



Law Office of
KEVIN F. JURSI NSKI
& Associates

Bringing a Business Court to the 20th Judicial Circuit

**Presented by:
Kevin F. Jursinski, B.C.S.**

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KEVIN F. JURSKINSKI, B.C.S.



- **Triple Florida Board Certified Attorney in Real Estate, Business Litigation, and Construction Litigation**
- **AV* Rated Attorney by Martindale-Hubbell**
- **2010, 2011, 2012, 2013, 2014 & 2015 “Super Lawyer” Recognition**
- **More than 30 years experience of practicing law, buying and selling residential and commercial real property in Lee County.**
- **Licensed Florida Real Estate Agent**
- **Developer of *Deed in Reduction*©, A Strategic Default and Foreclosure Program**
- **Email: Kevin@KFJLaw.com**

**AV Rating: Signifies that a Lawyer has reached the height of Professional Excellence; Highest Levels of Skills and Integrity*



Business Court Outline

1. Lee and Collier Population Growth
2. 20th Judicial Circuit Business Growth
3. Business Court as Concept to Address Growth and Needs of Business Community
4. Business Court Concept as to Attract New Business
5. Business Court “Business Model”

Business Court Outline

6. Key Benefits of Business Court
7. Costs for a New Circuit Judge – Business Court
8. Certified Need for Circuit Position and Historical Request for 15 Years with Dismal Approvals and Funding
9. Florida Bar's Advocacy of Specialization/Certification by Florida Attorneys
10. Attracting Businesses to Southwest Florida
11. Equal Footing with other Major Areas in the State
12. Proactive Approach to be in front of other Florida areas (Jacksonville, Tallahassee, West Palm Beach, Sarasota)
13. Judicial Statements on Business Courts

Lee, Collier population growth in top 10 nationally



DAN DELUCA, DDELUCA@NEWS-PRESS.COM

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(Photo: Getty Images/Stockphoto)

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Southwest Florida is one of the fastest-growing areas in the nation, according to the U.S. Census Bureau's most recent population estimates.

Lee and Collier counties ranked in the top 10 of the nation's fastest-growing metro areas based on population increases from July 2013 to July 2014.

Census figures released today show Lee County added 18,177 people during that span, an increase of 2.7 percent, the sixth-largest increase in the country. Collier ranked No. 10 with an increase of 2.5 percent, adding an estimated 8,671 residents.

The Census Bureau estimated Lee's population at 670,513 as of last July and 248,777



Lee and Collier counties rated in the top 10 of the nation's fastest-growing metro areas based on population from July 2013-July 2014

Population estimates released by the U.S. Census Bureau today show Southwest Florida experienced some of the largest increases in the nation last year. Lee County grew by 18,177 people or 2.7 percent, the sixth-largest increase in the country. Collier County added 8,671 residents, an increase of 2.5 percent, good for the 10th-largest growth rate.

The 10 fastest-growing metro areas

July 1, 2013, to July 1, 2014

SOURCE: U.S. Census Bureau



5.4%

3.2%

3%

2.9%

2.9%

2.7%

2.7%

2.6%

2.6%

2.5%

1. The Villages

2. Myrtle Beach-Conway, S.C.-N.C.

3. Austin-Round Rock, Texas

4. St. George, Utah

5. Odessa, Texas

6. Cape Coral-Fort Myers

7. Bend-Redmond, Ore.

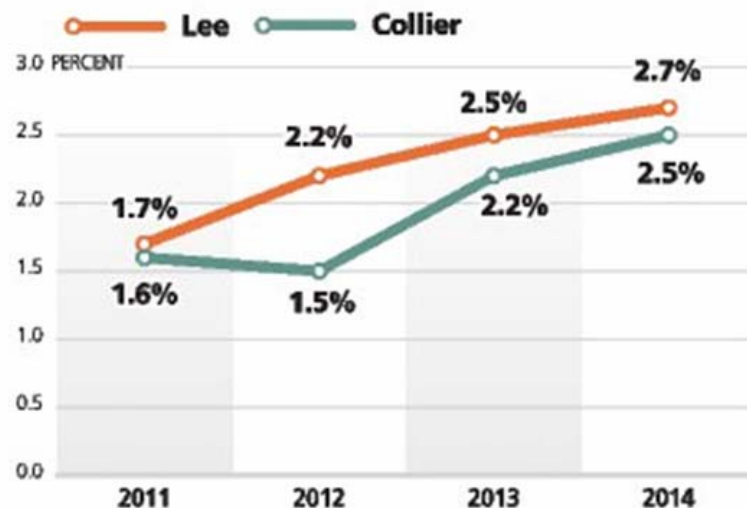
8. Greeley, Colo.

