



To: Walter Foeman

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

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Correction to Definition in Section 34-176 of the City Code

Date: October 18, 2016

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Please see the attached memo that was sent by the Deputy City Attorney on April 7, 2016. The correction to the scrivener's error referenced therein has been completed on Municode except that the word "is" has not been included in the correction (although it was included in Ms. Ramos' memo). Accordingly, please add the word "is" so that the definition of "Adversarial preliminary hearing" in section 34-176 of the City Code reads as follows (the additional word is underlined)

Adversarial preliminary hearing means a hearing in which the city is required to establish probable cause that the property is subject to forfeiture.

This correction is issued pursuant to section 2-201(e)(9) of the City Code.

Please inform the Municipal Code Corporation.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#)  
**Subject:** FW: Correction to definition in section 34-176 of the City Code  
**Date:** Tuesday, October 18, 2016 3:45:17 PM  
**Attachments:** [memo 34-176.pdf](#)  
[image001.png](#)

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Please publish along with the attachment.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
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Coral Gables, Florida 33134  
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**From:** Leen, Craig  
**Sent:** Tuesday, October 18, 2016 3:45 PM  
**To:** Foeman, Walter  
**Cc:** Ramos, Miriam; Suarez, Cristina; Throckmorton, Stephanie; Paulk, Enga  
**Subject:** Correction to definition in section 34-176 of the City Code

Mr. Clerk,

Please see the attached memo that was sent by the Deputy City Attorney on April 7, 2016. The correction to the scrivener's error referenced therein has been completed on Municode except that the word "is" has not been included in the correction (although it was included in Ms. Ramos' memo). Accordingly, please add the word "is" so that the definition of "Adversarial preliminary hearing" in section 34-176 of the City Code reads as follows (the additional word is underlined)

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This correction is issued pursuant to section 2-201(e)(9) of the City Code.

Please inform the Municipal Code Corporation.

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CITY OF CORAL GABLES

-MEMORANDUM-

TO: Walter J. Foeman, City Clerk

DATE: April 7, 2016

FROM:   
Miriam S. Ramos  
Deputy City Attorney

SUBJECT: Correction to  
Sec. 34-176, City Code

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It was brought to my attention that there is a scrivener's error in Sec. 34-176 of the City of Coral Gables Code. Pursuant to the authority granted to the City Attorney in Section 2-201(9) of the City Code, please make the following correction:

Sec. 34-176 currently reads: *Adversarial preliminary hearing* means a hearing in which the city is required to establish probable cause that the property subject to forfeiture was used in violation of the Florida Contraband Forfeiture Act.

Sec. 34-176 should read: *Adversarial preliminary hearing* means a hearing in which the city is required to establish probable cause that the property is subject to forfeiture.

In reading the Forfeiture and Abandoned Real Property section in its entirety, it is apparent that the reference to the "Florida Contraband Forfeiture Act," in this definition is a scrivener's error. The "definitions" section specifically lists the terms defined *differently* than those in the Act, therefore the references to the Act in this particular definition is clearly in error.

Please correct appropriately and let me know if you have any questions or concerns.