

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

**IN RE: PETITION FOR ARBITRATION**

**THE HAMILTON AND THE ST. GEORGE  
OFFICE CONDOMINIUM ASSOCIATION, INC.,**

**Petitioner,**

**v.**

**Case No. 2007-01-4548**

**UNIT OWNERS VOTING FOR RECALL,**

**Respondent.**

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**FINAL ORDER OF DISMISSAL**

By order dated March 22, 2007, the parties were directed, within ten days, to show cause why this matter should not be dismissed due to lack of jurisdiction since it appeared that the dispute involved a condominium that does not contain any residential units. On April 6, 2007, the Association filed a response advising the arbitrator that the condominium is 100% commercial.

Recall disputes involving condominiums which contain no residential units are not within the arbitrator's jurisdiction. See *Sumrall v. 355 Office Building Condo., Ass'n, Inc.*, Arb. Case No. 97-0363, Final Order of Dismissal for Lack of Jurisdiction (September 15, 1997)(recall dispute involving a condominium containing no residential units is not eligible for arbitration); contrast with *Decoplage Condo. Ass'n, Inc. v. Unit Owners Voting for Recall*, Arb. Case No. 00-1868, Summary Final Order (December 20, 2000)(arbitrator has jurisdiction over recall dispute arising in a condominium containing

both residential and commercial units). Therefore, the dispute in the instant matter is not eligible for arbitration.

Based upon the foregoing, it is ORDERED:

Arbitration case number 2007-01-4548 is dismissed.

DONE AND ORDERED this 12<sup>th</sup> day of April 2007, at Tallahassee, Leon County, Florida.

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James W. Earl, Arbitrator  
Department of Business and  
Professional Regulation  
Arbitration Section  
1940 North Monroe Street  
Tallahassee, Florida 32399-1029

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing final order has been sent by U.S. Mail to the following persons on this 12<sup>th</sup> day of April 2007:

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James W. Earl, Arbitrator