STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BISCAYNE BAY PILOTS, INC.; PORT EVERGLADES PILOTS, INC., d/b/a PORT EVERGLADES PILOTS ASSOCIATION; AND THE FLORIDA STATE PILOTS' ASSOCIATION, INC., d/b/a FLORIDA HARBOR PILOTS ASSOCIATION,

Petitioners,

vs. Case No. 14-5036RX

BOARD OF PILOT COMMISSIONERS, PILOTAGE RATE REVIEW COMMITTEE, AND DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,

Respondents

and

FLORIDA-CARIBBEAN CRUISE ASSOCIATION,

Intervenor.
_____/

FINAL ORDER

The parties to this rule challenge proceeding agreed that the issues to be determined are legal matters and stipulated that a formal administrative hearing was not required. Thus, no formal hearing was held in this matter. On February 9, 2015, proposed final orders were submitted by the parties, for consideration by June C. McKinney, a designated Administrative Law Judge of the Division of Administrative Hearings ("DOAH").

APPEARANCES

For Petitioners: Donna E. Blanton
Radey Law Firm, P.A.
301 South Bronough, Suite 200
Tallahassee, Florida 32301
(Counsel for Biscayne Bay Pilots, Inc.)

Robert Peltz
The Peltz Law Firm
10220 Southwest 141st Street
Miami, Florida 33176
(Counsel for Biscayne Bay Pilots, Inc.)

George N. Meros, Jr.
Gray Robinson, P.A.
600 South Bronough Street, Suite 600
Post Office Box 11189
Tallahassee, Florida 32302-3189
(Counsel for Port Everglades Pilots, Inc., d/b/a Port Everglades Pilots' Association)

Warren H. Husband
Metz, Husband & Daughton, P.A.
215 South Monroe Street, Suite 505
Tallahassee, Florida 32301
(Counsel for The Florida State Pilots' Association, Inc., d/b/a Florida Harbor Pilots Association)

For Respondents: Marlene K. Stern
Clark Jennings
Michael Flury
Assistant Attorneys General
Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399-1050

For Intervenor: Thomas Panza
Gregory McDermott
Panza, Mauer & Maynard, P.A.
3600 North Federal Highway, 3rd Floor
Ft. Lauderdale, Florida 33308

STATEMENT OF THE ISSUE

The issue is whether Florida Administrative Code Rule 61G14-22.012 is an invalid exercise of legislatively delegated authority in violation of section 120.52(8), Florida Statutes (2014).

PRELIMINARY STATEMENT

On October 23, 2014, Petitioners Biscayne Bay Pilots, Inc. ("BBP"); Port Everglades Pilots, Inc., d/b/a Port Everglades Pilots Association ("PEPA"); and the Florida State Pilots' Association, Inc., d/b/a Florida Harbor Pilots Association ("FHPA") (collectively "Pilots" or "Petitioners") filed a Petition to Determine the Invalidity of Existing Rule 61G14-22.012, Florida Administrative Code. A final administrative hearing was scheduled for November 18, 2014.

On October 31, 2014, the Petitioners filed an Unopposed Motion to Cancel Hearing and Place Case in Abeyance, which was granted on November 5, 2014. Subsequent motions filed by Petitioners on November 13, 2014, and December 18, 2014, to remove the case from abeyance were denied on November 18, 2014, and January 6, 2015, respectively. On January 23, 2015, Petitioners filed a Status Report and Unopposed Request that Case be Removed from Abeyance. That pleading also advised the Administrative Law Judge ("ALJ") that because all issues in the case are legal issues, no hearing would be necessary and that a

decision could be made based on the submission of proposed final orders. That motion was granted on January 26, 2015.

The Florida-Caribbean Cruise Association ("FCCA" or "Intervenor") filed a Motion for Leave to Intervene on November 3, 2014. Petitioners filed a response to FCCA's motion on November 5, 2014. FCCA's Motion for Leave to Intervene was renewed on November 14, 2014, December 24, 2014, and on January 30, 2015. FCCA's motion was granted on February 2, 2015.

On February 3, 2015, the parties filed a Stipulated Preliminary Statement and Facts, which contains a stipulation regarding agreed-upon facts that, where relevant, have been incorporated into the Findings of Fact below. The parties filed Joint Exhibits 1 through 8.

