

LAW OFFICES OF DONALD E. YATES, P.A.

DONALD E. YATES, ESQ.

611 EATON STREET

KEY WEST, FL 33040

(305) 296-2261

DYATESPA@DYATESPA.COM

22 OCTOBER 2024



DONALD E. YATES

611 Eaton Street, Key West, Florida 33040

305-296-2261

dyatespa@dyatespa.com

PROFILE AND STATEMENT

Good day,

I have been licensed to practice law in the State of Florida since 1985, in the State of Colorado since 1994 and have resided in Key West and Monroe County since 1987. I am a Florida Bar member in good standing since 1985 with no disciplinary actions or disbarment in any state. I have continuously practiced law in Key West and Monroe County with all required licenses.

The Supreme Court of Florida certified me as a Mediator in Circuit and County Court in 1993, in Family Court in 1998, as an Arbitrator in 1995 and as a Residential Foreclosure Mediator in 2010. My mediation and arbitration experience has involved every facet of the law except criminal and domestic violence.

Throughout my legal career I have been involved in all areas of the law including real estate from sale and purchase to complete project development. This necessarily includes every phase of code compliance. Additionally, I have represented countless individuals, businesses and corporations in the operation of their personal and business affairs, many of which required navigation and help within the Key West Code of Ordinances to make sure they comply with the Key West Code. Unfortunately, practicing law involves litigation. I have represented many clients in all aspects of the litigation experience, and have always strived to meet my client's needs, working positively and proactively with my client's opposition to reach a resolution acceptable to all parties. As a result, I have developed and built a positive, honest and trusted relationship with my clients, peers and opposition.

My practice has included many years being alternate Code Compliance Special Magistrate as well as even more years as Special Magistrate for the Circuit Court of the 16th Judicial Circuit. Duties

in the Circuit Court have included hearings and trials throughout Monroe County involving civil litigation (including foreclosure, real estate, contracts, and many other issues), probate and family law. My duties as the family law magistrate included a docket of approximately 110-140 cases per month over 2 days which also includes trials and evidentiary hearings. The Circuit Court Special Magistrate monthly duties would include additional days as the budget allowed.

Unfortunately, I do not know the specific time frame for any services provided as the alternate Code Compliance Special Magistrate for the City of Key West or for the 16th Judicial Circuit. These service time frames are not ones of which I kept track. However, I served the 16th Judicial Circuit for over seventeen (17) years and the City of Key West for several years as the Alternate Special Magistrate and the last nine (9) years as the Code Compliance Special Magistrate. My time serving in these judicial and quasi-judicial capacities as well as my private practice have allowed me to develop a judicial temperament that is respectful and understanding, yet fair and firm. I do and shall use these skills in understanding the required procedure, the issue(s), and the position(s) of opposing parties to reach a competent, reasonable resolution as quickly and as expediently as possible.

I have not had any specific "training" in legal areas involving local government, but I believe my years of experience, including my last nine (9) years as the Code Compliance Special Magistrate and vast judicial experience allow me to fill the City of Key West requirements and demands for this Special Magistrate position in an effective and efficient manner.

If I am awarded the contract, I will perform the work in accordance with the provisions, terms and conditions of the contract. I declare and agree to abide by all specifications and provisions, terms and conditions and all ordinances and policies of the City of Key West. If selected as the Awardee for RFP #25-002, I will provide the required Declaration Sheet for Professional/Malpractice insurance.

DONALD E. YATES

611 Eaton Street, Key West, Florida 33040

305-296-2261

dyatespa@dyatespa.com

EDUCATION

- Florida State University – B.S., 1978
- Mercer University – J.D., 1984

PROFESSIONAL

- Admitted to Florida Bar in 1985 and Colorado Bar in 1994.
- 1985 to 1987 - civil litigation practiced in Jacksonville, Florida.
- 1987 to present – civil, criminal and mediation/arbitration practiced in Key West, Florida.
- 1993 to present – Florida Supreme Court certified mediator for Circuit and County Court (1993), Family (1998), Arbitrator (1995), Residential Mortgage Foreclosure (RMF) Mediator (2010).
- 1995 to present – Legal services of Greater Miami (including Monroe County) Board of Directors and Executive Committee member.
- 2000 to 2017 – Special Master for the 16th Judicial Circuit for the State of Florida including civil, probate and family.
- 2000 to 2002 – Florida Bar Grievance Committee, review and make recommendations on the ethical conduct of attorneys accused of ethics violations in Monroe County, Florida.
- 2003 to 2014 – Judicial Nomination Committee charged with evaluating candidates for gubernatorial appointment when a vacancy occurs on the judicial bench. Report directly to the Governor of the State of Florida.
- 2015 to present – City of Key West Code Compliance Special Magistrate.
- 2018 to 2024 – Florida Bar Unauthorized Practice Law Committee.
- 2024 to present – Florida Bar Grievance Mediation & Fee Arbitration Committee

PERSONAL

- Monroe County resident since 1987 and South Florida resident since 1958.
- Married to Captain Kathryn Yates USN (Ret), 1979 graduate of Georgia Southern University, Mercer University, J.D. 1984.
- Board of Directors Schooner Western Union.

