

**CITY OF MIAMI  
OFFICE OF THE CITY ATTORNEY  
LEGAL OPINION - #06-008**

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**TO:** Priscilla A Thompson, City Clerk  
**FROM:** Jorge L. Fernandez, City Attorney  
**DATE:** November 17, 2006  
**RE:** Applicability of Lobbyist Regulations to CRA Consultants  
Matter ID No.: 06-2197

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**YOU HAVE REQUESTED A LEGAL OPINION AS TO WHETHER INDIVIDUALS WHO HAVE BEEN HIRED TO REPRESENT THE CITY OF MIAMI'S COMMUNITY REDEVELOPMENT AGENCIES, HEREINAFTER ("CRA"), WITH RESPECT TO MISCELLANEOUS ISSUES, INCLUDING LAND USE, ZONING AND PERMITTING MATTER, AND WHO APPEAR BEFORE THE CITY COMMISSION, ARE CONSIDERED "LOBBYIST" UNDER THE PROVISIONS OF THE CITY CODE?**

**ADDITIONALLY, YOU ASKED IF AN INDIVIDUAL WHO APPEARS BEFORE THE CRA IS REQUIRED TO REGISTER WITH THE CITY CLERK AND PAY THE APPLICABLE FEES?**

The activities of lobbyists are governed and regulated by the City of Miami, under the provisions found in Article VI, Sections 2-651 through 2-658 of the City Code. Specifically, Section 2-653, defines what constitutes a "lobbyist," and exempts certain individuals from the definition of a "lobbyist." More particularly, said code section provides that:

*Lobbyist* does not mean a city employee when acting in his official capacity, or a city consultant when acting in such capacity.

*Lobbyist* does not mean a government employee acting in his/her official capacity.

Additionally, Section 2-653 defines *Government employee* as any agent of government, whether elected, appointed or hired, paid or unpaid, who is acting on behalf of the United States, the State of Florida, or any agency, political subdivision, special district, county or municipality of the State of Florida. (Emphasis supplied)

In accordance with the code provisions referenced above, individuals hired by the City's CRA would be considered "a government employee," and thus exempt from the definition of

“lobbyist” under our code. Accordingly, such individuals would not be subject to the lobbyist provisions including those pertaining to registration and fees.<sup>1/</sup>

You also asked whether an individual who appears before the CRA is subject to the requirements of the City of Miami’s lobbyist provisions. The definition of “lobbyist” under Section 2-653 of the City Code states:

*Lobbyist* means all paid persons, firms, corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any ordinance, resolution, action or decision of the city commission; or any resolution, action, decision or recommendation of any city board or committee; or any action, decision, or recommendation of the city manager during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be reviewed by the city commission, or a city board or committee. (emphasis supplied)

Note that the CRA does not fall into one of the categories of entities included in the definition of “lobbyist.” Therefore, absent some specific administrative rule or policy of the CRA, an individual who appears before the CRA is not required to register with the City Clerk and/or pay fees as a lobbyist as such term is defined and regulated by the provisions of the City Code discussed herein.

JLF/JOB/dd

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<sup>1/</sup> **Sec. 2-654. Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee.**

(a) A person may not lobby a city official, a city board member, the city manager or city staff, until such person has registered as a lobbyist with the city clerk. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be \$500.00 as an initial registration fee, plus an additional fee of \$100.00 for each principal represented for each issue lobbied on behalf of any one principal.