9. Midland, Texas

10. Naples-Immokalee-Marco Island

Local growth rates

2011 to 2014



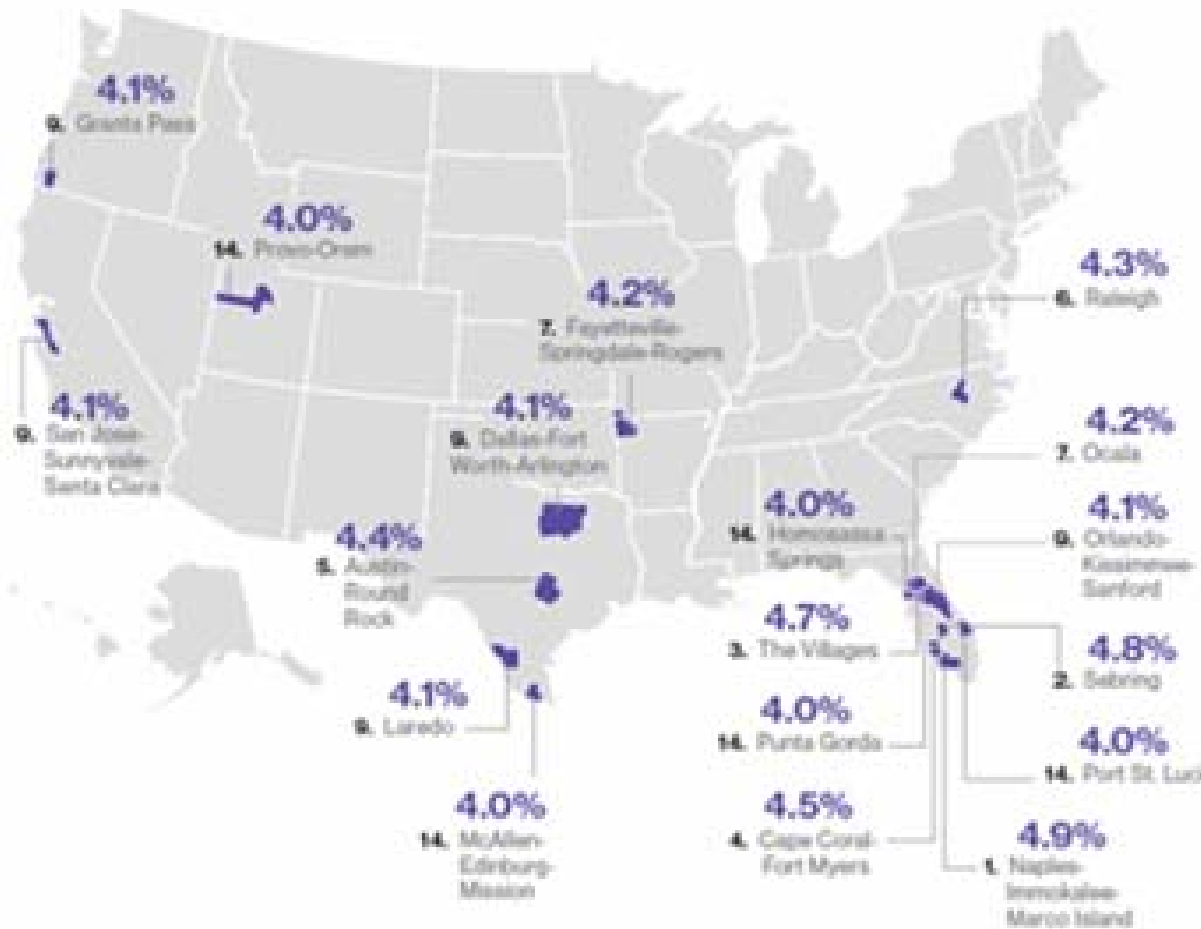


These 18 Cities Will See the Most Economic Growth Next Year

With the oil boom fading, Florida's retirement communities are poised to rise to the top

These Are the New Hubs of Economic Growth

Florida dominates the ranks of the 18 metropolitan areas that will see the most economic growth next year