HOBBIES

- Fishing, diving, skiing and all outdoor activities.

PROPOSED FEE ARRANGEMENT

Special Magistrate

Two Thousand Dollars (\$2,000.00) per day for regularly scheduled monthly code hearing day/date. This would include all preparation required.

Five Hundred Dollars (\$500.00) per hour for additional time requirements outside of the regularly scheduled hearing date or for specially set hearing dates with a one (1) hour minimum. This would be capped at Three Thousand Dollars (\$3,000.00) per day.

SECTION 4

AFFIDAVITS AND CERTIFICATIONS

THE FOLLOWING MATERIALS ARE CONSIDERED ESSENTIAL AND NON-WAIVABLE FOR ANY RESPONSE TO AN INVITATION TO BID.

BIDDERS SHALL SUBMIT THE SUBSEQUENT FORMS.

LIST OF ATTACHED FORMS:

1. Anti-kickback Affidavit
2. Non-Collusion Affidavit
3. Sworn Statement Pursuant to Section 287.133(3)(A), on Public Entity Crimes
4. Equal Benefits for Domestic Partners Affidavit
5. Cone of Silence Affidavit
6. Affidavit Attesting to Noncoercive Conduct for Labor or Services
7. Vendor Certification Regarding Scrutinized Companies Lists
8. Indemnification Form

ANTI-KICKBACK AFFIDAVIT

STATE OF FLORIDA)

: SS

COUNTY OF MONROE)

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employees of the City of Key West as a commission, kickback, reward, or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

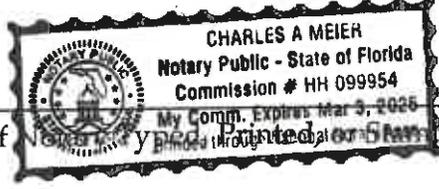
By: *E. Yates*

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this day of, 2024, by *DEAROLD EUGENE YATES*
OCT 24

[Signature]

(Signature of Notary Public- State of Florida)

(NOTARY SEAL)



(Name of Notary Public- State of Florida)

Personally Known *X* OR Produced Identification _____

Type of Identification Produced _____

NON-COLLUSION AFFIDAVIT

STATE OF FLORIDA)

: SS

COUNTY OF MONROE)

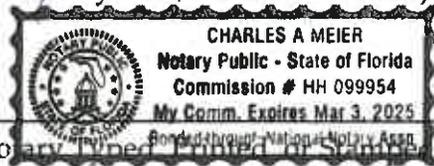
I, the undersigned hereby declares that the only persons or parties interested in this Proposal are those named herein, that this Proposal is, in all respects, fair and without fraud, that it is made without collusion with any official of the Owner, and that the Proposal is made without any connection or collusion with any person submitting another Proposal on this Contract.

BY: *Donald Eugene Yates*

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this day of, 2024, by *DONALD EUGENE YATES*
OCT 7/24

Charles A Meier
(Signature of Notary Public- State of Florida)

(NOTARY SEAL)



(Name of Notary Typed, Printed, or Stamped)

Personally Known *X* OR Produced Identification _____

Type of Identification Produced _____

**SWORN STATEMENT UNDER SECTION 287.133(3)(A)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid or Proposal for RFP #25-002 / Code
Compliance Special Magistrate

2. This sworn statement is submitted by: Donald E. Yates and Law Offices of Donald E. Yates, P.A.
(Name of entity submitting sworn statement)

whose business address is: 611 Eaton Street, Key West, Florida 33040

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____
65-0465241

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement)

3. My name is Donald Eugene Yates
(Please print name of individual signing)

and my relationship to the entity named above is: President

4. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including but not limited to, any bid or contract for goods or services to be provided to any public or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, material misrepresentation.

5. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication guilt, in any federal or state trial court of record relating to charges brought by

indictment information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

6. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime; or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1)(8), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

 X Neither the entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the

management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH ONE (1) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

KE Gates
(Signature)

07 OCT 2024
(Date)

STATE OF FLORIDA

COUNTY OF MONROE

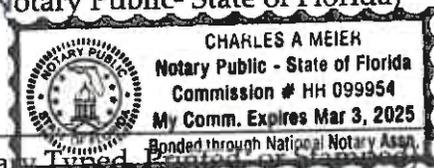
Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this day of, 2024, by DONALD EUGENE VAISS

10-7-24

[Signature]

(Signature of Notary Public- State of Florida)

(NOTARY SEAL)



(Name of Notary Public)

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

EQUAL BENEFITS FOR DOMESTIC PARTNERS AFFIDAVIT

STATE OF FLORIDA)

: SS

COUNTY OF MONROE)

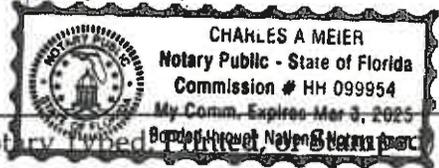
I, the undersigned hereby duly sworn, depose and say that the firm of Law Offices of Donald E. Yates, P.A. provides benefits to domestic partners of its employees on the same basis as it provides benefits to employees' spouses, per City of Key West Code of Ordinances Sec. 2-799.

By: DE Yates, Pres.

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this day of, 2024, by DONALD EUGENE YATES
10-07-24

[Signature]
(Signature of Notary Public- State of Florida)

(NOTARY SEAL)



(Name of Notary Typed Below Seal)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

CONE OF SILENCE AFFIDAVIT

Pursuant to City of Key West Code of Ordinances Section 2-773 (attached below)

STATE OF FLORIDA)

: SS

COUNTY OF MONROE)

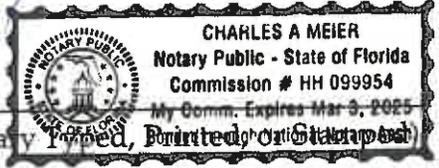
I, the undersigned hereby duly sworn, depose and say that all owner(s), partners, officers, directors, employees, and agents representing the firm of Law Offices of Donald E. Yates, P.A. have read and understand the limitations and procedures regarding communications concerning City of Key West Code of Ordinances Sec. 2-773 Cone of Silence (attached).

By: *[Handwritten Signature]*

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this day of, 2024 by Donald Eugene Yates
10-7-24

[Handwritten Signature]
(Signature of Notary Public- State of Florida)

(NOTARY SEAL)



(Name of Notary Public, Printed, or Stamped)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

Sec. 2-773. Cone of Silence.

- a. **Definitions.** For purposes of this section, reference to one gender shall include the other, use of the plural shall include the singular, and use of the singular shall include the plural. The following definitions apply unless the context in which the word or phrase is used requires a different definition:
- (1) **Competitive solicitation** means a formal process by the City of Key West relating to the acquisition of goods or services, which process is intended to provide an equal and open opportunity to qualified persons and entities to be selected to provide the goods or services. Competitive solicitation shall include request for proposals ("RFP"), request for qualifications ("RFQ"), request for letters of interest ("RFLI"), invitation to bid ("ITB") or any other advertised solicitation.
 - (2) **Cone of silence** means a period of time during which there is a prohibition on communication regarding a particular competitive solicitation.
 - (3) **Evaluation or selection committee** means a group of persons appointed or designated by the city to evaluate, rank, select, or make a recommendation regarding a vendor or the vendor's response to the competitive solicitation. A member of such a committee shall be deemed a city official for the purposes of subsection (c) below.
 - (4) **Vendor** means a person or entity that has entered into or that desires to enter into a contract with the City of Key West or that seeks an award from the city to provide goods, perform a service, render an opinion or advice, or make a recommendation related to a competitive solicitation for compensation or other consideration.
 - (5) **Vendor's representative** means an owner, individual, employee, partner, officer, or member of the board of directors of a vendor, or a consultant, lobbyist, or actual or potential subcontractor or sub-consultant who acts at the behest of a vendor in communicating regarding a competitive solicitation.
- b. **Prohibited communications.** A cone of silence shall be in effect during the course of a competitive solicitation and prohibit:
- (1) Any communication regarding a particular competitive solicitation between a potential vendor or vendor's representative and the city's administrative staff including, but not limited to, the city manager and his or her staff;
 - (2) Any communication regarding a particular competitive solicitation between a potential vendor or vendor's representative and the mayor, city commissioners, or their respective staff;
 - (3) Any communication regarding a particular competitive solicitation between a potential vendor or vendor's representative and any member of a city evaluation and/or selection committee; therefore, and
 - (4) Any communication regarding a particular competitive solicitation between the mayor, city commissioners, or their respective staff, and a member of a city evaluation and/or selection committee, therefore.
- c. **Permitted communications.** Notwithstanding the foregoing, nothing contained herein shall prohibit:
- (1) Communication between members of the public who are not vendors or a vendor's representative and any city employee, official or member of the city commission;
 - (2) Communications in writing at any time with any city employee, official or member of the city commission, unless specifically prohibited by the applicable competitive solicitation. (A) However, any written communication must be filed with the city clerk. Any city employee, official or member of the city commission receiving or making any written communication must immediately file it with the city clerk. (B) The city clerk shall include all written communication as part of the agenda item when publishing information related to a particular competitive solicitation;
 - (3) Oral communications at duly noticed pre-bid conferences;

