

**FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
PILOTAGE RATE REVIEW COMMITTEE**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/16/2016
File #	

In re: Application for a Change in Rates of Pilotage, filed by the Florida-Caribbean Cruise Association, and Alternative Application for a Change in Rates of Pilotage for PortMiami, filed by Biscayne Bay Pilots, Inc.

Case No.: PRRC 2014-1

BISCAYNE BAY PILOTS' MOTION FOR STAY

Pursuant to rule 28-106.204, Florida Administrative Code, and rule 9.190(e)(2)(A), Florida Rules of Appellate Procedure, Biscayne Bay Pilots, Inc. ("BBP") files this Motion for Stay and states:

1. On April 18, 2016, BBP filed motions, pursuant to section 120.665, Florida Statutes, requesting that Commissioners Sherif Assal and Louis Sola disqualify themselves from participating in the hearing scheduled for June 1-3, 2016, concerning the rates of pilotage in PortMiami. The Florida-Caribbean Cruise Association ("FCCA") filed responses to those motions on May 2, 2016. By separate orders entered on May 13, 2016, Commissioners Assal and Sola denied the motions. *See Exhibits A and B.*

2. On April 22, 2016, BBP filed a motion, pursuant to section 120.665, Florida Statutes, requesting that Commissioner Carlos Trueba disqualify himself from participating in the hearing scheduled for June 1-3, 2016, concerning the rates of pilotage in PortMiami. FCCA filed a response to that motion on May 2, 2016. Commissioner Trueba has not yet ruled on that motion, but counsel for the Pilotage Rate Review Committee ("PRRC") has advised that Commissioner Trueba intends to deny the motion and that his order of denial will be entered shortly.

3. On May 5, 2016, FCCA filed a motion to "disqualify all port pilot members from participating on the Pilotage Rate Review Committee in this matter and to disqualify committee

member Carolyn Kurtz from the Pilotage Rate Review Committee in this matter.” BBP filed a response to FCCA’s motion on May 10, 2016. Captain Mike Jaccoma, a pilot who works in PortMiami and a member of the Board of Pilot Commissioners (“BOPC”), entered an order on May 13, 2016, granting FCCA’s motion. A copy of that order is attached as **Exhibit C**. Counsel for the PRRC has advised that the other four pilots who serve on the BOPC intend to deny the motions and that their orders of denial will be entered shortly.

4. The PRRC has scheduled a conference call May 17, 2016, at 2 p.m. to discuss all of the pending motions requesting recusals and filed responses to same. The agenda also includes an item titled “III. Other Motions Concerning the Rate Hearing in PortMiami Scheduled for June 1, 2016-June 3, 2016.” A copy of the agenda is attached as **Exhibit D**. BBP respectfully requests that this Motion for Stay be considered under Item III. of the agenda.

5. BBP intends to file a petition for writ of prohibition with the First District Court of Appeal as soon as possible after the May 17 conference call seeking review of the orders from Commissioners Assal, Sola, and Trueba declining to disqualify themselves from the June 1-3 rate hearing. Prohibition is the appropriate remedy to review orders denying requests for disqualification pursuant to section 120.665, Florida Statutes. *Biscayne Bay Pilots, Inc. v. Florida Caribbean-Cruise Ass’n*, 160 So. 3d 559, 562 (Fla. 1st DCA 2015) (*Biscayne Bay Pilots I*).

6. In order to give the Court time to review BBP’s petition, BBP respectfully requests that the PRRC stay further consideration of the pending requests for rate changes in PortMiami.¹

¹ The hearing has been scheduled for the purpose of considering FCCA’s application for a 25 percent reduction in the rates of pilotage for passenger vessels in PortMiami, which was filed in 2014, and for considering BBP’s alternative application for an across-the-board increase in the rates of pilotage, which was filed on March 24, 2016. The proceedings concerning both applications have been consolidated.

