

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	2/5/2015
File #	

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF PILOT COMMISSIONERS
PILOTAGE RATE REVIEW COMMITTEE**

IN RE: APPLICATION OF FLORIDA
CARIBBEAN-CRUISE ASSOCIATION
FOR A REDUCTION IN RATES OF
PILOTAGE AT PORT EVERGLADES

ORDER

THIS MATTER came before the Pilotage Rate Review Committee (Committee) at a duly-noticed public meeting on January 22 and 23, 2015, in Panama City Beach, Florida pursuant to the provisions of Section 310.151, Florida Statutes, and Rule 61G14-22, Florida Administrative Code, to consider the Port Everglades Pilot Association's (PEPs) MOTION TO DISQUALIFY COMMISSIONERS BURKE AND MIGUEZ OR, IN THE ALTERNATIVE, TO STAY THE PROCEEDING filed on October 17, 2014, and PEP's AMENDED MOTION TO DISQUALIFY COMMISSIONERS BURKE AND MIGUEZ, filed on January 14, 2015.


Committee members present were Thomas Burke, Capt. John Fernandez, Enrique Miguez, Brian Ramos, Robert Swindell, Carlos Trueba, and Capt. John Winegeart. Legal advisors to the Committee were Clark R. Jennings, Michael Flury, and Marlene K. Stern, Assistant Attorneys General. The Florida Caribbean-Cruise Association was represented by Thomas Panza, Esq., and Greg McDermott, Esq. The PEP was represented by George Meros, Esq.

Upon review of the motion as amended, the responsive pleadings, the arguments of all parties, and being otherwise fully advised in the premises, the full Committee determined that the amended motion requested that the full Committee vote to disqualify two of its members. The full Committee voted to deny the amended motion for disqualification on procedural grounds, finding that a motion to disqualify a Commissioner should be directed to the individual Commissioner.

With respect to the alternative relief requested – to stay this proceeding until the First District Court of Appeal issues a decision on disqualification of the two Commissioners in Case No. 1D14-3974 – it is denied.

Based on the foregoing, it is hereby **ORDERED AND DIRECTED** that the above-referenced motion, as amended, is **DENIED**.

DONE and ORDERED this 25th day of January, 2015.


ROBERT SWINDELL, CHAIRMAN
PILOTAGE RATE REVIEW COMMITTEE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

Pursuant to Section 120.68(1), Florida Statutes, any party that is adversely affected by this Order, which is preliminary, procedural or intermediate in nature, may request judicial review if review of the final agency action would not provide an adequate remedy on appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail to: **Thomas F. Panza** and **Greg McDermott**, Panza Maurer & Maynard, 3600 North Federal Highway, 3d Floor, Ft. Lauderdale, Florida 33308, tpanza@panzamaurer.com, gmcdermott@panzamaurer.com, and **George Meros**, **Andy Bardos** and **James Timothy Moore, Jr.**, GrayRobinson, P.A., P.O. Box 11189, Tallahassee, FL 32302-3189, George.Meros@gray-robinson.com, Andy.Bardos@gray-robinson.com, Tim.Moore@gray-robinson.com on this

5th day of February, 2015

