

VERNIS & BOWLING

ATTORNEYS AT LAW • EST. 1970

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April 29, 2025

VIA ELECTRONIC MAIL

City of Key West, Florida Commissioners
c/o Assistant City Manager, Todd Stoughton
tstoughton@cityofkeywest-fl.gov

RE: City of Key West, Florida Interim City Attorney

Dear Key West City Commission and Mr. Stoughton,

I am submitting the following as a proposal to serve as the Interim Attorney for the City of Key West, Florida ("City"). I thank you for the opportunity to apply to work for the City and appreciate your inquiry.

PAST RECORD AND EXPERIENCE

Vernis and Bowling of the Florida Keys, P.A. has nearly 100 years of service based on the combined experience of their attorneys that serve in the public sector and focus on local government law. Our firm's current clients include:

The School Board of Monroe County, Florida	(1997 – present)
Florida Keys Mosquito Control District	(1997 – present)
City of Layton	(1999 – present)
Key Largo Fire and Emergency Service District	(2006 – present)
City of Key Colony Beach	(2020 – present)
North Fort Myers Fire District	(2023 – present)
Monroe County Planning Commission	(2024 - present)
Monroe County Contractors Examining Board	(2024 - present)
Monroe County Construction Board of Adjustment and Appeals	(2024 - present)
Florida Department of Transportation (FDOT)*	(1997 - present)
Florida Highway Patrol (FHP)*	(1997 - present)
Florida Department of Environmental Protection (FDEP)*	(1997 - present)

With regard to the State of Florida entities, representation has been primarily for purposes of litigation. I and the members of my firm have tried both jury and non-jury trials with nearly all judges in Monroe County from Small Claims to Circuit Court as well as representing government clients before Federal Courts in the Southern District of Florida. Members of my firm also have experience throughout all Florida Appellate Courts, and I personally have argued before the Supreme Court of the State of Florida.

DELAND, FL
FORT MYERS, FL
HOLLYWOOD, FL
ISLAMORADA, FL

JACKSONVILLE, FL
MELBOURNE, FL
MIAMI, FL
NORTH PALM BEACH, FL

PENSACOLA, FL
ST. PETERSBURG, FL
TAMPA, FL
BIRMINGHAM, AL
MOBILE, AL

ATLANTA, GA
GULFPORT, MS
FLOWOOD, MS
CHARLOTTE, NC
COLUMBIA, SC

We have extensive experience with a full range of legal matters concerning municipalities. Our office serves not only as our local government clients' general counsel, but we also handle litigation and other specialized matters including public contracting, bidding/procurement, land use, liability, employee rights, EEOC matters, employee discipline and discharge, unions and collective bargaining, contract administration and arbitration, recent and pending changes in Federal and State laws, Sunshine Law, public records requests and ethics. With our decades of experience providing all of these to our current clients, we are now delighted to offer our excellent services to the City of Key West, Florida.

SERVICES

Our firm will attend all regular, special and workshop meetings as needed by the City. We will always be available for advice and counsel to all City Commissioners, the City Manager, and Assistant City Managers. The firm intends to utilize communications media technology (CMT) when possible. We also have the ability to have physical presence at regular City Commission meetings when needed.

ATTORNEYS RESPONSIBLE FOR FULFILLING FIRM DUTIES

Two primary attorneys are proposed, plus one back up attorney.

- Dirk M Smits, B.C.S. (FL Bar No. 911518) will be the primary contact, particularly for City Commissioners, the City Manager, and Assistant City Managers.
 - Mr. Smits is Board Certified in City, County and Local Government Law and has been for over two decades.
- Jimmie Banks Hicks Jr., Esq. (FL Bar No. 1052821) will provide additional legal work as needed, supervised by Dirk M. Smits.
- Hunter O'Connor, Esq. (FL Bar No. 1025597) will provide any backup needed legal assistance should both Mr. Smits and Mr. Hicks be unavailable.

Other attorneys, throughout our full-service law firm, are available depending on the particular legal needs being addressed.

Thank you for your time and consideration. Enclosed please find a draft Contract for Legal Services for your review and input. I am confident that my team and I can provide top notch, cost effective representation for the City of Key West, Florida. I sincerely hope that we can work together.

Sincerely,

/s/ Dirk M. Smits

Dirk M. Smits, B.C.S.
For the Firm



Dirk M. Smits, Esq.
Managing Attorney

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VERDICTS AND DISPOSITIONS

Digennaro v. Malgrat, et. al.
*Jane Doe No. 53 et. al. v. The School Board of Monroe County,
Florida*

AREAS OF PRACTICE

Administrative Law
Affordable Housing
Appellate Practice
Business and Real Estate Law
Code Enforcement
Commercial Litigation
Construction and Construction Defect Litigation
Contract Law (Drafting and Defense)
Cyber Security & Data Privacy
Education Law
Eminent Domain
Ethics
First and Third Party Property and Casualty Claims
Labor and Employment Law
Land Use and Zoning
Medical Malpractice
Municipal/Government Liability Defense
Public Finance
Public Procurement
Public Records Law
Public Sector Liability
Special Counsel/Conflict Counsel



Florida Bar Certified in City, County and Local Government Law

Dirk M. Smits was born in Boca Raton, Florida. He attended and graduated from Tulane University with a bachelor's degree in accounting. During his years at Tulane, he was a member of Beta Alpha Psi Accounting Honor Society and on the Dean's List three (3) semesters. Mr. Smits attended law school at the University of Miami and graduated *Cum Laude*. While in law school, he received honors including Dean's List and an honors scholarship.

