

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

---

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	12/8/2016
File #	

RENEWED MOTION FOR FINAL HEARING

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

1. The FCCA filed a motion for final hearing in this matter on November 16, 2016, which is attached hereto as Exhibit 1. As set forth in that motion, the FCCA believes a final hearing in this matter must be rescheduled in light of the First District Court of Appeals’ rulings denying both the Biscayne Bay Pilots’ (“BBP”) and FCCA’s petitions for writ of prohibition.

2. On November 16, 2016, counsel for BBP objected to any final hearing being scheduled prior to the First DCA issuing a mandate to the Rate Review Committee with respect to its orders. According to Florida Rule of Appellate Procedure 9.340, a mandate “shall” be issued by the clerk “after expiration of 15 days from the date of an order or decision.” Here, the fifteen day period expired on November 24, 2016, meaning that mandates should have been issued on November 25, 2016. Even with the Thanksgiving holiday, mandates could have been issued starting on November 28, 2016, and it is now December 8, 2016, well past the time for a mandate to be entered.

3. It is the FCCA’s understanding and good faith belief that while the First DCA may enter a mandate when writs of prohibition are *granted*, because the First DCA entered orders *denying* writs of prohibition, no mandate will be issued in these cases. Because no

mandates will be issued, there is no reason for the Rate Review Committee to delay any further in scheduling a final hearing.

**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

December 8, 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](mailto:dblanton@radeylaw.com)

*Counsel for Intervenor Biscayne Bay Pilots, Inc.*

Thomas Campbell  
1940 North Monroe Street  
Tallahassee, Florida 32303  
Telephone: 850.717.1400  
[Thomas.campbell@myfloridalicense.com](mailto:Thomas.campbell@myfloridalicense.com)

*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

**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](mailto: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](mailto:rpeltzlaw@gmail.com)

*Counsel for Intervenor Biscayne Bay Pilots, Inc.*

Thomas Campbell  
1940 North Monroe Street  
Tallahassee, Florida 32303

[Thomas.campbell@myfloridalicense.com](mailto: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](mailto: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,

v.

FLORIDA-CARIBBEAN CRUISE  
ASSOCIATION,

Respondent.

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

CASE NO. 1D16-2388

\_\_\_\_\_/

Opinion filed November 9, 2016.

Petition for Writ of Prohibition.

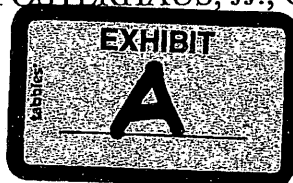
Donna E. Blanton of Radey Law Firm, Tallahassee and Robert Peltz of The Peltz  
Law Firm, Miami, for Petitioner.

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.