

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

**IN RE: PETITION FOR ARBITRATION**

**Filed with  
Arbitration Section**

**JAMES SPINELLI, in his capacity as Unit  
Owner Representative,**

**MAR - 7 2018**

**Petitioner,**

**Div. of FL Condos, Timeshares & MH  
Dept. of Business & Professional Reg**

**v.**

**Case No. 2018-01-0735**

**ELDORADO PLAZA WEST ASSOCIATION, INC.,**

**Respondent.**

---

**ORDER REQUIRING FILING**

On February 28, 2018, Petitioner filed a petition for mandatory non-binding arbitration pursuant to s. 718.1255, Florida Statutes, naming Eldorado Plaza West Association, Inc. as Respondent. Section 718.1255(4)(b), Florida Statutes, requires that petitions for mandatory non-binding arbitration recite and have attached thereto, supporting proof that the petitioner gave the respondent:

1. Advance written notice of the specific nature of the dispute;
2. A demand for relief, and a reasonable opportunity to comply or to provide the relief; and
3. Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute.

Section 718.1255(4)(b), Florida Statutes, further provides that failure to include the allegations or proof of compliance with these prerequisites requires dismissal of the petition without prejudice.

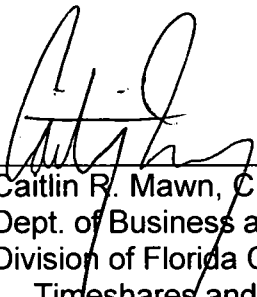
Based upon a review of the petition and its attachments, it does not appear that Petitioner provided proper pre-arbitration notice to Respondent. Pre-arbitration notice is not a perfunctory requirement; it is designed to allow a respondent a reasonable

opportunity to agree to the relief requested without a formal legal proceeding; pre-arbitration notice cannot be accomplished after the petition has been filed. *Alvarez v. Doral Isles Cmty. Ass'n, Inc.*, Arb. Case No. 2014-03-2036, Final Order of Dismissal (Sept. 19, 2014).

Based on the foregoing, it is **ORDERED**:

Within 20 days of the date Petitioner receives this Order, Petitioner shall file with the undersigned a copy of a written notice which complies with the pre-arbitration notice requirements of Section 718.1255(4)(b), Florida Statutes. Such written notice must have been provided to Respondent prior to the filing of the Petition in this matter.

DONE AND ORDERED this 7th day of March, 2018, at Tallahassee, Leon County, Florida.

  
\_\_\_\_\_  
Caitlin R. Mawn, Chief Arbitrator  
Dept. of Business and Professional Regulation  
Division of Florida Condominiums,  
Timeshares and Mobile Homes  
Arbitration Section  
2601 Blair Stone Road  
Tallahassee, FL 32399-1030  
Telephone: 850.414.6867  
Facsimile: 850.487.0870

Copy furnished by U.S. Certified Mail to:  
Eric M. Glazer  
Glazer & Sachs, P.A.  
3113 Stirling Road, Second Floor  
Fort Lauderdale, FL 33312