This request includes continuing the hearing now scheduled for June 1-3, 2016, until such time as the Court has ruled on BBP's petition for writ of prohibition.

7. Pursuant to rule 9.190(e)(2)(A), Florida Rules of Appellate Procedure, requests for stays pending appellate review should be directed to the lower tribunal. As the lower tribunal in these rate proceedings, the PRRC is the appropriate body to consider BBP's request for stay. Given that the scheduled hearing is just more than two weeks away, it is appropriate that the PRRC consider this request at its scheduled conference call on May 17, 2016.

8. Granting the request for a stay conserves the resources of the PRRC and its staff and is in the public interest, as further action on the pending rate requests will be a nullity and wasted effort if the First District Court of Appeal agrees with BBP and rules that Commissioners Assal, Sola, and Trueba should have disqualified themselves. The PRRC has already held one hearing on FCCA's application for a rate decrease in 2014. That two-day proceeding was determined by the PRRC's legal counsel to be a nullity after the First District Court of Appeal ruled that former Commissioners Miguez and Burke should have disqualified themselves in response to BBP's motions. *See Biscayne Bay Pilots, Inc. v. Florida Caribbean-Cruise Ass'n*, 177 So. 3d 1043, 1044-45 (Fla. 1st DCA 2015 (*Biscayne Bay Pilots II*)).

9. Factors to be taken into account when considering whether a stay should be granted include the likelihood of success on the merits and the likelihood of harm should a stay not be granted. *See Perez v. Perez*, 769 So. 2d 389, 391 n.4 (Fla. 3d DCA 1999).² BBP's request for a stay meets both tests.

² Very little case law interprets the stay provision of rule 9.190, which governs stays in administrative appeals, and was first adopted in January 1, 2001. *See Ludwig v. Dep't of Health*, 778 So. 2d 531, 533 (Fla. 1st DCA 2001). Cases interpreting rule 9.310, the general appellate rule concerning stays, frequently cite the standard articulated in *Perez*. *See, e.g., Mitchell v. State*, 911

Likelihood of Success on the Merits

10. BBP's petition for writ of prohibition concerning Commissioners Assal, Sola, and Trueba is likely to succeed on the merits. The motions for disqualification were filed pursuant to section 120.665, Florida Statutes, which provides for the disqualification of an "agency head" for "bias, prejudice, or interest." The PRRC is the "agency head," pursuant to the Florida Administrative Procedure Act ("APA"), for purposes of considering both FCCA's request for a rate decrease and BBP's request for a rate increase. § 310.151(4), (7), Fla. Stat. The motions concerning Commissioners Assal and Sola assert that both men were until very recently platinum members of the FCCA, the very applicant seeking the rate decrease in PortMiami.³ The motion concerning Commissioner Trueba shows that he has prejudged the rate cases and has become a vocal advocate of FCCA's position, i.e., that current rates in PortMiami are unfair to cruise lines. BBP has a reasonable fear that it will not receive a fair hearing from any of these individuals.

11. As discussed in BBP's motions concerning Commissioners Assal and Sola, Platinum Membership in the FCCA costs \$25,000 annually and "cultivates close relationships with FCCA Member Line CEOs, presidents and executives" according to the FCCA website. *See Exhibit E* (excerpt from FCCA website). "Platinum Members gain direct access to the cruise industry." *Id.*

So. 2d 1211, 1219 (Fla. 2005); *Tampa Sports Auth. v. Johnston*, 914 So. 2d 1076, 1079 (Fla. 2d DCA 2005); *Sepich v. Papadopoulos*, 145 So. 3d 156, 157 n.6 (Fla. 3d DCA 2014).

³ As noted in BBP's motions, Commissioner Assal listed his platinum membership in FCCA on his application to serve on the PRRC. The website of Commissioner Sola's company until recently included the FCCA logo and identified the company's membership as "platinum." FCCA's response to BBP's motions includes letters from Commissioners Assal and Sola resigning from the FCCA that were dated about the time they were appointed to the PRRC.

