

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

Wyndham Reach Resort

1435 Simonton Street

Key West, FL 33040

September 30, 2005

CALL TO ORDER

Commissioner Robas, Chair of the Board, called the meeting to order at 9:00 a.m.

Members Present

Commissioner Robas, Chair

Commissioner Bryson

Commissioner Buffington

Commissioner Buford

Commissioner Fernandez

Commissioner Frudaker

Commissioner Molitor

Commissioner Phipps, Vice-Chair

Commissioner Sweeney

Members Not Present

Commissioner Hiers

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Drew Winters, Prosecuting Attorney

Mary Ellen Clark, Board Counsel

Gale Dunton, Board Consultant

David Leech, Ft. Pierce Pilots

Toni Leech

Allen Thompson, Tampa Bay Pilots

David de la Parte, FSPA

Jorge Viso, FSPA

Gretchen Rayborn, FSPA

James Frudaker, Florida Docking Masters

Michael McGraw, Key West Pilots

Barbara Buford

Commissioner Robas thanked the Key West Pilots for the wonderful reception. She also thanked them for the tour of the port, which is always an educational opportunity.

Commissioner Robas informed the Board that Commissioner Hiers' absence from the meeting was excused.

APPROVAL OF THE MINUTES OF THE MEETING

July 15, 2005

MOTION: Commissioner Fernandez made a motion that the Board approve the minutes as submitted.

SECOND: Commissioner Molitor seconded the motion.

Commissioner Robas stated that in two places on page 26 of the minutes, the percentage amount should read ".06%."

Commissioner Robas called for further discussion. There being none, the motion passed unanimously.

PROSECUTING ATTORNEY'S REPORT – DREW WINTERS

Mr. Winters provided the Board with a copy of his report regarding the status of cases, (copy attached.) He requested permission from the Board to continue with the cases in the Department's legal section that are over a year old.

MOTION: Commissioner Buffington made a motion that the Board authorize Mr. Winters to proceed with the cases that are over a year old.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

REQUEST FOR DEPUTY PILOT OPENINGS

Tampa Bay Pilots Association

Captain Allen Thompson informed the Board that Tampa Bay wanted to request at least one deputy for the March 2006 exam.

MOTION: Commissioner Fernandez made a motion that the Board approve the request for at least one deputy opening for Tampa Bay for the March 2006 examination.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

REQUEST FOR TWO YEAR CERTIFICATES

Rickie Montoya – Port Everglades

Jeff D. Robben – Port Everglades

Commissioner Phipps informed the Board that the temporary certificate issued to Captain Montoya will expire on October 18, 2005, and the temporary certificate issued to Captain Robben will expire on November 1, 2005.

MOTION: Commissioner Fernandez made a motion that the Board approve the request for two year certificates as requested by Port Everglades for Rickie Montoya, effective October 18, 2005 and Jeff Robben, effective November 1, 2005.

SECOND: Commissioner Sweeney seconded the motion.

Commissioner Buffington asked if anyone was opposed to the issuance of the certificates. Commissioner Phipps responded that the decision was unanimous.

Reid Hansen – Palm Beach

MOTION: Commissioner Bryson made a motion that the Board approve the request for a two year certificate as requested by Palm Beach for Reid Hansen, effective October 21, 2005.

SECOND: Commissioner Buffington seconded the motion and it passed unanimously.

REVIEW FOR APPROVAL - FLORIDA STATE PILOTS' ASSOCIATION SPONSORED CONTINUING EDUCATION SEMINAR

Captain Viso, President of the Florida State Pilots Association, informed the Board that the seminar would be conducted at the biennial convention to be held in November. Captain Viso stated that the seminar would be video taped for anyone who was unable to attend the convention.

Following discussion, the following action was taken.

MOTION: Commissioner Sweeney made a motion that the Board approve the continuing education seminar as submitted by FSPA.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

REPORTS

Chair's Report – Commissioner Robas

Commissioner Robas stated that she assigned Commissioner Bryson to the Rules Committee and Commissioner Fernandez to the Finance Committee and stated that she appreciated their service on these committees.

Commissioner Robas requested Captain David Leech, former Board member, to come forward for a presentation from the Board. Commissioner Buffington also presented Captain Leech with gifts.

Captain Viso presented Captain Leech with a plaque from FSPA.

Finance Committee Report – Commissioner Buffington

Commissioner Buffington reported that the Committee met yesterday and reviewed the 4th quarter report. He reported that after deliberation, the Committee decided to recommend the gross pilotage percentage be reduced to .25%.

