptive and Unfair Trade Practices Act;
  - xi. A construction defect case not primarily based upon a claim of personal injury;
  - xii. A case that is appropriately transferred to the Complex Business Litigation Section pursuant to Section 4 below; and
- b) Any of the following without regard to the amount in controversy:
- i. An action relating to trade secrets or a non-compete agreements;
  - ii. An action involving the dissolution of a business entity or an assignment for the benefit of creditors;
  - iii. An action asserting an intellectual property claim;
  - iv. An actions involving securities or asserting a claim under a state or other securities law;
  - v. An action under a state or other antitrust law;
  - vi. A shareholder derivative action or other action relating to director and officer liability or a corporate governance issue.

**Section 3. Cases Not Subject to the Complex Business Litigation Section.**

The following types of matters shall not be assigned to the Complex Business Litigation Section absent special circumstances:

- a) A matter involving occupational health or safety;
- b) An environmental claim which does not involve the sale or disposition of a business or coverage dispute addressed in paragraph 2(a)(viii) above;
- c) A matter in eminent domain;
- d) An employment law case, other than the type described in paragraphs 2(a)(i) and 2(b)(i) above;
- e) An administrative agency, tax, zoning, or other appeal;

- f) A matter required by statute or other law to be heard in some other Court or Court Division;
- g) A case that is appropriately transferred out of the Complex Business Litigation Section pursuant to section 4 below.

**Section 4. Assignment of Cases in and out of the Business Litigation Section.**

- a) Cases filed on or after January 1, 2007 that otherwise meet the criteria for transfer to the Complex Business Litigation Section shall not be transferred if a trial date has been set within three months from the date of this Order.
- b) Judges assigned to the General Jurisdiction Division and/or litigants who have cases filed in the General Jurisdiction Division may submit a request to the Administrative Judge (or designee) of the General Jurisdiction Division to assign/transfer a pending case that meets the criteria of the Complex Business Litigation Section to Section 40.
- c). If any party disagrees with the assignment or lack of assignment of a case to the Complex Business Litigation Section, then that party may submit a request to the Administrative Judge (or designee) of the General Jurisdiction Division for re-evaluation and/or case re-assignment.
- d). The Administrative Judge of the General Jurisdiction Division (or designee) shall resolve controversies which may arise concerning the assignment/transfer of any case to or from the Complex Business Litigation Section.

This Order shall take effect on January 8, 2007.

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida this \_\_\_\_\_ day of November, 2006.

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Joseph P. Farina, Chief Judge  
Eleventh Judicial Circuit of Florida