12. The requests to Commissioners Assal and Sola are governed by the First District Court of Appeal's recent opinions in *Biscayne Bay Pilots I*, *Biscayne Bay Pilots II*, and *Port Everglades Pilots Ass'n v. Florida-Caribbean Cruise Ass'n*, 170 So. 3d 952 (Fla. 1st DCA 2015). In the latter two cases, the Court granted petitions for a writ of prohibition filed by the Port Everglades Pilots Association ("PEPA") and by BBP and held that former Commissioners Burke and Miguez should have disqualified themselves from hearing FCCA's request for rate decreases in Port Everglades and in PortMiami. The Court found the pilot associations had a reasonable fear that they would not obtain a fair and impartial hearing because the Commissioners were employed by members of FCCA, who were "the *de facto* parties that initiated the proceeding and whose rate change application is awaiting the Commissioners' decision." *Biscayne Bay Pilots II*, 177 So. 3d at 1045, quoting *Port Everglades Pilots*, 170 So. 3d at 956-57.⁴

13. The Court in these cases, as well as in *Biscayne Bay Pilots I*, also confirmed the test for legal sufficiency of a motion to disqualify an agency head (or member thereof) that is filed pursuant to section 120.665, Florida Statutes. As stated by the Court in *Biscayne Bay Pilots I*, the test is:

whether the facts alleged would prompt a reasonably prudent person to fear that they would not obtain a fair and impartial hearing. It is not a question of how the [agency head] actually feels, but what feeling resides in the movant's mind and the basis for such feeling. The [agency head] may not pass on the truth of the allegations of fact, and countervailing evidence is not admissible.

160 So. 3d at 562 n.5, quoting *Charlotte Cnty. v. IMC-Phosphates Co.*, 824 So. 2d 298, 300 (Fla. 5th DCA 2002).

⁴ *Biscayne Bay Pilots I* denied BBP's petition for writ of prohibition without prejudice because the Order denying the motion for disqualification was entered by the PRRC as opposed to by Commissioners Burke and Miguez themselves. The Court determined that only the individual Commissioners could rule on a motion to disqualify filed pursuant to section 120.665. 160 So. 3d at 564.

14. The Court in *Port Everglades* also cited several other cases emphasizing the importance of a fair proceeding and that “the decisionmaker must not allow one side in the dispute to have a special advantage in influencing the decision.” 170 So. 3d at 956, quoting *Cherry Communications v. Deason*, 652 So. 2d 803, 805 (Fla. 1995). The Court granted PEPA’s petition for writ of prohibition, quashed the orders of Commissioners Burke and Miguez denying the motion for disqualification, and remanded with directions that the motions be granted. 170 So. 3d at 957.

15. The Court in *Biscayne Bay Pilots II* relied on both *Biscayne Bay Pilots I* and on *Port Everglades Pilots* to grant BBP’s petition for writ of prohibition and quash the orders of Commissioners Burke and Miguez denying the motion for disqualification. The Court reasoned: “BBP’s motion for disqualification should have been granted because a reasonably prudent person would fear that he or she would not obtain a fair and impartial proceeding before Committee members who are senior executives of the *de facto* parties that initiated the proceeding and whose rate change application is awaiting the Commissioners’ decision.” *Biscayne Bay Pilots II*, 177 So. 3d at 1045, quoting *Port Everglades Pilots*, 170 So. 3d at 956-57. Commissioners Assal and Sola have served as “platinum” members of the FCCA (in Commissioner Assal’s case since 2004), paying \$25,000 a year to rub elbows with cruise line executives. BBP reasonably fears that it will not receive a fair hearing from individuals who became members of the very entity that seeks a decrease in the rates of pilotage in PortMiami.