The parties were given until February 9, 2015, to file their proposed final orders. All submissions were timely filed and have been considered in the preparation of this Final Order.

FINDINGS OF FACT

1. Petitioner BBP is an association of harbor pilots that performs the pilotage services at PortMiami. BBP consists of pilots licensed by the State of Florida in accordance with chapter 310, Florida Statutes. Petitioner PEPA is an association of harbor pilots that performs the pilotage services at Port Everglades. PEPA consists of pilots licensed by the

State of Florida in accordance with chapter 310. FHPA is a statewide organization representing the interests of Florida's approximately 100 state-licensed harbor pilots, the membership of which is comprised of the eleven local pilot associations that serve each of Florida's 14 deep-water ports. BBP and PEPA are members of FHPA.

2. Chapter 310 governs pilots, piloting, and pilotage in the waters, harbors, and ports of Florida. Section 310.141, Florida Statutes, requires that, except in certain narrow circumstances, all vessels shall have a licensed state pilot or deputy pilot on board to direct the movements of the vessel when entering or leaving ports of the state or when underway on the navigable waters of the state's bays, rivers, harbors, and ports.

3. Section 310.011 creates the 10-member Board of Pilot Commissioners ("BOPC" or "Board"); each member is appointed by the Governor "to perform such duties and possess and exercise such powers relative to the protection of the waters, harbors, and ports of this state as are prescribed and conferred on it in this chapter." In addition to other responsibilities, the Board determines the number of pilots in each port (section 310.061) and disciplines licensed pilots when appropriate (section 310.101). Although the BOPC has numerous statutory

responsibilities, setting the rates of pilotage in each port is not one of them.

4. Florida Administrative Code Rule 61G14-22.012 ("challenged rule" or "rule") is entitled "Determination of Disputed Issues of Material Fact; Formal or Informal Hearings."

5. Rule 61G14-22.012 cites section 310.151(1)(c) as specific authority.

6. The challenged rule lists as "Law Implemented" sections 310.151 and 120.57.

7. The former Pilotage Rate Review Board originally adopted the rule in 1995. When the Legislature amended chapter 310 in 2010, the former Pilotage Rate Review Board's name was changed to the Pilotage Rate Review Committee ("PRRC" or "Committee"). The Committee consists of seven members, all of whom are also members of the BOPC. The PRRC is responsible for setting rates of pilotage in each port.

8. On November 5, 2014, the BOPC/PRRC published a notice in the Florida Administrative Register announcing a telephone conference call meeting for consideration of "Rate Review Committee Rules." PRRC members voted at that meeting to repeal rule 61G14-22.012, but determined they did not have enough information to know if a Statement of Estimated Regulatory Costs was required.

9. On December 11, 2014, the BOPC/PRRC published a second notice in the Florida Administrative Register announcing a telephone conference call meeting for consideration of "Rate Review Committee Rules." At that meeting, the PRRC voted to reconsider its original vote to repeal rule 61G14-22.012, but because the issue of potential reconsideration had not been properly noticed, no official vote on reconsideration was taken.

10. On January 7, 2015, the BOPC/PRRC published a notice in the Florida Administrative Register announcing a meeting on January 22, 2015, and January 23, 2015. Among the subjects noticed for consideration was "Reconsideration of Repeal of Rule 61G14-22.012, F.A.C." This matter was considered by the PRRC on January 23, 2015. By a 5-2 vote, the Committee voted against repealing rule 61G14-22.012.

11. FCCA is a trade association representing cruise lines that are subject to pilotage fees pursuant to chapter 310, Florida Statutes. FCCA has filed petitions to reduce the rates of pilotage in both PortMiami and in Port Everglades.

CONCLUSIONS OF LAW

12. DOAH has jurisdiction over the parties to and subject matter of this proceeding pursuant to sections 120.56(1) and (3), Florida Statutes (2014).

13. Petitioners are substantially affected by the challenged rule and have associational standing to challenge the rule.

14. Intervenors also have standing to participate in this matter.

15. Petitioners have "the burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of delegated legislative authority as to the objections raised." § 120.56(3)(a), Fla. Stat. The standard of review is de novo. § 120.56(1)(e), Fla. Stat.

16. Section 120.52(17) defines "rulemaking authority" as "statutory language that explicitly authorizes or requires an agency to adopt, develop, establish or otherwise create any statement coming within the definition of the term 'rule.'"