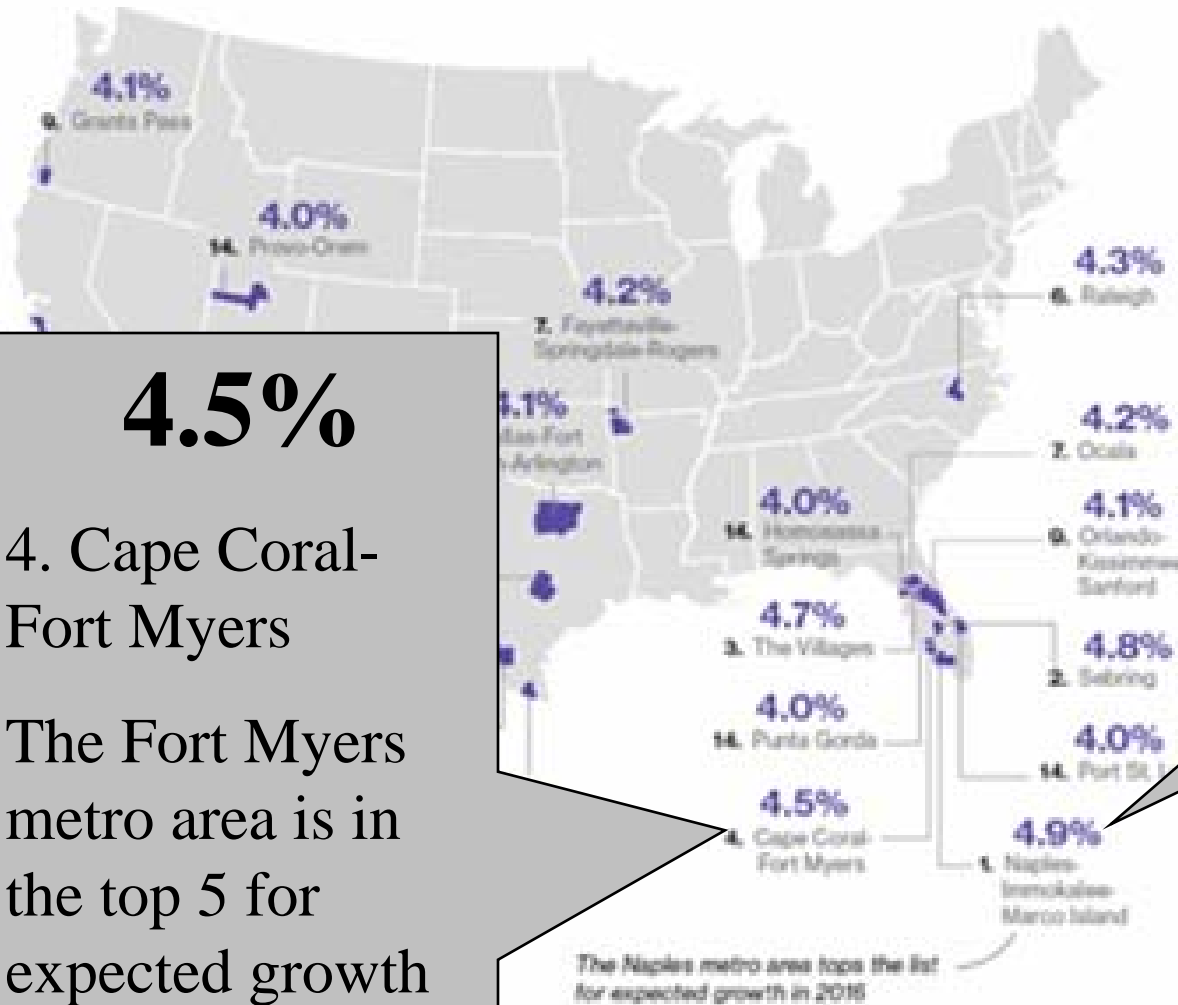
The Naples metro area tops the list for expected growth in 2018

Source: U.S. Conference of Mayors with FHS Global Insight



These Are the New Hubs of Economic Growth

Florida dominates the ranks of the 18 metropolitan areas that will see the most economic growth next year



