

**FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION**

PILOTAGE RATE REVIEW COMMITTEE

In re: Application for a Change
in Rates of Pilotage, filed by the Florida-
Caribbean Cruise Association

MOTION FOR FINAL HEARING

The Florida-Caribbean Cruise Association (“FCCA”), by and through its undersigned counsel, hereby files this Motion for Final Hearing, and in support thereof, states as follows:

1. The FCCA filed a rate decrease application before the Pilotage Rate Review Committee for PortMiami, and a final hearing was held on the FCCA’s application on July 31 and August 1, 2014. The Committee voted in favor of reducing PortMiami’s pilotage rates by 25%. That final vote was never put into an order, as the PortMiami pilots filed a petition for writ of prohibition challenging former Commissioner Burke and Miguez’s refusal to disqualify themselves from participating on the Committee. After resolution of that matter (*see* Case No. 1D15-2033, State of Florida, First District Court of Appeal), new commissioners were appointed to the Board of Pilot Commissioners, and a final hearing was rescheduled for June 1-3, 2016.

2. In the interim time before the final hearing, the FCCA filed a motion to disqualify various pilots from participation on the Pilotage Rate Review Committee, and the Biscayne Bay Pilots (“BBP”) filed motions to disqualify Commissioner Sola, Assal, and Trueba from participation on the Committee at the June 1-3, 2016 hearing.

3. After orders were entered by numerous pilots, as well as Commissioners Sola, Assal and Trueba, denying the motions to disqualify, both the FCCA and BBP filed petitions for writ of prohibition with the State of Florida, First District Court of Appeal (*see* Case no. 1D16-2388 and 1D16-2391, State of Florida, First District Court of Appeal). On November 9, 2016,

the First DCA entered orders denying both BBP and the FCCA's petitions for writ of prohibition. Exhibit A. The effect of the First DCA's orders is, essentially, that none of the members on the Committee that the parties attempted to disqualify are disqualified, and the Committee, as it is comprised, may move forward with the final hearing in this matter. Given that there are no issues pending which prevent the Committee from holding a final hearing on the FCCA's rate decrease application, the FCCA is hereby requesting that the Rate Review Committee schedule a final hearing as soon as feasibly possible. It has been over two years since the FCCA filed its rate decrease application, and this Committee has previously expressed its desire that this matter move forward expeditiously.

WHEREFORE, the Florida-Caribbean Cruise Association hereby requests that the State of Florida, Board of Pilot Commissioners, Pilotage Rate Review Committee immediately schedule a final rate change hearing for the rate decrease application filed by the FCCA.

Respectfully submitted,

PANZA, MAURER & MAYNARD, P.A.
Bank of America Building, Third Floor
3600 North Federal Highway
Fort Lauderdale, FL 33308
Tel: (954) 390-0100
Fax: (954) 390-7991

/s/Thomas F. Panza
THOMAS F. PANZA
FLA. BAR NO. 138551

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by electronic delivery on

November 16, 2016, upon the following:

Donna E. Blanton
Florida Bar No. 948500
Radey Law Firm
301 South Bronough, Suite 200

Tallahassee, Florida 32301
Telephone: 850-425-6654
dblanton@radeylaw.com

Robert Peltz
Florida Bar No. 220418
The Peltz Law Firm
10220 SW 141st Street
Miami, Florida 33176
Telephone: 786-732-7219
rpeltzlaw@gmail.com

Counsel for Intervenor Biscayne Bay Pilots, Inc.

Thomas Campbell
1940 North Monroe Street
Tallahassee, Florida 32303

Thomas.campbell@myfloridalicense.com
850.717.1400

Executive Director, Board of Pilot Commissioners

Clark Jennings
Division of Professions
Board of Pilot Commissioners
1940 North Monroe Street
Tallahassee, Florida 32399-0783
Clark.Jennings@myfloridalegal.com

Counsel for Board of Pilot Commissioners

/s/ Thomas F. Panza
THOMAS F. PANZA
FLA. BAR NO.: 138551

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

BISCAYNE BAY PILOTS, INC.,

Petitioner,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D16-2388

FLORIDA-CARIBBEAN CRUISE
ASSOCIATION,

Respondent.

_____ /

Opinion filed November 9, 2016.

Petition for Writ of Prohibition.

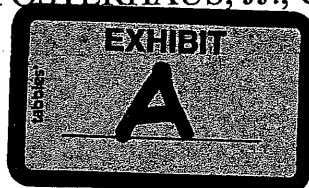
Donna E. Blanton of Radey Law Firm, Tallahassee and Robert Peltz of The Peltz Law Firm, Miami, for Petitioner.

Thomas F. Panza of Panza, Maurer, & Maynard, Fort Lauderdale, Pamela Jo Bondi, Attorney General and Marlene K. Stern, Assistant Attorney General, Tallahassee, for Pilotage Rate Review Committee, for Respondents.

PER CURIAM.

DENIED.

B.L. THOMAS, RAY, and OSTERHAUS, JJ., CONCUR.



IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FLORIDA-CARIBBEAN CRUISE
ASSOCIATION,

Petitioner,

v.

BISCAYNE BAY PORT PILOTS,
INC.,

Respondent.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D16-2391

_____ /
Opinion filed November 9, 2016.

Petition for Writ of Prohibition.

Thomas F. Panza of Panza, Maurer, & Maynard, P.A., Fort Lauderdale, for
Petitioner.

Donna E. Blanton of Radey Law Firm, Tallahassee, and Robert Peltz of The Peltz
Law Firm, Miami, Pamela Jo Bondi, Attorney General and Marlene K. Stern,
Assistant Attorney General, Tallahassee, for Pilotage Rate Review Committee, for
Respondents.

PER CURIAM.

DENIED.

B.L. THOMAS, RAY, and OSTERHAUS, JJ., CONCUR.