16. A reasonably prudent person also would fear that Commissioner Trueba would not provide BBP with a fair and impartial hearing. At the meeting of the BOPC’s Legislative Committee in January of 2016, Commissioner Trueba specifically referenced the pending case in PortMiami and repeatedly stated that he believes the existing pilotage rates in PortMiami are

unfair. *See* BBP’s Motion and Suggestion to Commissioner Trueba that he Disqualify Himself from Pilotage Rate Proceedings Involving the Florida-Caribbean Cruise Association and Biscayne Bay Pilots, at p. 3. Commissioner Trueba’s comments left no doubt that he has already accepted, without hearing any evidence, the fundamental premise of FCCA’s rate decrease application, i.e., that there is an alleged inequity in the rates charged in PortMiami for passenger vessels verses cargo vessels. He stated in part:

I’ll go to a Miami hearing, in essence, the, the cruise industry is paying for some 65 percent of revenue based on 33, or 30-something percent on handles. I – I can’t – I can’t understand that. That means that the shipping industry, is, is having 65 percent of the handles, and just go at 33 percent of the revenue.

I think there’s something inequitable in, in that rate itself.

(Emphasis supplied). *Id.* (quoting the transcript from the Legislative Committee meeting). Commissioner Trueba was then admonished by the PRRC’s general counsel not to discuss pending cases. *Id.*

17. Disqualification of a decision maker, such as a judge or an agency head, is appropriate when “a disinterested observer may conclude that the (agency) has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it.” *Port Everglades*, 170 So. 3d 952 at 956, quoting *Seiden v. Adams*, 150 So. 3d 1215, 1220 (Fla. 4th DCA 2014) (internal citations omitted). Case law discussing when a presiding officer is biased often focuses on whether that presiding officer has “prejudged” a particular case. *See, e.g., Wargo v. Wargo*, 669 So. 2d 1123, 1124-25 (Fla. 4th DCA 1996) (“A judge may form mental impressions and opinions during the course of presentation of evidence, as long as she does not ‘prejudge the case.’”) (quoting *Brown v. Pate*, 577 So. 2d 645, 647 (Fla. 1st DCA 1991)); *Williams v. Balch*, 897 So. 2d 498, 498 (Fla. 4th DCA 2005) (“Disqualification is required when litigants demonstrate a reasonable, well-grounded fear that they will not receive a fair and impartial trial or that the judge

has pre-judged the case.”). Commissioner Trueba’s comments at the Legislative Committee meeting demonstrate that he has already made up his mind to support FCCA’s application for a rate decrease.⁵

Likelihood of Harm

18. The likelihood of irreparable harm to the pilots if a stay is not granted is high.⁶ Contrary to usual procedures involving proposed agency action under the Administrative Procedure Act, section 310.151(4)(b), Florida Statutes, requires that any proposed agency action of the PRRC concerning rates becomes immediately effective, even if a substantially affected party seeks a hearing at the Division of Administrative Hearings (“DOAH”). Thus, the PRRC’s proposed rate determination would not be stayed and would become immediately effective even if BBP, FCCA, or other substantially affected person or entity requested an administrative hearing. § 310.151(4)(b), Fla. Stat. Because this immediate effectiveness is unusual and departs from the typical agency “norm,” the statute provides that, pending entry of a final order in the proceeding, the pilots in the subject port are required to deposit in an interest-bearing account all amounts received that represent the difference between the previous rates and the proposed rates. *Id.* Such

⁵ BBP also has requested Commissioner Trueba’s disqualification because he has missed 50 percent or more of the BOPC meetings in two separate 12-month periods, contrary to section 455.207(3), Florida Statutes. *See* BBP’s Motion and Suggestion to Commissioner Trueba that he Disqualify Himself from Pilotage Rate Proceedings Involving the Florida-Caribbean Cruise Association and Biscayne Bay Pilots, at pp. 7-8. It is the position of BBP that Commissioner Trueba’s membership on the BOPC is void as a result of his excessive absences.