4.5%

4. Cape Coral-Fort Myers

The Fort Myers metro area is in the top 5 for expected growth in 2016

4.9%

1. Naples-Immokalee-Marco Island

The Naples metro area tops the list for expected growth in 2016

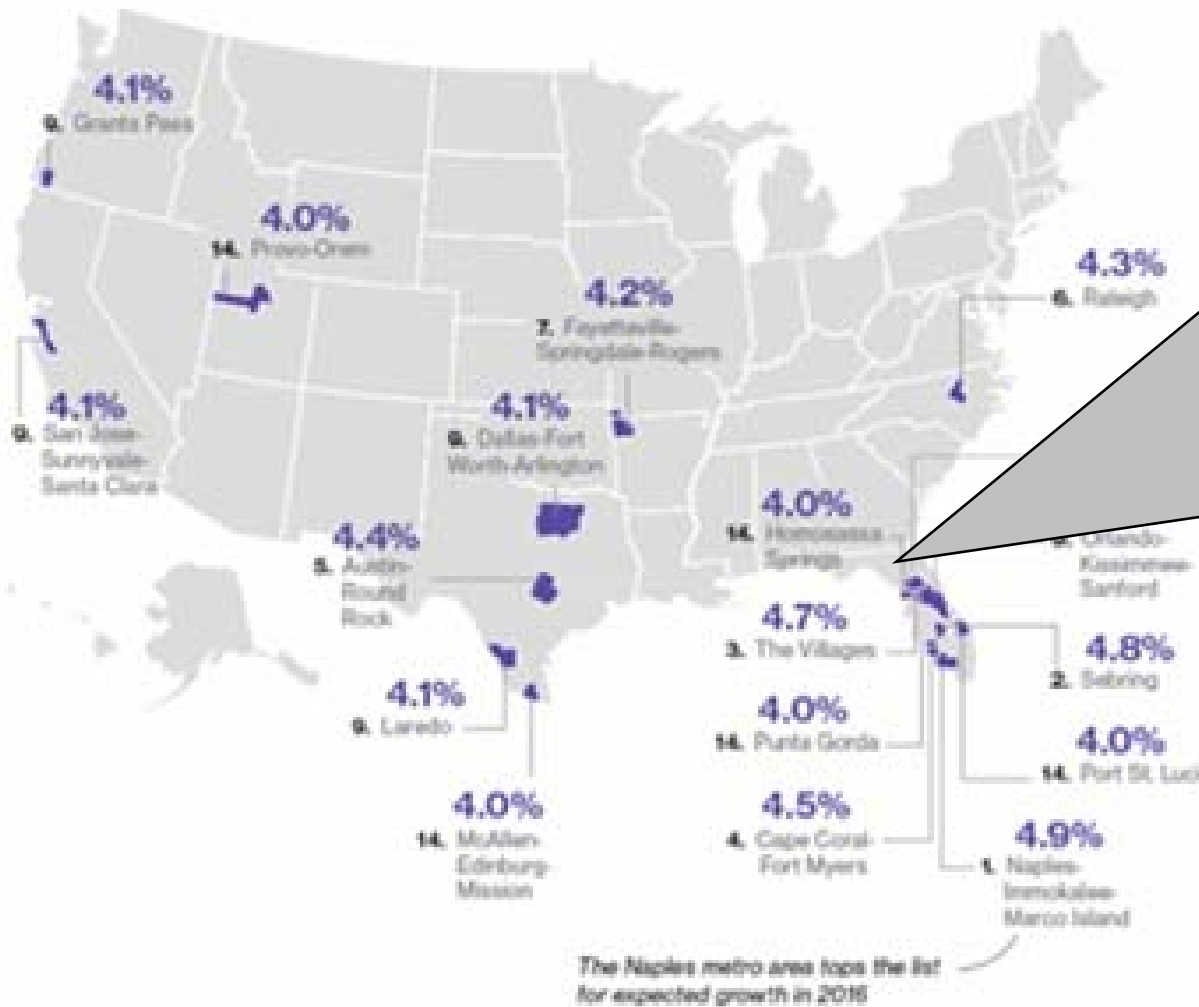
Source: U.S. Conference of Mayors with IHS Global Insight

BloombergBusiness

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These Are the New Hubs of Economic Growth

Florida dominates the ranks of the 18 metropolitan areas that will see the most economic growth next year



Source: U.S. Conference of Mayors with IHS Global Insight

50%

The State of Florida makes up *half* of the areas in the U.S. that will see growth next year

Source: U.S. Conference of Mayors with IHS Global Insight

BloombergBusiness

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COFFEE TALK

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Site selector singles out Estero

BY: BUSINESS OBSERVER

August 07, 2015

No one knew Estero until Hertz came to town.

