

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

Hampton Inn & Suites

19 South Second Street

Fernandina Beach, FL 32034

July 24, 2009

CALL TO ORDER

Chair Phipps called the meeting to order at 9:04 a.m.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Brandenburg
Commissioner Bryson, Vice-Chair
Commissioner Buford
Commissioner Fernandez
Commissioner Jones
Commissioner Molitor

Members Not Present

Commissioner Frudaker

Others Present

Charles Drago, Secretary, Department of Business and Professional Regulation
Robyn Barineau, Executive Director, DBPR
Elise Rice, Government Analyst, DBPR
Galen Dunton, Board Consultant
Tom Barnhart, Board Attorney, Attorney General's Office
Phil Monte, Prosecuting Attorney, DBPR
Elizabeth McAuliffe, OPPAGA
Richard Woerner, OPPAGA
Stephen Gasecki, Florida State Pilots Association (FSPA)
Victoria Robas
Dan Ramsey, Florida Docking Masters
Brian Seuter, Cumberland Sound Pilots Association
Steve O'Connor, St. John's Bar Pilots Association (SJBPA)
Allen Thompson, Tampa Bay Pilots Association
Gretchen Rayborn, FSPA
Jay Winegeart, SJBPA
Warren Husband, FSPA

PRESENTATION BY CHARLES W. DRAGO, SECRETARY, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Secretary Drago thanked the board for their service on behalf of the Governor and himself. He stated that a letter was sent to the chairs of the various boards

regarding the accomplishments of the legislative session which included streamlining the application processes of the department in order to comply with the Accelerate Florida initiative. Secretary Drago discussed his On The Road to Better Business and Quality on the Line initiatives.

Secretary Drago stated that the department is soliciting legislative ideas for the 2010 legislative session, and asked the members to provide any suggestions or items that they think should be considered.

Vice-Chair Bryson, Steve Gasecki, Vice President, FSPA, Commissioner Bohnsack, Commissioner Buford, and Commissioner Molitor spoke about the recent document filed by the Florida Alliance of Maritime Organizations (FAMO). Vice-Chair Bryson also mentioned that the board could potentially seek legislation to change the deputy pilot selection process. Secretary Drago indicated a willingness to listen to the proposal. Secretary Drago thanked the board and other attendees for their remarks. The board thanked Secretary Drago for attending the meeting.

Following discussion, Chair Phipps invited Secretary Drago to ride on a ship with the pilots.

APPROVAL OF THE MINUTES OF THE MEETING

April 29, 2009 – Probable Cause Panel

April 30, 2008

MOTION: Commissioner Molitor made a motion that the board approve the minutes as submitted.

SECOND: Commissioner Fernandez seconded the motion, and it passed unanimously.

FLORIDA ALLIANCE OF MARITIME ORGANIZATION'S (FAMO) NOTICE OF FILING RESPONSE TO STATE OF FLORIDA APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR THE ST. JOHNS BAR PILOT ASSOCIATION

This item was discussed earlier in the meeting with Secretary Drago.

PILOT TECHNOLOGY, PREPARED BY CAPTAIN JORGE VISO

This item was discussed earlier in the meeting with Secretary Drago.

COMMENTS OF PAUL G. KIRCHNER, EXECUTIVE DIRECTOR – GENERAL COUNSEL, AMERICAN PILOTS' ASSOCIATION REGARDING JUNE 12, 2009 RESPONSE OF FLORIDA ALLIANCE OF MARITIME ORGANIZATIONS

This item was discussed earlier in the meeting with Secretary Drago.

PROSECUTING ATTORNEY'S REPORT – PHILIP MONTE

Mr. Monte informed the board that there were currently seven private cases, and two public cases in legal at this time.

MOTION: Vice-Chair Bryson made a motion that the board authorize the prosecuting attorney to continue processing the year-old cases.

SECOND: Chair Phipps seconded the motion, and it passed unanimously.

LETTER FROM BISCAYNE BAY PILOTS REGARDING POSSIBLE REQUEST FOR A DEPUTY PILOT

Commissioner Fernandez informed the board that the Biscayne Bay Pilots decided not to request a deputy pilot at this time, and they are withdrawing the request.

LETTER FROM ST. JOHNS BAR PILOT ASSOCIATION REGARDING REQUEST FOR DEPUTY PILOT CERTIFICATE FOR WILLIAM H. KAVANAUGH, JR.

Captain Winegeart was present and stated that Captain Kavanaugh's temporary certificate will expire on August 15. He stated that the St. John's Bar Pilot Association recommended that he be issued a two year certificate.

MOTION: Commissioner Fernandez made a motion that the Board approve the request for the issuance of the deputy pilot certificate for William H. Kavanaugh, Jr., effective August 15.

SECOND: Commissioner Buford seconded the motion, and it passed unanimously.

LETTER FROM ST. JOHNS BAR PILOT ASSOCIATION REGARDING REQUEST FOR STATE PILOT EXAMINATION FOR NARAYAN CHRIS MONS

Captain Winegeart informed the board that Captain Mons will complete his training in December 2009 and the St. John's Bar Pilot Association recommends that he take the next available state pilot examination. He stated that, if possible, they would like for him to take the examination in September.

Mr. Barnhart stated that Captain Mons would not be eligible to take the examination until September 26.

MOTION: Vice-Chair Bryson made a motion that the board approve Narayan Chris Mons to take the state pilot as soon as possible after September 26, 2009.

SECOND: Commissioner Buford seconded the motion, and it passed unanimously.

