



JIMERSON & COBB, P.A.

November News from Jimerson & Cobb



Jacksonville is a great place to live and work. Life here is easy - you can live a happy, family-oriented professional life. A quietly exciting life. There is no trade off required, as you don't have to sacrifice economic prosperity for quality of life in this city. You truly get the best of what the world has to offer you if you are ambitious enough to seek it. Northeast Florida offers more than sunshine and

relaxation. We have a competitive but cooperative business climate, an innovative and entrepreneurial spirit, and a young, highly skilled talent base. To prove this point, researchers at our local Jacksonville Chamber of Commerce compile regular "Economic Snapshots" that help put our current economy in perspective. The most recent snapshot revealed some positive news for Northeast Florida:

- Employment continues to grow at a faster rate in the Jax MSA than both Florida and the U.S. overall, with two of the biggest year-over-year net employment gains in the Professional and Business Services and Construction industries;
- The unemployment rate dropped from 7% to 6.7% from the previous month and remains lower than unemployment rates for Florida and the U.S.;
- The Financial Services sector saw a 3.7% growth over the same period last year. Professional and Business Services again reported strong growth. This sector has seen growth each month over the last two years;
- Housing continues on its upswing. Home prices, realtor sales and single-family building permits were all up over the same period last year. Jacksonville is still a very affordable place to live with median sales prices for single-family homes being \$170,000 compared to \$175,000 in Florida and \$212,100 nationwide. The bargains might not continue for long though, for year over year change of home prices in Jacksonville rose 22.7% versus a 14.7% increase

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nationwide. The volume is there also as Jacksonville homes are selling at a rate of 2.5% more than homes are selling nationwide. Put simply, we're selling more houses than the rest of the country at cheaper prices- a trend that likely won't continue.

- The residential building industry is still seeing a great upswing as new permits are up 30% from last year and greater than 13% above the national average. This country is back to building right now and Jacksonville seems to be a national leader in construction.

This encouraging news in our Jacksonville community means that we are seeing a strong ripple effect of growth stemming from our foundational industries. With one of the lowest overall costs of living in our state and the U.S., Jacksonville is a great place to do business. If you'd like to know more about why Jacksonville is such a business friendly environment, feel free to browse the Jax USA Stats & Facts [here](#). Jax USA does a great job of providing argument for and evidence of why many people and businesses choose to relocate here. As a professional services firm who primarily serves the financial services and construction sectors, we are very excited at what the future holds for our client base.

Even though our firm finds itself serving publicly traded companies with worldwide reach at times, we still relish the opportunity to represent and support small and mid-sized local businesses. Every new business that opens in Jacksonville is a sign of more positive things to come in this community. In that vein and in honor of all the small businesses that are helping our local community thrive, I encourage you to shop your local businesses on Small Business Saturday this November 29, the day after Black Friday. This event, originally conceived by American Express in 2010, has gained traction in the last four years and has helped garner widespread support for local businesses. Start your day with a local coffee, grab groceries from a local market, enjoy a cold one from a local brewery, take in a flick from a local theater or buy a holiday gift from a local shop. Whatever you do, reinvest your money back into your community through its businesses. Your progeny may thank you for it someday. Think big...shop small. #iloveJAX

Very Truly Yours,

[Charles B. Jimerson, Esq.](#)

J&C helped "Light the Night" in Jacksonville

On November 6, J&C employees, family and friends joined the CenterState Bank team for the Light the Night event at the Jacksonville Landing. For those of you who are not

familiar, The Leukemia & Lymphoma Society's Light The Night Walk is a fundraising event to help find better treatments and cures for blood cancers so patients can live better, longer lives. We all had a fantastic time raising awareness and contributions for the cause. Check out the photos below from the event, including attorney Brandon Meadows and his lovely wife, Jenna!