Rules Committee Report – Commissioner Phipps

Commissioner Phipps reported that the Committee met yesterday. She stated that the Rules Report was included in the agenda. Commissioner Phipps reported the recommendation of the Rules Committee was to have an additional meeting with

Commissioner Buford, Ms. Clark and Mr. de la Parte in attendance to propose language and strategy regarding inactive service prior to the next meeting.

Commissioner Phipps reported that the Finance Committee requested that the Rules Committee amend the rule to reduce the gross pilotage assessment fee from .06% to .25%.

MOTION: Commissioner Bryson made a motion that the Board request that board counsel proceed with amending rule 61G14-19.001, F.A.C., to .25%.
SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

Following discussion, Commissioner Buford stated that he had drafted language to amend rule 61G14-12.003, F.A.C., which he requested Ms. Rice forward to all the members for review.

Commissioner Phipps informed the Board that the Rules Committee recommended a work session prior to the next meeting for Commissioner Buford, Ms. Clark and Mr. de la Parte in order to work on rule drafts.

MOTION: Commissioner Molitor made a motion that the Board approve the work session prior to the next meeting.
SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

Commissioner Phipps requested that everyone be notified of the meeting date and time. She also stated that there may need to be a work session the morning of the January 12, 2006, Board meeting.

MOTION: Commissioner Bryson made a motion that the Board approve a work session on January 12, 2006, at 9:00 a.m. if necessary.
SECOND: Commissioner Buffington seconded the motion and it passed unanimously.

Probable Cause Committee Report – Commissioner Robas

Commissioner Robas reported that the Probable Cause Panel met yesterday and considered 4 cases. Of these cases, 3 were closed and 1 was issued a letter of guidance.

Board Counsel's Report – Mary Ellen Clark

Letter to David de la Parte

Ms. Clark stated the letter was provided for informational purposes, and that she did not have a report to give at this time.

Executive Director's Report – Robyn Barineau

Ms. Barineau informed the Board that the Department has a new Secretary, Simone Marstiller.

Ms. Barineau stated that Commissioner Buffington asked about the DOAH contract at the last meeting, and she found out that the amount is based on usage by the profession. Mr. Winters informed the Board that there was a 2 year lag in payment.

Commissioner Buford commented that he appreciated Ms. Barineau providing candy at each meeting.

Port Security – Commissioner Molitor

Commissioner Molitor stated that he did not have a report, but he located an article in the USA Today regarding Mississippi and he requested staff provide a copy to all members.

CORRESPONDENCE

Commissioner Robas stated this correspondence was included in the agenda for informational purposes.

OLD BUSINESS

Commissioner Sweeney asked if a selection had been made for deputies from the March examination. Ms. Barineau reported that the Secretary made the selection recently and appointed David Ulrich and Sam Stephenson as deputies for Port Everglades.

Commissioner Robas requested Ms. Barineau check on the reimbursements from the last meeting as all members had not received their board member compensation. Commissioner Molitor asked Ms. Barineau to check and see if the members could have their checks direct deposited.

Commissioner Buffington commented on the information packet contained in the agenda from Earl McMillin. He stated that he disagreed with the information however he did see a couple of areas that could be addressed. Commissioner Buffington stated that there seemed to be some confusion over the definition of minority and the other area was the candidate pool selection.

Commissioner Frudaker commented that he had concerns when there is a random selection made; he preferred the highest score being the selected candidate. He stated that there appeared to be a personal agenda in the material submitted which took credibility away from the information submitted.

Ms. Clark informed the Board that they could not define when to go back to the pool of candidates nor can they do a rule to define minority.

Captain Viso stated that he would like to respond on behalf of FSPA. He stated that the individual who gets selected is the decision of the Secretary of DBPR and the minority status is not a Board issue. Captain Viso stated that there was hearsay included in the correspondence that FSPA would challenge the information.

NEW BUSINESS

There was no new business to come before the Board at this time.

DATE AND LOCATION OF NEXT MEETING

Commissioner Robas stated that the next meeting would be held on January 12 & 13, 2006. Captain Thompson, Tampa Bay Pilots Association, extended an invitation to the Board to hold the meeting in Tampa.

Commissioner Robas thanked Captain Thompson. She also stated that the Board needed to consider holding a meeting in Ft. Pierce. Captain Leech stated that he would e-mail Ms. Rice a list of hotels for consideration.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:30 a.m.