17. The challenged rule states in pertinent part:

> Since the determination of the actual rate of pilotage to be imposed at any port is a quasi-legislative act, the resolution of any disputed issue of material fact by a hearing officer assigned by the Division of Administrative Hearings shall not result in a recommendation from the hearing officer as to the appropriate rate to be imposed at any port area in question. The hearing officer's recommendation shall only extend to resolving disputed issues of material fact which result from a party's disputing the underlying facts upon which the Board has suggested intended rates for the port area in question. (See Rule 61G14-22.010, F.A.C.).

18. FCCA's assertion that Petitioners' rule challenge is absurd because for 20 years the rule has been relied on at various DOAH hearings and other review proceedings is rejected. Petitioners have the right to challenge the rule "at any time during the existence of the rule" according to the plain language of section 120.56(3)(a).

19. Petitioners' rule challenge is based on the amendments to the Florida Administrative Procedure Act ("APA") in 1999 and subsequent case law. Petitioners contend that the changes have now rendered rule 61G14-22.012 an invalid exercise of delegated legislative authority. Pilots assert that the challenged rule violates the requirements of sections 120.52(8)(b), (c), (e), and the flush left provision, specifically the language stating that "an agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute."

20. An "invalid exercise of delegated legislative authority" is an "action that goes beyond the powers, functions, and duties delegated by the Legislature." § 120.52(8), Fla. Stat. A rule is an "invalid exercise of delegated legislative authority" if any one of the following standards relevant to this case applies:

> (b) The agency has exceeded its grant of rulemaking authority, citation to which is required by s. 120.54(3)(a)1.;

> (c) The rule enlarges, modifies, or contravenes the specific provisions of law implemented, citation to which is required by s. 120.54(3)(a)1.;
>
> * * *
>
> (e) The rule is arbitrary or capricious. A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational;

21. Furthermore, section 120.52(8) also contains what is referred to as the "flush left" provision, an unnumbered paragraph that was added to the APA in 1996, and was revised in 1999 to restrict the scope of agency rulemaking authority. The paragraph states in full:

> A grant of rulemaking authority is necessary but not sufficient to allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute.

Whether the Department Has Exceeded Its Authority

22. Petitioners maintain correctly the challenged rule is invalid and exceeds its grant of rulemaking authority because it prohibits an ALJ from performing duties required under section 120.57(1)(k). Petitioners advance that nothing in the laws implemented or any other statute provides an exception for ALJ's to perform their duties other than required under section 120.57(1)(k), and section 310.151(4)(a) plainly states that if a petitioner requesting a hearing raises a disputed issue of material fact, the hearing will be conducted by an ALJ at DOAH "pursuant to [sections] 120.569 and 120.57(1)."

23. Respondents counter that the rule has specific authority because fixing rates is a legislative function. Respondents claim in their Proposed Final Order that the Legislature delegated rate-fixing authority to the PRRC in section 301.151(6)("[t]he committee shall fix rates of pilotage") and ALJs are prohibited from either substituting judgment for that of the PRRC regarding pilotage rate or recommending a rate in its recommended order, because section 301.151(4)(a) limits DOAH's decisions to only resolving issues of material fact and PRRC's quasi-legislative role is to formulate pilotage rates on DOAH's factual findings.

24. FCCA supports Respondents' position that the challenged rule is valid and also contends that the doctrine of

in para materia should be applied in this matter. FCCA maintains in its Proposed Final Order that the Legislature provided specific authority for the challenged rule in section 310.151(4)(a) when read within the context of the entire section 310.151 and not in isolation. Intervenor advances that the Legislature set up a statutory framework for pilotage rates that deviates from the usual APA procedures. FCCA correctly states that section 310.151(4)(a) takes undisputed matters outside of the typical informal administrative review that is held under section 120.57(2) and makes the notice of intended agency action final action if there are no disputed issues of fact raised.

25. FCCA further contends that a different process was also enacted for the administrative appeals of pilotage rate orders when parties raise disputed issues of material fact seeking administrative review. FCCA asserts that section 310.151(4)(a) is specific authority, when read in para materia within the entirety of section 310.151, because it limits section 120.57(1) by narrowing the ALJ's role in a rate-review proceeding to only resolving the factual disputes not the pilotage rate. FCCA contends that such provisions require that the ALJ only send his or her resolution back to the PRRC, the sole rate arbiter, to analyze and determine the rate as instructed in section 310.151(6) and section 310.002(7)("'Pilotage' means the compensation fixed by the

Pilotage Rate Review Committee . . .") and the challenged rule carries out such an intent.