Charles Jimerson recommended for service on Florida Bar committee



Partner Charles Jimerson has been recommended for service on one of The Florida Bar Grievance Committees. Grievance committees review complaints filed against attorneys and are made up of both lawyers and non-lawyers. There are multiple committees throughout the state to serve the local communities.

The commitment is for one-year renewable term three times for a total of three years. Attorney members must have been members of the Bar for at least five years and all members must either live or work in the circuit.

Charlie looks forward to serving The Florida Bar and the local Jacksonville community in this capacity.

Featured bLAWg Posts

Expert Testimony Admission Standard in Florida: An Analysis of the 2013 Transition from Frye to Daubert

By: [Charles B. Jimerson, Esq.](#)

By virtue of HB 7015, signed into law by Governor Rick Scott, effective July 1, 2013, Florida state courts will no longer apply the "Frye standard" (Frye v. United States, 293 F. 2d 1013 (D. C. Cir. 1923)) for determining the admissibility of expert testimony. Instead, Florida now follows Section 90.702, Florida Statutes, which incorporates the "Daubert standard" for expert witness admissibility as reflected in Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U. S. 579 (1993), and its most notable progeny, General Electric Co. v. Joiner, 522 U. S. 136 (1997), and Kumho Tire Co. v. Carmichael, 526 U. S. 137 (1999). This bLAWg post will examine the "Daubert standard" and discuss how it may impact litigation moving forward.

Click [here](#) to read the full bLAWg post.

Construction Recovery Fund Qualifying Agent for Licensed Contractors and the Lake Eola Builders Exception

By: [Austin Calhoun](#)

Construction is a risky business. One risk is the danger to the public from activities of incompetent contractors. The Florida Legislature has addressed this risk. Chapter 489, Florida Statutes, regulates construction "contracting," as defined in Section 489.105(6). To protect the public, a business organization that wishes to engage in contracting must be "licensed." To be licensed, a business organization must have a "qualifying agent" in accordance with Chapter 489 concerning the scope of the work to be performed under the contract. Fla. Stat. 489.128(1)(a) (2014). This requirement raises questions: Who is a qualifying agent? How does a company register a qualifying agent in accordance with Chapter 489? When does a company need to register a qualifying agent? This blawg answers these three questions and addresses the federal Lake Eola Builders case that tries to craft an exception to the strict rules of Chapter 489.

Click [here](#) to read the full bLAWg post.

Additional bLAWg Posts

Avoiding the Selective Enforcement Defense When Enforcing Condominium Association Rules and Regulations

By: [Hans C. Wahl, Esq.](#)

Click [here](#) to read the full bLAWg post.

Anti-Waiver Provisions in Contracts

By: [James O. Birr, III, Esq.](#) and [Brandon Meadows](#)

Click [here](#) to read the full bLAWg post.

Venue Selection Clauses in Construction Contracts: Contractors and Subcontractors Beware

By: [James O Birr, III, Esq.](#)

Click [here](#) to read the full bLAWg post.



Interested in reading more bLAWg posts? Subscribe via [RSS Feed](#) or via [email](#). You can also peruse our archives [here](#).

Results Driven

Community stewards by night; see what we do for our clients in our day job.

*Attended community association's annual meetings for each of its sub-associations to address legal inquiries from unit owners.

*Successfully defended general contractor against bond claims by supplier to sub-sub-contractor resulting in negating all bond claims.

*Negotiated forbearance agreement with debtor to get creditor paid.

*Filed motions for summary judgment on behalf of several companies accused of preferential transfers in bankruptcy.

*Drafted opinion letter for condominium association regarding granting variances and waivers to certain covenants and restrictions for unit owners who claim a specific hardship.

*Spurred defaulted borrower into repayment negotiations by

*Filed arbitration petition with the Department of Business and Professional Regulation on behalf of a condominium unit owner challenging the recall of a board member.

*Obtained default judgment in foreclosure action.

*Mediated multi-million dollar insurance proceeds dispute.

*Negotiated settlement agreement involving condominium association and contractor.