DISCUSSION OF CROSS-LICENSED DEPUTY PILOT FOR PENSACOLA

Ms. Barineau informed the board that Captain Wood sent notification to the office that he was withdrawing his application.

MOTION: Vice-Chair Bryson made a motion that the cross-licensed deputy pilot position for Pensacola be re-advertised.

SECOND: Chair Phipps seconded the motion, and it passed unanimously.

Vice-Chair Bryson informed the board that the port director from Pensacola had contacted him and stated that he was willing to continue to be the contact person.

- MOTION: Commissioner Molitor made a motion that Vice-Chair Bryson continue the dialogue with the Port of Pensacola.
- SECOND: Chair Phipps seconded the motion, and it passed unanimously.

REPORTS

Chair's Report – Commissioner Phipps

Chair Phipps informed the board that she had received the final investigation on the Cosco Bucan incident. She stated that she needed to review it more thoroughly, and she will have it included in the next agenda if there is anything that effects the board.

Deputy Pilot Advancement Committee – Commissioner Phipps

May 26, 2009

June 22, 2009

Chair Phipps stated that the summaries for the committee's actions were provided, and that the committee's decisions were unanimous.

Finance Committee Report – Commissioner Bryson

Vice-Chair Bryson reported that the committee met yesterday and reviewed the finances. He reported that the gross pilotage collections were down 4.7% statewide, however, the collections were sufficient to take care of expenses. Vice-Chair Bryson reported that the committee recently raised the gross pilotage assessment to 1%, effective August 1, and it was recommended that the assessment be reduced to 0.8% effective October 1, 2009.

- MOTION: Commissioner Buford made a motion that the board approve the recommendation of the Finance Committee and make the necessary changes to the gross pilotage assessment to 0.8% effective October 1 or as soon thereafter as possible.
- SECOND: Chair Phipps seconded the motion, and it passed unanimously.

Rules Committee Report – Commissioner Bryson

Vice-Chair Bryson reported that the committee met yesterday and approved the request of the Finance Committee to reduce the gross pilotage assessment to 0.8%, effective October 1 or as soon thereafter as possible.

- MOTION: Commissioner Buford made a motion that the board accept the report of the Rules Committee and proceed with the recommendations.
- SECOND: Chair Phipps seconded the motion, and it passed unanimously.

Vice-Chair Bryson reported that the committee discussed when the state pilot has the conn of a vessel. This information was provided from Washington State and Alaska. He asked the rule be noticed for rule development at the next meeting.

Vice-Chair Bryson stated that there was discussion on the definition of terms and this will be discussed with FSPA and the associations. He asked that this be discussed at the next meeting.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the panel reviewed seven cases of which five were closed, one was closed with a letter of guidance, and probable cause was found in one case.

Board Counsel's Report – Tom Barnhart

Mr. Barnhart did not have a report to give at this time.

Executive Director's Report – Robyn Barineau

1. 2010-2011 Legislative Budget Request

Ms. Barineau discussed the letter regarding the legislative issues and asked that if the members had any legislative proposals to provide the information to her by August 1.

Ms. Barineau informed the members that the next meeting is scheduled for October 1 & 2 in Tampa. She stated that she would e-mail all members the dates and locations for the January and April meetings.

Port Security – Commissioner Molitor

Commissioner Molitor stated that this material was provided for informational purposes.

CORRESPONDENCE

There was no correspondence received.

PUBLIC COMMENTS

Captain Thompson informed the board that Commander Aylwyn Young, Executive Officer of Sector St. Petersburg, presented Captain John Wrasse and Jeff Hilliard, boatman, a certificate of merit for recognition of their service. They assisted in the rescue of a passenger who went overboard on a cruise ship.

NEW BUSINESS

Chair Phipps discussed the cost of an audit which is required when a rate application is submitted to the Pilotage Rate Review Board. She added that an audit can be burdensome on the smaller pilot associations. She suggested that the board send a request to the Pilotage Rate Review Board asking that they amend Rule 61E13-2.005(1), F.A.C., to increase the threshold amount for a pilot association's gross pilotage revenues from the current \$250,000 to \$1 million.

MOTION: Vice-Chair Bryson made a motion that the board authorize Chair Phipps to draft a letter requesting that the Pilotage Rate Review Board amend Rule 61E13-2.005(1), F.A.C., due of the costs involved.

SECOND: Commissioner Fernandez seconded the motion, and it passed unanimously.

Ms. Barineau informed the board that the Pilotage Rate Review Board is going to review their rules at their next meeting.

Vice-Chair Bryson stated that the board has discussed the possibility of changing the method of selecting deputy pilots. He suggested changes that could be considered. Following discussion, Chair Phipps suggested that this be discussed at the next meeting.

Vice-Chair Bryson stated that FSPA was actively pursuing this at this point, and he will provide the information for the next agenda.

Chair Phipps thanked the Cumberland Sound Pilots Association for the reception.

OLD BUSINESS

There was no old business to come before the board at this time.

ELECTION OF OFFICERS

Chair Phipps stated that she would be willing to continue to serve as Chair if the board so desired.

MOTION: Vice-Chair Bryson made a motion that Chair Phipps continue as Chair.

SECOND: Commissioner Bohnsack seconded the motion, and it passed unanimously.

MOTION: Commissioner Bohnsack made a motion that Vice-Chair Bryson continue as Vice-Chair.

SECOND: Chair Phipps seconded the motion, and it passed unanimously.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 10:31 a.m.