Now the small village between Fort Myers and Naples is on the radar of many consultants who help large corporations locate offices nationwide. The area gained notoriety after car rental giant Hertz announced it was moving its global headquarters there from New Jersey in 2013. A new corporate campus on U.S. 41 near Coconut Point Mall is nearly complete.

A prominent corporate relocation firm, New Jersey-based The Boyd Co., recently named Estero one of three top regional locations for an administrative operation with 500 employees in a 125,000-square-foot building. The other two locations are Blue Ash, Ohio, a Cincinnati suburb, and Minden, Nev., on the border of Nevada and California. "Lee County is well-positioned to attract corporate relocations," says the principal of the firm.

Boyd cited lower tax burdens, airline service and availability of a bilingual labor force as plus factors for Estero and Florida. Estero's proximity to Naples, where many top executives have second homes, is another advantage. "A lot of decisions concerning Florida's future are made in Naples," says Boyd.

But Boyd, who has also talked up Tampa as a prime urban site for corporate relocations, cautions that competition for companies is broader than neighboring counties in the state. "A lot of decisions and politicians have a parochial approach to economic development," Boyd says.

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“A prominent corporate relocation firm, New Jersey-based The Boyd Co., recently named Estero one of three top regional locations for a hypothetical administrative operation with 500 employees...”

August 7, 2015



COFFEE TALK

Lots of help wanted in Naples

BY: BUSINESS OBSERVER

August 14, 2015

The good news: Naples is the top place in the U.S. for job growth through 2017.

The bad news: Naples needs a lot more workers.

Forbes magazine recently published a report by Moody's Analytics that forecasted 4.6% job growth in Naples through 2017. The report says the projected jobs boom is the result of a surging influx of retirees who will fuel construction, retail and health care.

But a quick check of the latest employment reports shows this might be a bit of a stretch. That's because labor shortages already are holding back certain areas of the economy, including construction and health care.

In the Naples area, the labor force totals 158,376 people. Of those, 150,011 are already employed, according to the latest data from the Florida Department of Economic Opportunity.

At 5.3%, the Naples area's unemployment rate is getting close to what economists consider full employment. That's when all people who are able and willing to work are employed while those who are unemployed are in transition from one job to another.

Already, 6,000 people in Naples have been added to payrolls over the last year through June, a 4.8% increase. The upshot: If your business depends on plentiful labor during the busy winter season, better start hiring now.

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**“The good news:
Naples is the top
place in the U.S. for
job growth through
2017.**

August 14, 2015

COFFEE TALK

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Hendry back in focus

BY: BUSINESS OBSERVER

August 14, 2015

As Florida's economy continues to recover, there's renewed focus on inland counties where land is cheaper and it's less congested.

Consider Hendry County, on the eastern border of Lee County. Together with Glades County, the predominantly agricultural area in south-central Florida could see a wave of commercial development that gets pushed out of Miami, Fort Lauderdale, Palm Beach, Fort Myers and Naples.

Already, Florida Fuel Connection recently announced plans to invest \$300 million in Hendry County to build a new facility that will distribute petroleum products such as gasoline, diesel and aviation fuel. The facility near the city of LaBelle will take 14 months to build.

The aviation fuel is important because Hendry will be home to Airglades International Airport, the state's first private airport. Airglades could open a runway by 2018, says Mark Morton, director of strategic real estate and business development for U.S. Sugar Corp. and vice chairman of the Hendry County Economic Development Council.

Plans for the cargo airport include a 1 million-square-foot facility that will accommodate perishable freight such as flowers, vegetables and fish. Speaking at a recent Real Estate Investment Society event in Fort Myers, Morton says produce could be delivered by air from South America and be on trucks within three hours. That compares to eight hours in congested Miami. "Miami's crumbs are our loaves of bread," Morton joked.

RELATED HEADLINE

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• “Florida Fuel Connection plans to invest \$300 million in Hendry Co. to build a new facility to distribute petroleum products.”

August 14, 2015

Gov. Scott: State nearly out of money to lure jobs

Gov. Rick Scott, reigniting a budget fight with the Republican-controlled Florida Legislature, says the state is nearly out of money to lure companies to Florida.

Scott and Enterprise Florida officials say the state has only about \$9 million left in the main account it uses to offer incentives for companies. Bill Johnson, the president and CEO of Enterprise Florida, said that money will likely be gone in weeks.