*Assisted commercial developer in negotiating multi-million dollar construction loan terms and construction contracting.

*Propounded substantial discovery on Trustee in preference action.

*Filed multi-million dollar arbitration demand for general contractor.

*Filed trademark application.

*Negotiated settlement agreement involving owners of adjoining real estate parcels.

*Obtained full payment of outstanding balance for trade creditor.

*Defended homeowner against efforts by real estate investment company to impair title to property based upon improper deed.

*Obtained order dissolving temporary injunction.

*Counseled construction trade creditor in Florida Construction Lien Law.

*Filed complaint for injunctive relief based on non-competition and theft of trade secrets by competing franchisee.

*Represented homeowner against improper lien filed on unpermitted work.

serving demand letter.

Client Focus: U.S. Preventive Medicine

A monthly feature on one of our valued clients.



U.S. Preventive Medicine is focused on empowering individuals to achieve Better Health while delivering Lower Costs to employers. The Preventive Plan™, Mobile Health Manager and Mobile Care Manager are just some of the tools available that serve as a comprehensive and integrated wellness roadmap. These innovative consumer-centered products, delivered via the web and mobile devices, are available on-the-go and serve as an active reminder to urge members to make better choices for a lifetime of better health.

Jimerson & Cobb is proud to represent [U.S Preventive Medicine](#) and wishes it continued success throughout the year.

Firm News

Curiosities, ruminations and various eccentricities of firm biz.

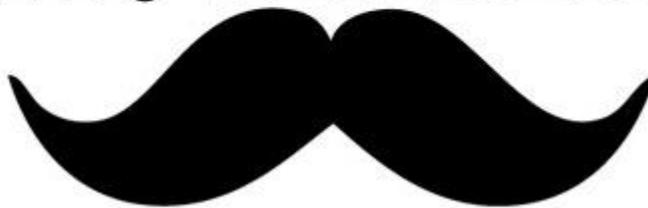
Like we needed a reason to have nachos...

In celebration of National Nacho Day (the momentous occasion was on November 6), we set up a nacho bar in our conference room complete with chips, queso, guacamole and salsa. Yum!



Supporting our local mustaches

MOVEMBER



Here is the [link](#) to our Movember page to raise funds & awareness for prostate cancer. Please share the link with your friends and family so we can make a large donation this year! Be on the lookout for next month's newsletter to find out the results of our best & worst mustache contest in support of No Shave November!

Florida Coastal Starting Line event

On November 13, two of our attorneys, Hans Wahl and Brandon Meadows, represented the firm at the Starting Line event at Florida Coastal. Approximately 40 employers attended the event, whereby well over 100 first-year students were given the opportunity to network and ask basic questions about the practice of law.

Calling all coats, blankets and nonperishable foods!

This week, we are holding a coat, blanket & food drive benefiting the [Sulzbacher](#)

[Center](#) and [Second Harvest North Florida](#). We welcome you to drop off at our office any clothes, blankets & nonperishable food items that we can donate this holiday season!