- (4) Oral presentations before publicly noticed evaluation and/or selection committees;
- (5) Contract discussions during any duly noticed public meeting;
- (6) Public presentations made to the city commission or advisory body thereof during any duly noticed public meeting;
- (7) Contract negotiations with city staff following the award of a competitive solicitation by the city commission; or
- (8) Purchases exempt from the competitive process pursuant to section 2-797 of these Code of Ordinances;

d. Procedure.

(1) The cone of silence shall be imposed upon each competitive solicitation at the time of public notice of such solicitation as provided by section 2-826 of this Code. Public notice of the cone of silence shall be included in the notice of the competitive solicitation. The city manager shall issue a written notice of the release of each competitive solicitation to the affected departments, with a copy thereof to each commission member, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.

(2) The cone of silence shall terminate at the time the city commission or other authorized body makes final award or gives final approval of a contract, rejects all bids or responses to the competitive solicitation or takes other action which ends the competitive solicitation.

(3) Any city employee, official or member of the city commission that is approached concerning a competitive solicitation while the cone of silence is in effect shall notify such individual of the prohibitions contained in this section. While the cone of silence is in effect, any city employee, official or member of the city commission who is the recipient of any oral communication by a potential vendor or vendor's representative in violation of this section shall create a written record of the event. The record shall indicate the date of such communication, the persons with whom such communication occurred, and a general summation of the communication.

e. Violations/penalties and procedures.

(1) A sworn complaint alleging a violation of this ordinance may be filed with the city attorney's office. In each such instance, an initial investigation shall be performed to determine the existence of a violation. If a violation is found to exist, the penalties and process shall be as provided in section 1-15 of this Code.

(2) In addition to the penalties described herein and otherwise provided by law, a violation of this ordinance shall render the competitive solicitation void at the discretion of the city commission.

(3) Any person who violates a provision of this section shall be prohibited from serving on a City of Key West advisory board, evaluation and/or selection committee.

(4) In addition to any other penalty provided by law, violation of any provision of this ordinance by a City of Key West employee shall subject said employee to disciplinary action up to and including dismissal.

(5) If a vendor is determined to have violated the provisions of this section on two more occasions it shall constitute evidence under City Code section 2- 834 that the vendor is not properly qualified to carry out the obligations or to complete the work contemplated by any new competitive solicitation. The city's purchasing agent shall also commence any available debarment from city work proceeding that may be available upon a finding of two or more violations by a vendor of this section. (Ord. No. 13-11, § 1, 6-18-2013)

AFFIDAVIT ATTESTING TO NONCOERCIVE CONDUCT

FOR LABOR OR SERVICES

Entity/Vendor Name: Law Offices of Donald E. Yates, P.A.

Vendor FEIN: 65-0465241

Vendor's Authorized Representative: Donald E. Yates, President
(Name and Title)

Address: 611 Eaton Street

City: Key West State: Florida Zip: 33040

Phone Number: 305-296-2261

Email Address: dyatespa@dyatespa.com

As a nongovernmental entity executing, renewing, or extending a contract with a government entity, Vendor is required to provide an affidavit under penalty of perjury attesting that Vendor does not use coercion for labor or services in accordance with Section 787.06, Florida Statutes.

As defined in Section 787.06(2)(a), coercion means:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or service are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of Section 893.03 to any person for the purpose of exploitation of that person.

As a person authorized to sign on behalf of Vendor, I certify under penalties of perjury that Vendor does not use coercion for labor or services in accordance with Section 787.06. Additionally, Vendor has reviewed Section 787.06, Florida Statutes, and agrees to abide by same.

