



To: Jane Tompkins

From: Bridgette Thornton Richard, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Building Permit Expeditors – Lobbyist Registration Legal Advice Request

Date: February 15, 2013

---

You asked whether a building expeditor should be required to register as a lobbyist in accordance with Section 2-243 of the Code of the City of Coral Gables. Section 2-243(a) of the City Code defines a lobbyist as:

An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal *who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of* (a) any ordinance, resolution, action or decision of any city commissioner; (b) any action, decision, recommendation of the city manager, any city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council; or (c) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council.

Section 2-243(a), Code of the City of Coral Gables (emphasis added). Thus, to fall within the definition of a lobbyist, under Section 2-243(a), an individual would have seek to "encourage the approval, disapproval, adoption, repeal, passage, defeat, or modification of an ordinance, resolution, action, decision, etc. Section 2-243(a) Code of the City of Coral Gables.

During our February 15, 2013 discussion on this issue, you described building permit expeditors as "runners" who perform the function of dropping off and picking up permits and

permit related documents. Notably, you indicated that building permit expeditors perform this task without attempting to influence, modify, or encourage the approval or disapproval of permits, permit related documents, or any other decisions and/or actions of city personnel. Therefore, it is my legal opinion that a building permit expeditor does not qualify as a lobbyist and, consequently, does not need to register as a lobbyist. However, please bear in mind that should a building permit expeditor or anyone other individual or entity attempt to influence city personnel, in the manner outlined under Section 2-243(a), then that individual or entity may be required to register as a lobbyist. See Section 2-243, Code of the City of Coral Gables.

**Hernandez, Cristina**

---

**From:** Leen, Craig  
**Sent:** Tuesday, February 19, 2013 11:37 AM  
**To:** Hernandez, Cristina  
**Subject:** FW: Legal Opinion RE Building Expeditors and Lobbyist Registration  
**Attachments:** Building Permit Expeditors Lobbyist Issues.pdf

Please place in opinion folder.

Craig E. Leen  
City Attorney  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

---

**From:** Thornton Richard, Bridgette  
**Sent:** Friday, February 15, 2013 1:05 PM  
**To:** Tompkins, Jane  
**Cc:** Leen, Craig; Hernandez, Cristina; Franqui, Susan; Figueroa, Yaneris  
**Subject:** Legal Opinion RE Building Expeditors and Lobbyist Registration

Good Afternoon Jane,

Attached is the legal opinion you requested regarding building expeditors and lobbyist registration. Please let me know if you have any further questions or concerns.

Thank you,  
Bridgette

Bridgette N. Thornton Richard  
Deputy City Attorney for the City of Coral Gables  
405 Biltmore Way, 2<sup>nd</sup> Floor  
Coral Gables, FL 33134  
Tel: (305) 460-5084  
Fax: (305) 476-7795

**Please Note:** Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

\*\*\*\*\*

**NOTICE:** This e-mail is from the law office of the City of Coral Gables, and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you properly received this e-mail as a client, co-counsel or retained expert of the office of the City Attorney, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

To: Jane Tompkins, Director of the Development Services Department, City of Coral Gables  
From: Bridgette N. Thornton Richard, Deputy City Attorney, City of Coral Gables  
RE: Building Permit Expeditors – Lobbyist Registration Legal Advice Request  
Date: February 15, 2013

---

Ms. Tompkins:

You asked whether a building expeditor should be required to register as a lobbyist in accordance with Section 2-243 of the Code of the City of Coral Gables. Section 2-243(a) of the City Code defines a lobbyist as:

An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal *who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of* (a) any ordinance, resolution, action or decision of any city commissioner; (b) any action, decision, recommendation of the city manager, any city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council; or (c) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council.

Section 2-243(a), Code of the City of Coral Gables (emphasis added). Thus, to fall within the definition of a lobbyist, under Section 2-243(a), an individual would have seek to “encourage the approval, disapproval, adoption, repeal, passage, defeat, or modification of” an ordinance, resolution, action, decision, etc. Section 2-243(a) Code of the City of Coral Gables.

During our February 15, 2013 discussion on this issue, you described building permit expeditors as “runners” who perform the function of dropping off and picking up permits and permit related documents. Notably, you indicated that building permit expeditors perform this task without attempting to influence, modify, or encourage the approval or disapproval of permits, permit related documents, or any other decisions and/or actions of city personnel. Therefore, it is my legal opinion that a building permit expeditor does not qualify as a lobbyist and, consequently, does not need to register as a lobbyist. However, please bear in mind that should a building permit expeditor or anyone other individual or entity<sup>1</sup> attempt to influence city personnel, in the manner outlined under Section 2-243(a), then that individual or entity may be required to register as a lobbyist. *See* Section 2-243, Code of the City of Coral Gables. Please do not hesitate to contact me should you have any further questions or concerns.

---

<sup>1</sup> Section 2-243(a) of the City Code defines person as “[a]ny individual, corporation, partnership or other legal entity or an agent or employee thereof” and defines principal as “[t]he person which has employed or retained the services of a lobbyist.” Section 2-243(a), Code of the City of Coral Gables.