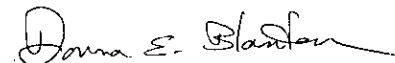
⁶ The PRRC has seven members (all of whom also serve on the 10-member BOPC). BBP believes that Commissioners Assal, Sola, and Trueba represent three solid votes in favor of the FCCA application for a rate decrease and against BBP’s application for a rate increase. If they are joined in those votes by just one other member of the PRRC, the application for a rate decrease would pass, and the application for a rate increase would fail.

amounts ultimately upheld following the administrative litigation are distributed after entry of the final order. *Id.*

19. Because of the immediate impact of the PRRC's decision on the applications for a change in the rates of pilotage, it is imperative that this Motion for Stay be granted to avoid the likelihood of harm to the pilots.

For the reasons expressed, BBP respectfully requests that the PRRC grant this Motion for Stay.

Respectfully submitted,



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

And

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 BISCAYNE BAY
PILOTS, INC.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was served this 16th day of May, 2016, via electronic mail on the following:

Thomas F. Panza, FBN 138551
Panza Maurer & Maynard
3600 North Federal Highway, 3rd Floor
Ft. Lauderdale, Florida 33308
Telephone: 854-390-0100
tpanza@panzamaurer.com
Counsel for Petitioner Florida-Caribbean
Cruise Association

Thomas Campbell
Board of Pilot Commissioners
1940 North Monroe Street
Tallahassee, Florida 32399-0783
Thomas.Campbell@myfloridalicense.com

Clark Jennings
Assistant Attorney General
Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399-1050
Clark.Jennings@myfloridalegal.com

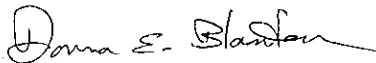
Carolyn Kurtz
Tampa Bay Pilot Association
1825 Sahlman Drive
Tampa, Florida 33605
Pilotmom42@aol.com

James Winegeart
St. John's Bar Pilot Association
4910 Ocean Street
Atlantic Beach, Florida 32233
winegeart@jaxpilots.com

Cheryl Phipps
Port Everglades Pilot Association
P.O. Box 13017
Port Everglades, Florida 33316
anjinsanpe@aol.com

Michael Jaccoma
Biscayne Bay Port Pilots Association
2911 Port Boulevard
Miami, Florida 33132
4mpilot@gmail.com

Bruce Cumings
Port Everglades Pilot Association
P.O. Box 13017
Port Everglades, Florida 33316
brucecumings@yahoo.com


Donna E. Blanton

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **5/13/2016**
File #

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

IN RE: APPLICATION FOR A CHANGE IN
RATES OF PILOTAGE FILED BY THE
FLORIDA - CARIBBEAN CRUISE ASSOCIATION,
AND ALTERNATIVE APPLICATION FOR A
CHANGE IN RATES OF PILOTAGE FOR PORT
MIAMI FILED BY BISCAYNE BAY PILOTS, INC.

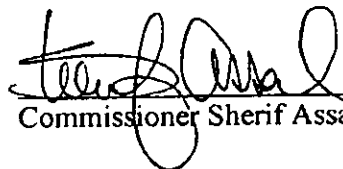
Case No. PRRC 2014-1

ORDER

THIS CAUSE came before the undersigned member of the Pilotage Rate Review Committee to consider Florida Caribbean Cruise Association's Motion And Suggestion To Commissioner Assal That He Disqualify Himself From Pilotage Rate Proceedings Involving The Florida-Caribbean Cruise Association And Biscayne Bay Pilots filed in the above referenced matter on April 18, 2016.

Upon review of the above referenced motion, the responsive pleadings, and being otherwise fully advised in the premises, insofar as the above referenced motion relates to my participation in the above styled matter, said motion is DENIED.

By ORDER of Commissioner Sherif Assal this 13th day of may, 2016.