Certified By: Donald E. Yates, President, who is authorized to sign on behalf of the above referenced company.

Authorized Signature: 

Print Name: Donald E. Yates

Title: President, Law Offices of Donald E. Yates, P.A.

VENDOR CERTIFICATION REGARDING
SCRUTINIZED COMPANIES LISTS

Respondent Vendor Name: Law Offices of Donald E. Yates, P.A.
 Vendor FEIN: 65-0465241
 Vendor's Authorized Representative Name and Title: Donald E. Yates, President
 Address: 611 Eaton Street
 City: Key West State: Florida Zip: 33040
 Phone Number: 305-296-2261
 Email Address: dyatespa@dyatespa.com

Section 287.135(2)(a), Florida Statutes, prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services of any amount if, at the time of contracting or renewal, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to section 215.4725, Florida Statutes, or is engaged in a boycott of Israel. Section 287.135(2)(b), Florida Statutes, further prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services over one million dollars (\$1,000,000) if, at the time of contracting or renewal, the company is on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, both created pursuant to section 215.473, Florida Statutes, or the company is engaged in business operations in Cuba or Syria.

As the person authorized to sign on behalf of Respondent, I hereby certify that the company identified above in the section entitled "Respondent Vendor Name" is not listed on either the Scrutinized Companies that Boycott Israel List, Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject such company to civil penalties, attorney's fees, and/or costs and termination of the contract at the option of the awarding governmental entity.

Certified By: Donald E. Yates President
Print Name *Print Title*

who is authorized to sign on behalf of the above referenced company.

Authorized Signature: 

CITY OF KEY WEST INDEMNIFICATION FORM

PROPOSER agrees to protect, defend, indemnify, save and hold harmless The City of Key West, all its Departments, Agencies, Boards, Commissions, officers, City's Consultant, agents, servants and employees, including volunteers, from and against any and all claims, debts, demands, expense and

liability arising out of injury or death to any person or the damage, loss of destruction of any property which may occur or in any way grow out of any act or omission of the PROPOSER, its agents, servants, and employees, or any and all costs, expense and/or attorney fees incurred by the City as a result of any claim, demands, and/or causes of action except of those claims, demands, and/or causes of action arising out of the negligence of The City of Key West, all its Departments, Agencies, Boards, Commissions, officers, agents, servants and employees. The PROPOSER agrees to investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent. The City of Key West does not waive any of its sovereign immunity rights, including but not limited to, those expressed in Section 768.28, Florida Statutes. PROPOSER understands and agrees that any and all liabilities regarding the use of any subcontractor for services related to this agreement shall be borne solely by the PROPOSER. Ten dollars of the consideration paid by the City is acknowledged by PROPOSER as separate, good and sufficient consideration for this indemnification. This indemnification shall be interpreted to comply with Section 725.06 and 725.08, Florida Statutes.

These indemnifications shall survive the term of this agreement. In the event that any action or proceeding is brought against the City of Key West by reason of such claim or demand, PROPOSER shall, upon written notice from the City of Key West, resist and defend such action or proceeding by counsel satisfactory to the City of Key West.

The indemnification provided above shall obligate PROPOSER to defend at its own expense to and through appellate, supplemental or bankruptcy proceeding, or to provide for such defense, at the City of Key West's option, any and all claims of liability and all suits and actions of every name and description covered above which may be brought against the City of Key West whether performed by PROPOSER, or persons employed or utilized by PROPOSER.

The PROPOSER's obligation under this provision shall not be limited in any way by the agreed upon Contract Price as shown in this agreement, or the PROPOSER's limit of or lack of sufficient insurance protection.

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COMPANY SEAL

PROPOSER: Law Offices of Donald E. Yates, P.A.

Address 611 Eaton Street
Key West, Florida 33040

Signature *Donald E. Yates*

Donald E. Yates

10-7-2024

Print Name

Date

President, Law Offices of Donald E. Yates, P.A.

Title

NOTARY FOR THE PROPOSER

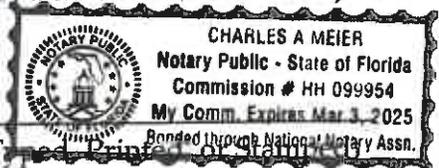
STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me by means [] physical presence or [] online notarization, this day of, 2024, by DONALD E. YATES
10-7-24

[Signature]
(Signature of Notary Public- State of Florida)

(NOTARY SEAL)



(Name of Notary Typed, Printed, or Stamped)

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

• • • • •

END OF SECTION 4