26. Rule 61G14-22.012 identifies as specific authority section 310.151(1)(c), which the parties have stipulated is currently section 310.151(1)(d). Section 310.151(1)(d) states:

> (d) The committee has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this section conferring duties upon it. The department shall provide the staff required by the committee to carry out its duties under this section.

27. Respondents contend in its Proposed Final Order that identifying section 120.57 as the "Law Implemented" for the challenged rule is outdated and this section should not be relied on for authority, because a technical change could delete it from the "Law Implemented" section. The undersigned rejects such a proposition in that no change has been made in the "Law Implemented" section and sections 310.151 and 120.57 exist as text and must be addressed regarding this challenge.

28. The First District limited the scope of authority for rulemaking after the APA 1999 amendments and determined that "the authority to adopt an administrative rule must be based on explicit power or duty identified in the enabling statutes" in Southwest Florida Water Management District v. Save the Manatee Club, Inc., 773 So. 2d 594, 599 (Fla. 1st DCA 2000)(The court determined that because the exemptions from permitting

requirements created within the rule had no specific statutory authority, the rule was invalid). Ultimately, Save the Manatee also set the standards for determining if a rule is authorized by creating the test "whether the statute contains a specific grant of authority for the rule, not whether the grant is specific enough. Either the enabling statute authorizes the rule at issue or it does not." Id. at 599.

29. The First District also identified the parameters for a specific grant of authority in Florida Department of Highway Safety and Motor Vehicles v. JM Auto, Inc., 977 So. 2d 733, 734 (Fla. 1st DCA 2008). The court reiterated its view that "the legislature's intent to restrict the scope of agency rulemaking [requires that the court] approve a rule only when there is statutory language authorizing the agency to adopt rules to implement the subject matter of the statute." Id. at 734.

30. The case law also supports limiting rulemaking authority to the specific subject matter addressed by the statutory grant. For instance, in State v. Peter R. Brown Construction, Inc., 108 So. 3d 723, 726-27 (Fla. 1st DCA 2013), the statute authorized the Chief Financial Officer to adopt rules to process expenditures; the court held that the Chief Financial Officer lacked the statutory authority to adopt a rule prohibiting public expenditures for decorative items. In Lamar Outdoor Advertising v. Department of Transportation, 17 So. 3d

799 (Fla. 1st DCA 2009), the statute authorized the agency to administer statutes "related to the size, lighting, and spacing of signs"; the court held that the agency lacked rulemaking authority to adopt a rule as to the height of signs. In Subirats v. Fidelity National Property, 106 So. 3d 997 (Fla. 3d DCA 2013), the statute authorized the agency to adopt by rule a property-insurance mediation program modeled after the practices and procedures of a Supreme Court mediation program; the court held that the agency lacked rulemaking authority to adopt a rule setting a deadline for insurers to give insureds notice of the mediation program.

31. The undersigned agrees that the Legislature was specific in creating a different procedure than the APA in section 310.151(4)(a) for handling undisputed matters. The Legislature only dictated that if the "petitioner has not raised a disputed issue of material fact" the Committee's decision shall be final agency action. By the Legislature not referencing section 120.57(2), the informal hearing statute under the APA, in section 310.151(4)(a), and specifically providing that the noticed rate becomes final, the Legislature eliminated the section 120.57(2) process where no factual dispute is identified.

32. Likewise, the Legislature also clearly mandated how formal hearings with disputed facts should be handled in section 310.151(4)(a), which states in pertinent part:

> that the committee intends to modify the pilotage rates in that port and that the applicant may . . . request a hearing pursuant to the Administrative Procedure Act . . . any person whose substantial interests will be affected by the intended committee action may request a hearing pursuant to the Administrative Procedure Act. If the committee concludes that the petitioner has raised a disputed issue of material fact, the committee shall designate a hearing, which shall be conducted by formal proceeding before an administrative law judge assigned by the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57(1), unless waived by all the parties.