Partner Jimerson asked to comment about Jaguars



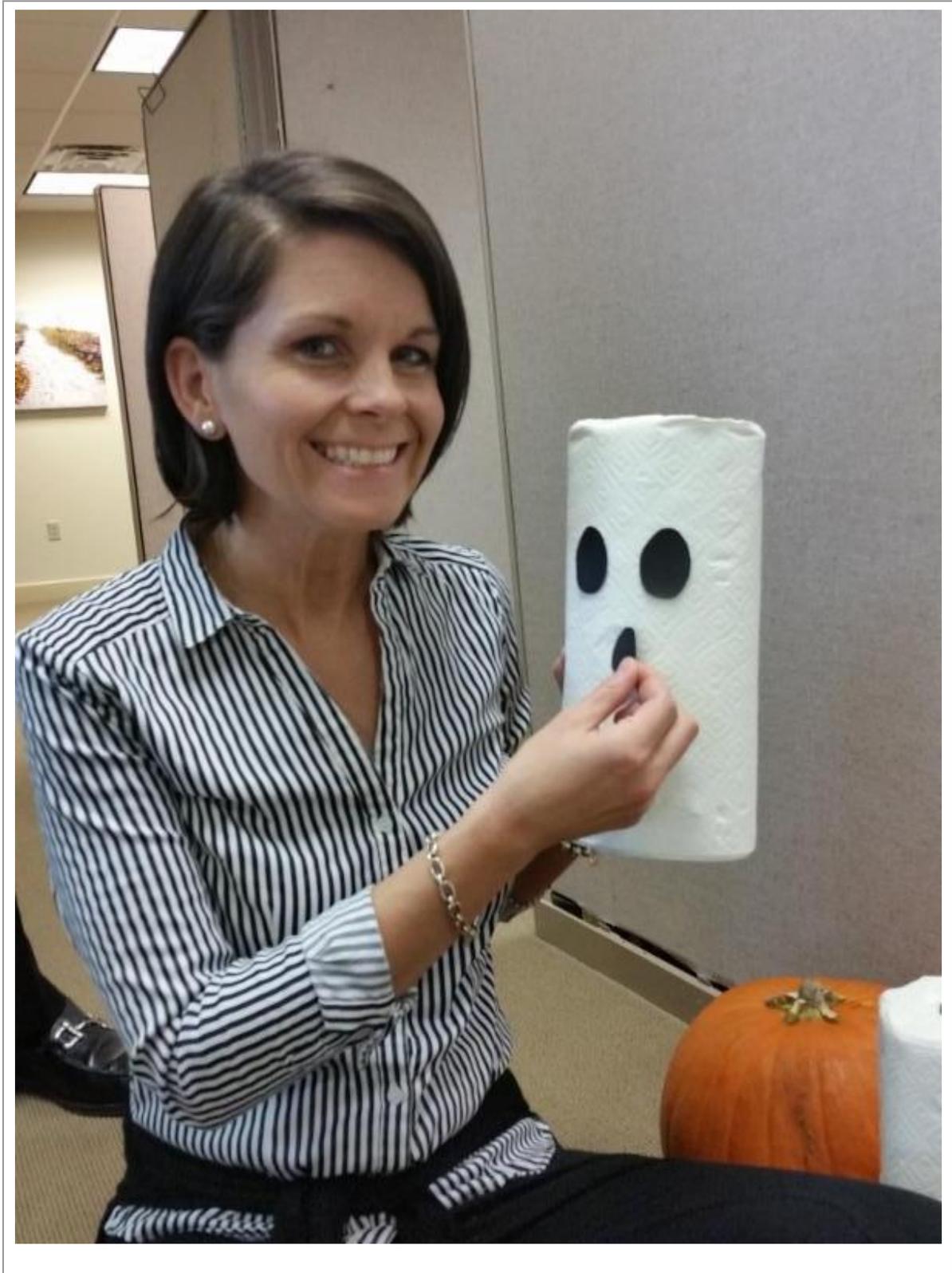
It's a constant conversation topic among Jacksonville Jaguars fans: will the team stay or go? Avid sports fan and partner Charles Jimerson was asked to comment in the November 4 *Jacksonville Business Journal* article, "[Should fans be worried about the Jaguars moving to London?](#)"

