

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

IN RE: PETITION FOR ARBITRATION

_____,
Petitioner(s) (name of association
or unit owner filing petition),

v.

Case No _____
(To be assigned
by Division)

_____,
Respondent(s) (If Petitioner is
an association, the name of unit
owner, and tenant if applicable. If
Petitioner is a unit owner, the name
of the association).

_____ /

MANDATORY NON-BINDING PETITION FORM

The original petition for arbitration, which shall be accompanied by a \$50 filing fee and 1 copy of the petition for each named respondent, shall be mailed to:

Department of Business and Professional Regulation
Attn: Arbitration Section
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-1029

In the case of a condominium dispute, Petitioner shall attach one complete copy of the current bylaws, articles of incorporation, declaration of condominium and rules and regulations, including any amendments to each, and a copy of pertinent portions of the documents for each named respondent. In the case of a cooperative dispute, Petitioner

shall attach one complete copy of the articles of incorporation, bylaws, proprietary leases, and rules and regulations, including any amendments to each, and a copy of pertinent portions of the documents for each named respondent.

Name, mailing address, and phone number of party filing petition (if the party filing the petition is an association, provide both the street address and mailing address, if different, for the association):

Name, mailing address, and phone number of Petitioner's representative, if any:

If Petitioner's representative is not an attorney, attach DBPR form ARB96-002, QUALIFIED REPRESENTATIVE APPLICATION, as required by Rule 61B-45.004, Florida Administrative Code.

The name, mailing address, and phone number, if known, of each Respondent (if Respondent is an association, give the name and address of either the president or the secretary of the association or the registered agent of the association):

If the dispute involves a tenant or guest, the name and mailing address of that

person:

The arbitrator only has jurisdiction over those complaints which meet the definition of "dispute" in section 718.1255, Florida Statutes. Check the appropriate sub-section from section 718.1255(1), Florida Statutes, which provides the jurisdictional basis of your dispute:

- (1) DEFINITIONS. -- As used in this section, the term "dispute" means any disagreement between two or more parties that involves:
 - (a) The authority of the board of directors, under this chapter or association document to:
 - 1. Require any owner to take any action, or not to take any action, involving that owner's unit, or the appurtenances thereto.
 - 2. Alter or add to a common area or element.
 - (b) The failure of a governing body, when required by this chapter or an association document, to:
 - 1. Properly conduct elections.
 - 2. Give adequate notice of meetings or other actions.
 - 3. Properly conduct meetings.
 - 4. Allow inspection of books and records.

A dispute does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment; the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

STATEMENT OF THE FACTS

Explain the dispute, including all relevant facts. Each fact must be set forth in a separate paragraph. Be sure to attach copies of all relevant documents as exhibits to the petition. (If more space is needed, attach a separate sheet of paper):

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

If the dispute involves the collection of a fine previously imposed by the association pursuant to section 718.303(3) or section 719.303(3), Florida Statutes, include those facts which show that the association already has complied with the notice and hearing requirements of the applicable statute:

Identify and quote each specific division rule, portion of the statute, or specific provision from the governing documents which entitles you to relief:

(a) _____

(b) _____

(c) _____

REQUEST FOR RELIEF

State the relief which you seek in arbitration, i.e., what is it that you want the arbitrator to require the Respondent to do or not to do

Pursuant to section 718.1255(4)(b), Florida Statutes, before filing a petition for arbitration, the petitioner must provide the respondent with advance written notice of the specific nature of the dispute, a demand for relief and a reasonable time in which to comply, and notice of intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute. State the efforts you have made to comply with these statutory requirements and attach copies of all letters or other documents sent to the respondent demonstrating compliance with the above-referenced statute:

If the petition is filed by two or more petitioners, the name and mailing address of one person designated to receive all pleadings and orders on behalf of all individual petitioners:

If you have filed a complaint with the Bureau of Condominiums pursuant to Rule 61B-19.002, Florida Administrative Code regarding the same issue(s) raised in the petition for arbitration, provide the case number of the condominium complaint. _____

Signature of each Petitioner,
Petitioner's(s') attorney, or
Petitioner's(s') representative