Commissioner Sherif Assal

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: **Donna E. Blanton**, Radey Law Firm, 301 South Bronough, Ste. 200, Tallahassee, Florida 32301 dblanton@radeylaw.com; **Robert D. Peltz**, The Peltz Law Firm, P.O. Box 56-0003, Miami, FL 33256, rpeltzlaw@gmail.com; **Thomas F. Panza** and **Greg McDermott**, Panza Maurer & Maynard, 3600 North Federal Highway, 3d Floor, Ft. Lauderdale, Florida 33308, tpanza@panzamaurer.com, gmcdermott@panzamauer.com; **Thomas Campbell**, 1940 North Monroe Street, Tallahassee, Florida 32399-0783, thomas.campbell@myfloridalicense.com; and **Clark R. Jennings**, PL-01 The Capitol Building, Tallahassee, Florida 32399-1050, clark.jennings@myfloridalegal.com on this 13th day of May, 2016.


Brandon M. Nichols

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/13/2016
File #	

IN RE: APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FILED BY THE FLORIDA-CARIBBEAN CRUISE ASSOCIATION, AND ALTERNATIVE APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR PORT MIAMI FILED BY BISCAYNE BAY PILOTS, INC.

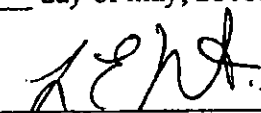
Case No. PRRC 2014-1

ORDER

THIS CAUSE came before the undersigned member of the Pilotage Rate Review Committee to consider Florida Caribbean Cruise Association's Motion And Suggestion To Commissioner Sola That He Disqualify Himself From Pilotage Rate Proceedings Involving The Florida-Caribbean Cruise Association And Biscayne Bay Pilots filed in the above referenced matter on April 18, 2016.

Upon review of the above referenced motion, the responsive pleadings, and being otherwise fully advised in the premises, insofar as the above referenced motion relates to my participation in the above styled matter, said motion is **DENIED**.

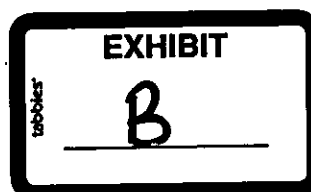
By ORDER of Commissioner Louis Sola this 13 day of may, 2016.



Commissioner Louis Sola

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: **Donna E. Blanton**, Radey Law Firm, 301 South Bronough, Ste. 200, Tallahassee, Florida 32301 dblanton@radeylaw.com; **Robert D. Peltz**, The Peltz Law Firm, P.O. Box 56-0003, Miami, FL 33256, rpeltzlaw@gmail.com; **Thomas F. Panza** and **Greg McDermott**, Panza Maurer & Maynard, 3600 North Federal Highway, 3d Floor, Ft. Lauderdale, Florida 33308, tpanza@panzamaurer.com, gmcdermott@panzamauer.com; **Thomas Campbell**, 1940 North Monroe Street, Tallahassee, Florida 32399-0783, thomas.campbell@myfloridalicense.com; and **Clark R. Jennings**, PL-01 The Capitol Building, Tallahassee, Florida 32399-1050, clark.jennings@myfloridalegal.com on this 13th day of May, 2016.


Brandon M. Nichols

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/13/2016
File #	

IN RE: APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FILED BY THE FLORIDA-CARIBBEAN CRUISE ASSOCIATION, AND ALTERNATIVE APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR PORT MIAMI FILED BY BISCAYNE BAY PILOTS, INC.

Case No. PRC 2014-1

ORDER

THIS CAUSE came before the undersigned member of the Pilotage Rate Review Committee to consider Florida Caribbean Cruise Association's Motion to Disqualify All Port Pilots From Participating On the Pilotage Rate Review Committee In This Matter And To Disqualify Committee Member Carolyn Kurtz From The Pilotage Rate review Committee In This Matter filed in the above referenced matter on May 6, 2016.