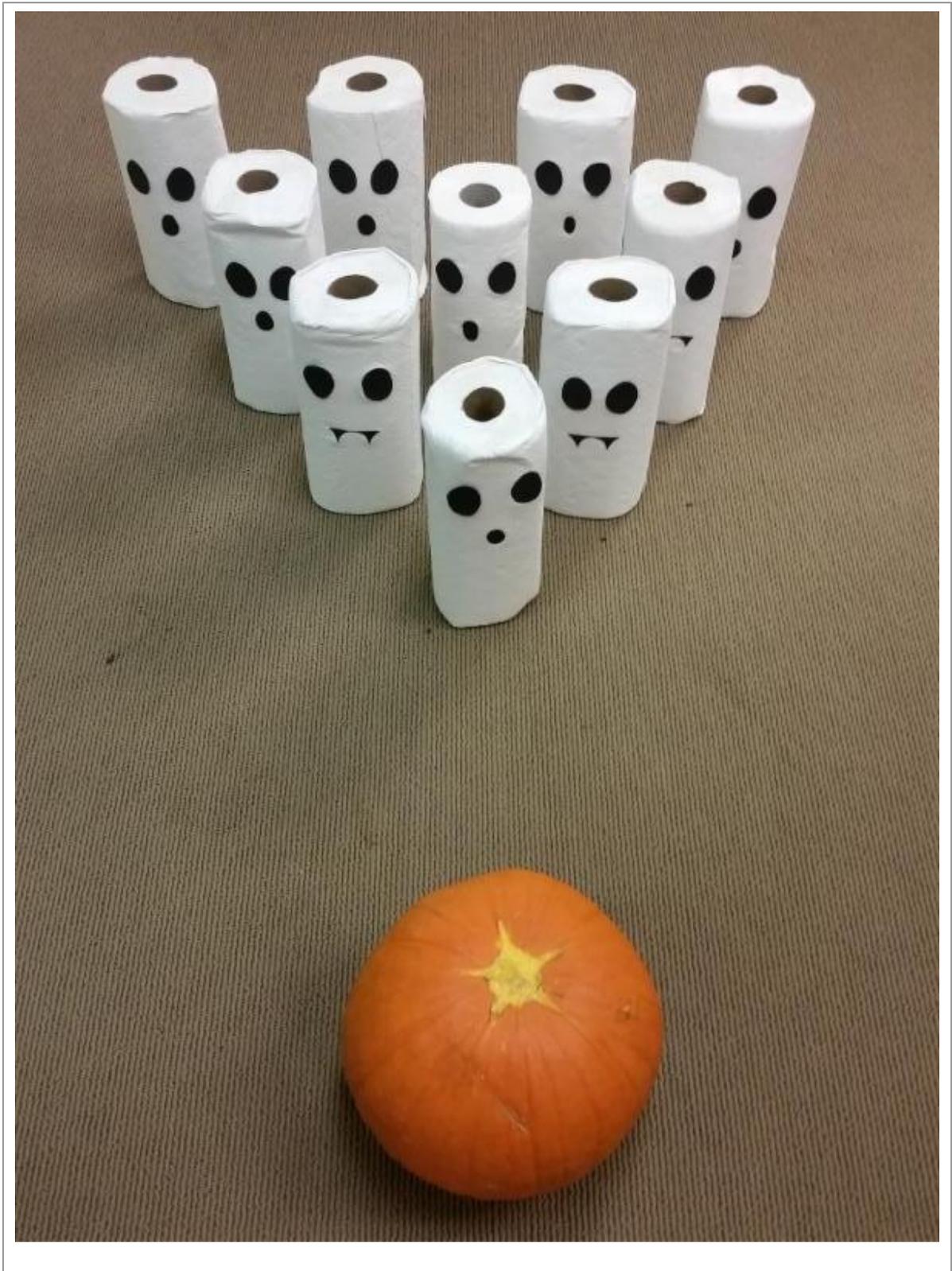
Welcome to our new employee

Please join us in welcoming our new employee, Brittany Snell. She graduated from Florida Coastal and has joined our firm as a contract attorney. She will work with partner Chris Cobb in the condominium law practice group.

Pumpkin bowling? Yes, please!

In lieu of Halloween celebrations at our office, we decided to break out the classic old game of pumpkin bowling. Never heard of it? The rules are identical to bowling only instead of using a bowling ball we used a pumpkin. Genius. The firm was divided into two lanes: the big winners were file clerk Samantha Trance and attorney Hans Wahl!









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