

OFFICE LOCATIONS
FLORIDA

Deland/Central Florida
(386) 734-2505

Florida Keys/Islamorada
(305) 664-4675

Fort Lauderdale
(954) 927-5330

Fort Myers
(239) 334-3035

Jacksonville
(904) 296-6751

Miami
(305) 895-3035

Palm Beach
(561) 775-9822

Pensacola
(850) 433-5461

St. Petersburg/Clearwater
(727) 443-3377

Tampa
(813) 712-1700

Melbourne
(321) 373-0842

ALABAMA

Birmingham
(205) 445-1026

Mobile/Southern Alabama
(251) 432-0337

GEORGIA

Atlanta
(404) 846-2001

NORTH CAROLINA

Charlotte
(704) 910-8162

SOUTH CAROLINA

Charleston
(843) 242-7506

MISSISSIPPI

Jackson
(601) 500-5927

VERNIS & BOWLING

ATTORNEYS AT LAW • EST 1970

Temporary City Attorney Services

City of Key West, Florida

August 22, 2025

Proposer & Primary Contact:

Vernis & Bowling of the Florida Keys, P.A.
c/o Dirk M. Smits, B.C.S.

81990 Overseas Highway, 3rd Floor
Islamorada, FL 33036

Office: 305-664-4675

Mobile: 305-393-0561

E-mail: dsmits@florida-law.com

www.National-Law.com



August 22, 2025

VIA ELECTRONIC MAIL

Lucas Torres-Bull
Procurement Services Manager
City of Key West, Florida
lucas.torresbull@cityofkeywest-fl.gov

**RE: Letter of Interest
Temporary City Attorney Services for City of Key West, Florida**

Dear Mr. Torres-Bull,

I, Dirk M. Smits, B.C.S., of the Law Firm of Vernis & Bowling of the Florida Keys, P.A., respectfully submit the following proposal to provide Temporary City Attorney Services for the City of Key West, Florida (“City”). Thank you for the opportunity to apply to work for the City. Our firm appreciates 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 Rescue and Emergency Medical Services District	(2006 – present)
City of Key Colony Beach	(2020 – present)
North Fort Myers Fire Control and Rescue Service 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.

Notably, our firm also served as Interim City Attorney for the City of Marathon (2015-2016 and 2020-2021).

As general counsel to numerous local governments, our firm has been the chief legal advisor to multiple elected officials, executive staff, departments, boards and other agencies for many years. Our firm possesses a wealth of knowledge of complex legal matters, city code, charters, contracts, Federal and State laws, Sunshine Law, public records requests, ethics, among various other areas.

In addition to our representation as general counsel, we also handle litigation and other specialized matters including public contracting, bidding/procurement, land use, liability, employee rights, DOAH, PERC, and EEOC matters, employee discipline and discharge, unions and collective bargaining, contract administration and arbitration, and more. 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.

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. I have been admitted to the United States District Court for the Southern District of Florida since 1992. 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.

SERVICES

Our firm will attend all regular, special, workshop and advisory board 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. Other attorneys, throughout our full-service law firm, are available depending on the particular legal needs being addressed.

- 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.

QUALIFICATIONS OF THE FIRM

- i. See attached resumes and profiles of Dirk M. Smits, B.C.S., Jimmie Banks Hicks Jr., Esq., and Hunter O'Connor, Esq.
- ii. Vernis & Bowling, P.A. has been serving the needs of its clients since 1970. Vernis & Bowling is a full-service law firm. Our firm has extensive experience representing all facets of city, county, and local governmental entities. Additionally, Vernis & Bowling currently has 118 attorneys in 19 offices located throughout the Southeastern United States with 11 offices located in Florida.
- iii. The Firm finds no existing conflicts. The Firm would, of course, comply with Florida Bar and Florida ethics requirements relating to representation of the City of Key West, Florida as it relates to existing and future clients.
- iv. Insurance - The Firm has \$1,000,000 (\$2,000,000 aggregate) in Commercial General Liability, \$1,000,000 in Automobile Liability and Workers Compensation and a \$10,000,000 umbrella and excess liability policy. In addition, the Firm has \$5,000,000 in Professional Liability, excess Professional Liability and excess umbrella liability. The City of Key West, Florida would be a certificate holder on the Firm's insurance policy.