“We will not able to get deals done going forward,” Scott said.

August 20, 2015



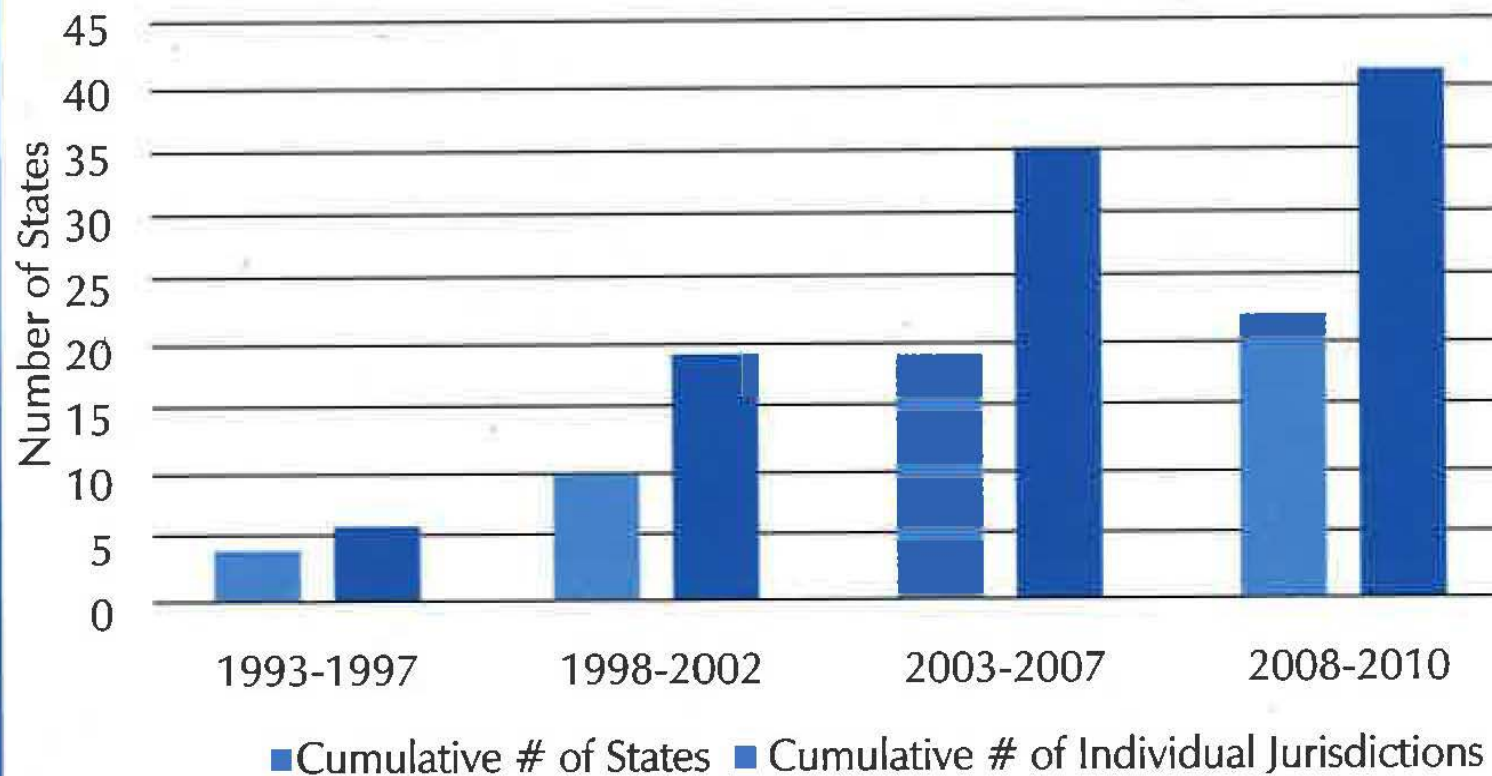
Business Court

- *Florida Trend* magazine chose Lee County as its featured Florida community in November 2013.
- The article showcases the efforts of community leaders to draw attention to the benefits of operating a business in our area and to encourage businesses to relocate here.
- Lee County and local business leaders have spent a great deal of time and public funds in the past few years in this endeavor. The results are now paying off - major national and international companies are relocating their businesses to Lee County.

