

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA.

BRE SKY BO HOLDINGS, INC,

Appellant,

v.

TOWN OF LANTANA,

Appellee.

CIVIL APPELLATE DIVISION "AY"  
CASE NO. 502008CA036244XXXXMB

Opinion filed:

**MAY - 6 2010**

✓ Appealed from the an order of the Special Magistrate of the Town of Lantana, Florida

✓ For Appellant:

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REVERSED

The Appellant, BRE SKY BO HOLDINGS, INC. appealed an order from the Special Magistrate of the TOWN OF LANTANA, FLORIDA ("Town"). The appealed order amends a previous code enforcement order to change the name of the respondent due to two errors. For the reasons set forth below, we find that the Special Magistrate erred in entering the corrective order, and reverse.

An administrative tribunal possesses inherent authority to correct its own orders which contain clerical errors arising from mistake or inadvertence. *See Taylor v. Dep't of Prof. Regulation*, 520 So. 2d 557 (Fla. 1988). Listing the respondent and property owner as Bre Sky

Bo Holdings, *LLC* rather than Bre Sky Bo Holdings, *Inc.* in the final order would have been a clerical error arising from mistake or inadvertence. *See Wells v. State*, 796 So. 2d 1276 (Fla. 4th DCA 2001 (holding that correction of convicted defendant's name to include designation "Jr." did not affect or alter the conviction settled by the final judgment). However, changing "Bowen Gillespie c/o Bre Sky Bo Holdings, LLC" to "Bre Sky Bo Holdings, Inc." is not merely clerical in nature, as it changes the identity of the respondent from the individual Bowen Gillespie to the corporation Bre Sky Bo Holdings, Inc. In *Ventriglia v. Vaughan*, 623 So. 2d 836 (Fla. 2d DCA 1993), the court explained that a judicial error, unlike a clerical error, is one that affects the substance of the order or judgment. *See also State, Dept. of Revenue By and on Behalf of Thomas v. Thomas*, 675 So. 2d 1024 (Fla. 1st DCA 1996) (clerical mistakes result from accidental slip or omission); *Clearwater Oaks Bank v. Plumtree*, 477 So. 2d 1023 (Fla. 2d DCA 1985); *Moforis v. Moforis*, 977 So. 2d 786 (Fla. 4th DCA 2008). The code enforcement board misidentified the respondent as Bowen Gillespie throughout the original proceedings and not merely as a clerical error in the final order. *Cf. DeGale v. Krongold, Bass & Todd*, 773 So. 2d 630 (Fla. 3d DCA 2000) (holding that lower court may amend order to correct spelling of one plaintiff's name without disturbing or revising legal rights and obligations settled in original order). Therefore, the special magistrate did not have inherent authority to correct the mistake because it was a judicial error that affected the substance of the final order. Accordingly, the judgment of the court below is **REVERSED**.

HAFELE, BARKDULL, and MARX, JJ. concur