To further our goal of providing the most cost-effective and exceptional representation possible, our firm gives its attorneys a strong team of support staff, including legal assistants, secretaries and paralegals. The firm is also equipped with a state-of-the-art, fully networked computer system that enables its attorneys to have both local and remote, immediate access to e-mail communications, Communications Media Technology (CMT) and legal research for the most current court decisions and statutory revisions. Our attorneys provide cell phone contact information to enable City Commissioners to have immediate and unfettered access at all times, including nights and weekends.

Thank you for your time and consideration. I am confident that my team and I can provide top notch, cost effective representation for the City of Key West, Florida. We look forward to providing you with our full range of legal services.

Sincerely,

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



Dirk M. Smits, Esq.
Managing Attorney

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Florida Keys, P.A.
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Website:
www.national-law.com

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

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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Islamorada Professional
Center – 3rd Floor
81990 Overseas Highway
Islamorada, FL 33036
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Law.com
Fax: (305) 664-5414
Website:
www.national-law.com

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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Florida Keys, P.A.
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Center – 3rd Floor
81990 Overseas Highway
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HOConnor@Florida-Law.com

Fax: (305) 664-5414

Website:
www.national-law.com

VERDICTS AND DISPOSITIONS

Digennaro v. Malgrat, et. al.

AREAS OF PRACTICE

Administrative Law
Affordable Housing
Business and Real Estate Law
Code Enforcement
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
Municipal/Government Liability Defense
PIP/Personal Injury Protection Litigation
Public Finance
Public Procurement
Public Records Law
Public Sector Liability
Sunshine Law
Tax Referendum/Election Law

BAR & COURT ADMISSION

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.

As an associate with Vernis & Bowling of the Florida Keys, Mr. O'Connor has practiced in a wide variety of areas with a focus towards local government law.

Mr. O'Connor handles various legal matters for The School Board of Monroe County, the City of Key Colony Beach, City of Layton, Florida Keys Mosquito Control District and Key Largo Fire & EMS District, North Fort Myers Fire District, and Monroe County. Some of the legal areas Mr. O'Connor handles include, but are not limited to, contracts, ordinances, procurement, affordable housing, public records, and sunshine law. Mr. O'Connor looks forward to continuing to expand his skills and expertise alongside the excellent attorneys at Vernis & Bowling of the Florida Keys.

Florida Bar

EDUCATION

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



REFERENCES

1. Bruce Halle
Mayor of the City of Layton, Florida
68260 Overseas Hwy, Layton, FL 33001
(305) 664-4667
Our firm has represented the City of Layton as general and litigation counsel since 1999.
2. Freddie Foster
Mayor of the City of Key Colony Beach, Florida
600 W Ocean Dr, Key Colony Beach, FL 33051
(305) 289-1212
Our firm has represented the City of Key Colony Beach as general and litigation counsel since 2020.
3. George Garrett
City Manager of the City of Marathon, Florida
9805 Overseas Highway Marathon, Florida 33050
305-289-4130
Our firm served as Interim City Attorney for the City of Marathon (2015-2016 and 2020-2021).



FEE STRUCTURE

Our firm would provide our government rate of \$235.00 per hour for attorneys and \$155.00 per hour for paralegals.

If the City prefers, we can offer a hybrid retainer and hourly arrangement, which we use with most of our local government clients. The retainer (monthly flat fee) would include all of the City's regular, special and workshop meetings as well as all communications with City Commissioners on an unlimited basis. This retainer would be in conjunction with an hourly arrangement for other needed legal work that is not really capable of a defined amount of effort on a regular basis. Our current clients realize a return on investment by utilizing the retainer option as time spent in meetings and addressing individual elected official's matters typically exceeds what we would normally bill for such services. This model provides elected officials comfort that they may contact their legal counsel without concern of excess billing and allows legal to work proactively with the elected officials. We would need about two months of working hourly in order to determine the City's utilization and create a hybrid structure accordingly.

Our firm stands ready to use the hourly fee structure or the hybrid retainer method if the City so desires for potential cost savings.

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
JACKSON, MS
CHARLOTTE, NC
CHARLESTON, SC