33. In section 310.151(4)(a), the Legislature plainly directed that the APA be followed by specifically citing the Administrative Procedures Act twice and instructing sections 120.569 and 120.57(1) be adhered to for formal proceedings at DOAH. This is significant because while some agency heads have the authority to conduct disputed fact-finding hearings pursuant to section 120.57(1), collegial bodies under Department of Business and Professional Regulation ("DPBR") and the Secretary of DBPR do not. See § 120.80(4)(b), Fla. Stat. Section 120.57(1)(k) sets forth the authority of an ALJ in an administrative hearing when disputed issues of material fact exist and requires the ALJ "shall complete and submit to the

agency and all parties a recommended order consisting of findings of fact, conclusions of law, and recommended disposition or penalty, if applicable, and all other information required by law to be contained in the final order." Section 120.57(1)(k) also provides that the hearing shall be "de novo."

34. Respondents rely on South Florida Cargo Carriers Association v. Department of Business and Professional Regulation, 738 So. 2d 391 (Fla. 3rd DCA 1999). However, that case was decided on an earlier version of section 120.52(8) and is not found to be persuasive because case law prior to the APA 1999 amendments adhere to a different standard with respect to the discretion to be exercised by agencies for rulemaking, and is not the current governing standard for valid exercise of legislative authority. Additionally, Respondents' case law likening a court's decision in a rate case to an ALJ's decision is also distinguishable from the instant matter. DOAH is neither a court nor judiciary but instead is a Division pursuant to section 120.52(5), which has authority under section 120.57(1)(k) to conduct a full de novo review of agency action and issue a recommended disposition. Therefore, Respondents' position that a Legislative delegation to PRRC of quasi-legislative authority prohibits DOAH from recommended rates is rejected.

35. A grant of rulemaking authority is the "statutory language that explicitly authorizes or requires an agency to adopt [a rule]." § 120.52(17), Fla. Stat.

36. Hence, FCCA's position that sufficient authority exists for the challenged rule when sections 310.151(4)(a) and 310.151 are read in para materia, is without merit and does not lead to the outcome proposed by FCCA because there is still no statutory authority to adopt rules restricting ALJs' duties when entering a recommended order according to section 120.57(1)(k).

37. Here, the enabling legislation (specific authority section 310.151(1)(d)) does not explicitly authorize the Board or PRRC to adopt a rule limiting the role of ALJs in full de novo administrative proceedings that consider intended agency action governed by sections 120.569 and 120.57(1). Hence, the statute cited as rulemaking authority for the challenged rule fails to contain the necessary "specific grant of legislative authority."

38. Furthermore, the Legislature created exceptions to APA proceedings in sections 120.80 and 120.81. However, the Legislature did not provide the PRRC an exception that allows proceedings conducted according to section 120.57(1) to vary even though the Legislature outlines exceptions for DBPR, the agency that houses PRRC, in section 120.80(4). Moreover, only the Legislature can determine procedures for chapter 120 because

neither the Board nor Committee have substantive jurisdiction over chapter 120. Here, the lack of explicit legislative authorization is fatal to the challenged rule's validity. Accordingly, the undersigned concludes the challenged rule is invalid under section 120.52(8)(b) because the PRRC "exceed[s] its grant of rulemaking authority" by impeding the ability of DOAH to conduct a full de novo review of agency action without the PRRC being authorized to restrict DOAH's statutory authority.

Whether the Rule Enlarges, Modifies, or Contravenes

39. Petitioners also assert that rule 61G14-22.012 is an invalid exercise of legislatively-delegated authority because it enlarges, modifies, or contravenes the specific provision of law implemented, in violation of sections 310.151 and 120.57.

40. The word "contravene" means to contradict or conflict. Because no specific statute authorizes PRRC or POPC to limit the authority of an ALJ in an administrative proceeding governed by sections 120.569 and 120.57(1), the challenged rule contradicts the plain language of section 310.151(4)(a), which requires an administrative hearing abide by section 120.57(1). Furthermore, the challenged rule also conflicts with section 310.151(d), which requires the PRRC to promulgate only rules that are "consistent with the law." Under such circumstances, the

challenged rule is an invalid exercise of delegated legislative authority under section 120.52(8)(c).