Business Court

- Southwest Florida has always demonstrated a favorable business climate and welcomes businesses to its community
- I suggest that an additional tool be considered to attract these companies to Southwest Florida: A dedicated Business Court serving the 20th Judicial Circuit that would specialize and handle only business related legal matters.

Growth in the Number of States with Business Courts or Complex-Litigation Courts



Source: National Center for State Courts

Business Court Business Model

- The Business Court concept has been a growing trend nationally and internationally.
- In Florida, Business Court programs have been developed in Orlando, Miami, Tampa and Fort Lauderdale and have reaped benefits for those areas.
- According to an article from the *Judicial Studies Institute Journal*, “Commercial Courts: A Twenty First Century Necessity”, an area that has a Business Court provides a strong inducement for national and international companies to relocate to that particular area.
- That could be the 20th Judicial Circuit

Benefits of Business Court

- **Expertise** – A Business Court that handles strictly business related matters develops expertise, experience and knowledge in those areas.
- **Efficiency** – A Business Court develops a judiciary whose sole responsibilities are business related matters with the result that judicial functions are performed more rapidly and efficiently. A cost savings to the taxpayer.

Benefits of Business Court

- Resource Availability – By being more efficient in handling business related cases, Business Courts free up additional time for judges to handle other court related needs, providing better service for everyone who utilizes the court system.
- Stability – There would be more consistency and predictability based upon a Judge's prior rulings on business related legal issues.

Benefits of Business Court

- Recruitment & Commerce - As important as the other factors are to provide an immediate benefit to our community, it has been shown that a Business Court can result in businesses being recruited to an area since they know that a specialized Business Court is in place to resolve business disputes.

Costs for a Business Court

- Fiscal Year 2015-2016
- Judgeship = \$286,408
- Two additional law clerks = \$147,022

TOTAL = \$433,430

Regarding the 20th's historical applications, the 20th has received, in eight of the past twelve years, zero percent of the requested additional judicial resources. 2006 proved the only year that the 20th received 100% of its requested resources, while 2001, 2002 and 2005 resulted in partial approvals:

	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13
Ratio of Requests to Authorized	50%	25%	0%	0%	67%	100%	0%	0%	0%	0%	0%	0%	0%

Regarding the 20th's historical requests, the Circuit has requested 100% of the OSCA-certified judicial need for nine of the last twelve years (*with 2001, 2008 and 2009 exceeding*):

	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13
Ratio of Requests to Certified	133%	100%	100%	100%	100%	100%	100%	167%	117%	100%	100%	100%	100%

The Florida Bar and Business Court

- The Florida Bar advocates that attorneys specialize and become certified in particular areas of the law in order to better serve their clients.
- Similarly, the judges who serve on the Business Court would be specialized in the area of business law, better assisting our current business community, litigants and attorneys and making our Court System more efficient.

Attracting Businesses to Southwest Florida

- Lee and Collier Counties have spent a great deal of money targeting certain businesses and providing public fund to encourage businesses to relocate to our community.
- Some of those investments have proven to be effective (Hertz) and some have not (VR Labs/\$5M Vacant Building).
- The investment in a Business Court would provide immediate benefits and eliminate some of the risk of distributing public funds to start-up companies.

Equal Footing

- If the current approach was supplemented along with a Business Court, our community would be on equal footing with other communities that have embraced this concept and are already attracting businesses to their areas.
- Other Florida Circuits may be considering the Business Court model
- National and international companies looking to relocate or expand would not only recognize the natural benefits of this area but recognize the forward thinking business climate with a Business Court to serve Southwest Florida.

Business Court Concept

“The most challenging, most rewarding, best lawyering experience I have ever had in my 24 years as a Judge.”



- Judge Jeffrey Streitfeld,
Business Court Judge
Broward County

Business Court Inspiration



“Business Court has been the highlight of my Judicial Career. The best lawyers bringing the most interesting cases both legally and factually.”

-Judge Alice L. Blackwell,
Business Court Judge
Orange County, FL

Links to Articles

- <http://www.news-press.com/story/news/local/2015/03/26/lee-collier-population-growth-top-nationally/70466980/>
- <http://www.businessobserverfl.com/section/detail/site-selector-singles-out-estero/>
- <http://www.businessobserverfl.com/section/detail/hendry-back-in-focus/>
- <http://www.businessobserverfl.com/section/detail/lots-of-help-wanted-in-naples/>
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