Mr. Smits' practice is concentrated primarily in City, County and Local Government Law and he has been certified as an expert by the Florida Bar for those areas. He serves as a Monroe County School Board Attorney, City Attorney for the City of Layton, Board Attorney for the Florida Keys Mosquito Control District, and Board Attorney for Key Largo Fire & EMS District. Mr. Smits formerly served as City Attorney for the City of Marathon and as a special counsel for Monroe County.

In service of the numerous government clients, Mr. Smits has handled every aspect of the practice. Matters include a range of routine meeting issues to complicated land use, acquisition and even eminent domain questions. Mr. Smits regularly drafts legal documents, resolutions, ordinances, contracts and legal opinions for his government clients.

Additionally, Mr. Smits has extensive jury trial experience at both the Federal and State level. In addition, Mr. Smits has appellate experience in the Third, Fourth and Fifth State District Courts of Appeal, as well as the Supreme Court of Florida.

Mr. Smits serves on the board of Habitat for Humanity of the Upper Keys as Vice President. Dirk is also a lector, Eucharistic minister and member of his parish's finance counsel. He founded Friends of San Pedro Catholic Church which is an endowment to provide for the capital needs of the church.

Sunshine Law
Tax Referendum/Election Law

BAR & COURT ADMISSION

Florida Bar
All State Courts in Florida
U.S. District Courts for the Southern and Middle Districts of Florida
U.S. Bankruptcy Court Bar for the Southern District of Florida
Member of the Florida School Board Attorneys Association
Board Certified in City, County and Local Government Law

EDUCATION

Graduate:
University of Miami Law School, Juris Doctor

Honors:
Cum Laude
Dean's List

Undergraduate:
Tulane University, B.A. in Accounting

Honors:
Beta Alpha Psi Accounting Honor Society

PUBLICATIONS

Smits, D. M. And E Fussell. 2004. Introduction to Florida Sunshine Law. In: Rutledge, C.R. (Ed.) Florida Mosquito Control Handbook, Third Edition. Florida Mosquito Control Association, Ft. Myers, FL. 7 pp.



Jimmie B. Hicks, Jr., Esq.
Attorney

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AREAS OF PRACTICE

Administrative Law
Government Law
Land Use and Code Enforcement Prosecution and Defense
Public Entities
Public Procurement

BAR & COURT ADMISSION

Florida Bar
All State Court Florida
North Carolina Bar
North Carolina Bar Association
American Bar Association
All States Court North Carolina
United States District Court for the Eastern District Of North
Carolina
The United States Court of Appeals – Fourth Circuit
The United States Supreme Court

EDUCATION

Graduate:
University of North Carolina School of Law, J.D
Imperial College Business School, MBA
Undergraduate:
North Carolina State University, B.Sc., Computer Science



Jimmie B. Hicks, Jr., was born in New Bern, North Carolina. He graduated from North Carolina State University, where he obtained his B.Sc. in Computer Science. He then obtained his law degree from the University of North Carolina at Chapel Hill. During undergraduate and graduate studies, he worked part-time as a Supplemental General Programmer for I.B.M. in the Research Triangle Park, NC.

After a 27-year career in North Carolina, primarily in the field of local government law, Mr. Hicks went on a multi-year professional and educational break abroad. During that time, he obtained his M.B.A. from Imperial College Business School in London, U.K., and pursued further courses of study at other educational institutions including the London School of Economics and Politics. Having now fully returned to the U.S., he has relocated to the Florida Keys.

Mr. Hicks' practice is concentrated in City, County and Local Government Law. While in North Carolina, he served as the County Attorney for three counties, the Town Attorney for seven towns, and as general counsel for other local government entities including governmental Authorities and Districts.

His service to local governments is comprehensive, providing legal advice and counsel on virtually all legal matters touching upon this practice area. Matters include board representation, eminent domain, property tax appeals, ordinance and resolution drafting, ordinance enforcement, land use and planning, public finance, public construction and real estate, ethics, Sunshine Laws and public records, and economic development.

Mr. Hicks has previously served on numerous boards, including the Wells Fargo Regional Advisory Board, the New Bern Area Chamber of Commerce (past Chairman), the UNC School of Government Foundation Board of Trustees, the United Methodist Church-New Bern District Board of Trustees (past Chairman), the Craven County Committee of 100, and the Swiss Bear Downtown Redevelopment Board.

Mr. Hicks believes that the most rewarding aspect of working in

MEMBERSHIPS

North Carolina Bar Association
North Carolina Attorneys' Association
Past President
NC County Attorney of the Year, 2012

local government law is the opportunity and ability to serve his community, and those that live and work therein. Outside of work, Mr. Hicks will most likely be found on a boat, beach, paddleboard or airplane.



Hunter O'Connor, Esq.
Attorney

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Hunter is a Florida native born and raised in the Florida Keys. Following his graduation from the University of Central Florida, he returned to Key Largo to attend law school at St. Thomas University in Miami Gardens, graduating in 2020. After admission to the Florida Bar, Mr. O'Connor began practicing with Vernis & Bowling of the Florida Keys.

During his first year as an associate, Mr. O'Connor has been exposed to a wide variety of practice areas such as first party property, construction litigation, civil rights litigation, maritime law, subrogation claims, and wrongful death actions. Mr. O'Connor looks forward to developing his skills and expertise alongside the excellent attorneys at Vernis & Bowling of the Florida Keys.

VERDICTS AND DISPOSITIONS

Digennaro v. Malgrat, et. al.

AREAS OF PRACTICE

Automobile Liability (PIP/PD/BI/UM)
First and Third Party Property and Casualty Claims
PIP/Personal Injury Protection Litigation
SIU/Suspicious & Fraudulent Claims

BAR & COURT ADMISSION

Florida Bar

EDUCATION

Graduate:
St. Thomas University School of Law
Undergraduate:
University of Central Florida