Upon review of the above referenced motion, the responsive pleadings, and being otherwise fully advised in the premises, insofar as the above referenced motion relates to my participation in the above styled matter only, said motion is **GRANTED**.

By ORDER of Commissioner Michael Jaccoma this 13th day of may, 2016.



Commissioner Michael Jaccoma

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: Donna E. Blanton, Radey Law Firm, 301 South Bronough, Ste. 200, Tallahassee, Florida 32301 dblanton@radeylaw.com; Robert D. Peltz, The Peltz Law Firm, P.O. Box 56-0003, Miami, FL 33256, rpeltzlaw@gmail.com; Thomas F. Panza and Greg McDermott, Panza Maurer & Maynard, 3600 North Federal Highway, 3d Floor, Ft. Lauderdale, Florida 33308, tpanza@panzamaurer.com, gmcdermott@panzamauer.com; Thomas Campbell, 1940 North Monroe Street, Tallahassee, Florida 32399-0783, thomas.campbell@myfloridalicense.com; and Clark R. Jennings, PL-01 The Capitol Building, Tallahassee, Florida 32399-1050, clark.jennings@myfloridalegal.com on this 13th day of May, 2016.

A handwritten signature in black ink that reads "Brandon M. Nicks". The signature is written in a cursive style and is positioned above a horizontal line.

A G E N D A

**Pilotage Rate Review Committee
Telephone Conference Call**

888.670.3525

Participant Code 5243947159#

Tuesday, May 17, 2016, 2:00 pm

I. CALL TO ORDER

- Roll Call
 - i. Commissioner Wilkins, Chair
 - ii. Commissioner Assal
 - iii. Commissioner Ramos
 - iv. Commissioner Sola
 - v. Commissioner Trueba
 - vi. Commissioner Winegeart
 - vii. Commissioner Kurtz

II. MOTIONS AND RESPONSES TO SUGGESTIONS FOR DISQUALIFICATION

- FILED MOTION AND SUGGESTION TO DISQUALIFY COMMISSIONER ASSAL
- FILED RESPONSE FOR COMMISSIONER ASSAL
- FILED MOTION AND SUGGESTION TO DISQUALIFY COMMISSIONER SOLA
- FILED RESPONSE FOR COMMISSIONER SOLA
- FILED MOTION AND SUGGESTION TO DISQUALIFY COMMISSIONER TRUEBA
- FILED RESPONSE COMMISSIONER TRUEBA
- FILED MOTION AND SUGGESTION TO DISQUALIFY ALL PORT PILOT MEMBERS AND COMMISSIONER KURTZ

III. OTHER MOTIONS CONCERNING THE RATE HEARING IN PORT MIAMI SCHEDULED FOR JUNE 1, 2016 – JUNE 3, 2016

IV. NEW BUSINESS

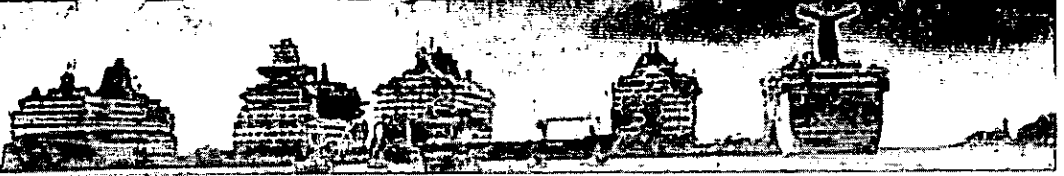
V. OLD BUSINESS

VI. ADJOURNMENT





**FLORIDA-
CARIBBEAN
CRUISE
ASSOCIATION**



- ▶ About The FCCA
- ▶ Member Cruise Lines
- ▶ Staff Profiles
- ▶ Events & Happenings
- ▶ Associate Membership
- ▶ Publications
- ▶ Training & Outreach Program
- ▶ Research & Statistics
- ▶ Charitable Foundation
- ▶ Cruise Industry Partners
- ▶ Press & Media
- ▶ Advertising
- ▶ Cruise Industry Links
- ▶ FCCA Exclusive Offers