Whether the Rule is Arbitrary and Capricious

41. Petitioners also correctly maintain that the challenged rule is arbitrary and capricious.

42. In the administrative context, the words "arbitrary" and "capricious" have been interpreted as follows: "[a]n arbitrary decision is one not supported by facts or logic, or despotic" and that "[a] capricious action is one which is taken without thought or reason or irrationally." Agrico Chem. Co. v. Dep't of Envtl. Prot., 365 So. 2d 759, 763 (Fla. 1st DCA 1979).

43. Being that the challenged rule exceeds PRRC's rulemaking authority, it is not rational. Moreover, by contravening both provisions of the law rule 61G14-22.012 purports to implement, the challenged rule also fails to logically be related to its stated purpose. As such, the challenged rule is an invalid exercise of delegated legislative authority because it is arbitrary and capricious under section 120.52(8)(e).

Whether the Rule Violates the Flush Left Provision

44. Petitioners also met their burden and demonstrated that the challenged rule violates the "flush left" language of section 120.52(8) because when hearings are held at DOAH, all the procedures of section 120.57(1) should apply, including the

requirement that ALJs conduct full de novo proceedings of intended agency action to resolve the disputed facts and make a recommendation based on the findings of fact.

45. As interpreted in Save the Manatee, the challenged rule fails to implement or interpret any specific powers or duties granted by the Legislature. Instead, the rule limits the designated duties of ALJs, which is contrary to section 310.151(1)(d), the enabling statute. Accordingly, since PRRC has not adopted a rule that implements or interprets the specific powers and duties granted by the enabling statute, the rule is invalid under the flush left provision.

Uniform Rules of Procedure Exception

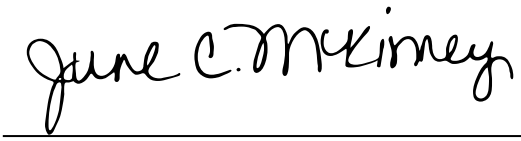
46. Petitioners also contend that rule 61G-22.012 is an illegal procedural rule in violation of section 120.54(5)(a)1. based on the BOPC and PRRC failing to seek an exception from the Administration Commission to the statutory requirement that all agencies follow the Uniform Rules of Procedure by July 1, 1998. The undersigned need not reach a conclusion on the issue since the rule has been found to be invalid based on sections 120.52(8)(b), (c), (e), and the flush left provision.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Florida Administrative Code Rule 61G14-22.012 constitutes an invalid exercise of delegated

legislative authority in violation of sections 120.52(8)(b), (c), (e), and the flush left provision.

DONE AND ORDERED this 20th day of March, 2015, in Tallahassee, Leon County, Florida.



JUNE C. MCKINNEY
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 20th day of March, 2015.

COPIES FURNISHED:

Donna Elizabeth Blanton, Esquire
Radey Law Firm, P.A.
301 South Bronough Street, Suite 200
Tallahassee, Florida 32301
(eServed)

Warren H. Husband, Esquire
Metz, Husband and Daughton, P.A.
215 South Monroe Street, Suite 505
Tallahassee, Florida 32301
(eServed)

George N. Meros, Jr., Esquire
GrayRobinson, P.A.
301 South Bronough Street, Suite 600
Post Office Box 11189
Tallahassee, Florida 32302-3189
(eServed)

Robert Peltz, Esquire
The Peltz Law Firm
10220 Southwest 141st Street
Miami, Florida 33176
(eServed)

William N. Spicola, General Counsel
Department of Business
and Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-0792
(eServed)

Marlene K. Stern, Esquire
Clark R. Jennings, Esquire
Michael Flury, Esquire
Florida Department of Legal Affairs
The Capitol, Plaza Level 01
Tallahassee, Florida 32399
(eServed)

Thomas Francis Panza, Esquire
Panza, Maurer and Maynard, P.A.
3600 North Federal Highway, 3rd Floor
Fort Lauderdale, Florida 33308
(eServed)

Ernest Reddick, Chief
Alexandra Nam
Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250
(eServed)

Ken Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400
(eServed)

John MacIver, Executive Director
Board of Pilot Commissioners
Department of Business
and Professional Regulation
Northwood Centre
1740 North Monroe Street
Tallahassee, Florida 32399
(eServed)

Robyn Barineau, Executive Director
Pilotage Rate Review Board
Department of Business
and Professional Regulation
Northwood Centre
1740 North Monroe Street
Tallahassee, Florida 32399
(eServed)

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the agency clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the appellate district where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the order to be reviewed.