FCCA Associate Membership Program

Reaffirming the mandate of the Florida-Caribbean Cruise Association's Member Lines to increase the proactive collaboration between the cruise industry and cruise tourism partners, organizations are invited to join the FCCA's Associate Membership Program, which offers two membership categories:

ASSOCIATE MEMBERSHIP PROGRAM BENEFITS INCLUDE (\$500 yearly):

The FCCA Associate Membership Program is designed as a partnership to help promote a business to the cruise industry at a great value. For only \$500 per year (about \$42 a month), it includes the following benefits:

- Exclusive Associate Member reception at the FCCA Conference and Trade Show
- Exclusive VIP tour during the FCCA Conference and Trade Show
- Upgraded FCCA membership badge at the FCCA Cruise Conference & Trade Show
- Savings on registration fees for the annual FCCA Cruise Conference & Trade Show
- \$500 discount on advertising for first year of membership
- Discount on Tour Guide Excellence training and exclusivity on ACE Tour Operator Designation from Aquila's Center for Cruise Excellence
- Discount on insurance program for tour operators through AON Risk Services
- Discount on the FCCA Emergency Card Program through Trinity Air Ambulance
- Access to up-to-date research and statistical studies (customized to your destination if requested)
- Promotional updates on the cruise industry (current e-mail required)
- Listing/profile in the FCCA Membership Directory
- Listing in the Conference issue of FCCA's Cruising Magazine
- Associate Member FCCA pin
- Membership certificate
- Use of Associate Member FCCA logo on printed materials and cruise line proposals



PLATINUM ASSOCIATE MEMBERSHIP PROGRAM (\$25,000 yearly)

Platinum Membership cultivates close relationships with FCCA Member Line CEOs, presidents and executives that decide what products are sold onboard and where ships call. For the price of some publications' advertising, Platinum Members gain direct access to the cruise industry. In addition to the benefits above, Platinum Membership includes:

- One complimentary cabin for the annual FCCA PAMAC Cruise Summit
- One complimentary cabin for inaugural cruise events
- One complimentary hotel room for the annual PAMAC Conference
- One complimentary registration for the FCCA Gala
- One complimentary registration for the FCCA Conference and Trade Show
- Exclusive one-on-one meetings during the FCCA Conference and Trade Show
- Exclusive receptions during the FCCA Conference and Trade Show
- Private lunch meeting at the FCCA Conference and Trade Show
- Preferred VIP seating at the FCCA Conference Opening
- Exclusive VIP receptions at the FCCA booth during Cruise Shipping Miami
- Exclusive VIP events during Cruise Shipping Miami
- Access to FCCA Operations Committee meetings
- Chance to speak/present at FCCA panels and workshops
- Assistance setting meetings
- Company profile and updates in the FCCA's Cruising Magazine
- Platinum listing in the FCCA Membership Directory



- Advertising and marketing discounts
- Membership in the FCCA Urgent Care Program through Trinity Air Ambulance
- Seat on FCCA's Platinum Associate Membership Advisory Council (PAMAC)
- Platinum Membership plaque/clock

As cruise tourism positively impacts your business, Associate Membership is important for you to enhance and actualize that impact. There is no better time than now to partake in a partnership between your organization and the cruise industry.



Click below to access online membership application form.

Membership Application Form

Applications for membership or renewal of membership shall be submitted to the FCCA. In the case of any applicant whose character, reputation or conduct might make him an undesirable member, the FCCA shall refer the application to the Executive Committee for review; in all other cases, the FCCA shall have the authority to grant membership or cancel membership at anytime. In the case a members membership is cancelled, the dues will pro-rated back on a monthly bases. The FCCA has the right to refuse or cancel any membership without cause or reason.