

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, Probable Cause Panel, and General Business Meetings
Meeting Date: Thursday, July 8, 2010, and Friday, July 9, 2010
Meeting Location: The Westin Key West Resort and Marina
245 Front Street
Key West, Florida

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Frances "Fran" Bohnsack
Commissioner Rivers H. Buford, Jr.
Commissioner David de la Parte
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner Jeffrey Jones
Commissioner Jorge Viso

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
LeChea Parson, Assistant General Counsel, DBPR
Tim Dennis, Assistant Attorney General, Office of the Attorney General
Galen W. Dunton, Board Consultant
Joe Brown, President, Florida Harbor Pilots Association (FHPA)
Gretchen Rayborn, Executive Liaison, FHPA
Warren Husband, Attorney for FHPA
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
Mike McGraw, Key West Bar Pilots Association
Dan Ramsey, Florida Docking Masters Association
Marty Leshaw, Court Reporter

II. Major Issues/Actions

- Chair Cheryl Phipps excused Commissioners Eric Bryson and Don Molitor from the board meeting.
- Ms. Robyn Barineau, Executive Director, informed the board that Vice Chair Bryson provided an email indicating that he anticipates the need for an increase in the gross pilotage assessment to between .006 and .008 effective October 1, 2010. Based on his suggestion, Ms. Barineau prepared a Statement of Estimated Regulatory Costs (SERC) as the increase should impact small business. The board agreed to increase the gross pilotage assessment to .007 effective October 1, 2010. The board also approved the SERC and agreed that the amendment to Rule 61G14-

19.001, Florida Administrative Code – Percentage of Gross Pilotage Assessed, does have an impact on small business.

- Mr. Tim Dennis, Assistant Attorney General, informed the board that Governor Crist signed HB 1271 on June 4, 2010. He informed the board that the Pilotage Rate Review Board was abolished on July 1, 2010, and the Pilotage Rate Review Committee was established under the Board of Pilot Commissioners. He added that the makeup of the Pilotage Rate Review Committee will include all the consumer members of the Board of Pilot Commissioners and two pilots from the Board of Pilot Commissioners who are determined by a majority vote of the pilot members of the Board of Pilot Commissioners. Mr. Dennis informed the board that the rate-setting process will remain the same. He added that the Governor has until October 31, 2010, to make additional appointments to the board. Mr. Dennis informed the board that there will need to be some necessary changes to the Board of Pilot Commissioner rules to include the former Pilotage Rate Review Board rules.
- Mr. Dennis informed the board that the bill presented during the 2010 Legislative Session requiring that all rules which impacted small business were to be presented to the Legislative for ratification was vetoed by Governor Crist.
- Mr. Dennis informed the board that the rule to impose a \$100 citation on licensees who failed to report any criminal convictions within 30 days of the conviction should be effective in early August.
- Ms. LeChea Parson, Assistant General Counsel, reported that there were 12 pilot cases in the legal department as of July 7, 2010.
- The board approved the request of the St. Andrew Bay Pilots Association to issue a two-year, Deputy Pilot certificate to Captain Chris Marlowe.
- The board approved the request of the Biscayne Bay Pilots Association for at least one Deputy Pilot from the March 2011 examination.
- The board approved Levels 1-3 of the Key West Bar Pilots Association's Deputy Pilot Training Program. The Key West Bar Pilots Association will revise the other levels of their Deputy Pilot Training Program and provide them to the board for consideration at a future meeting.
- The Probable Cause Panel closed one case with no finding of probable cause.
- Ms. Barineau, informed the board of the following future meetings:
 - September 23 and 24, 2010 – Panama City
 - January 27 and 28, 2011 – Jacksonville
 - April 28 and 29, 2011 – either Port Canaveral or Ft. Lauderdale
- The board unanimously elected Commissioner Cheryl Phipps and Commissioner David de la Parte as Chair and Vice Chair, respectively, of the Board of Pilot Commissioners.
- The State Pilot members of the Board of Pilot Commissioners elected Commissioner John Fernandez and Commissioner Jorge Viso as the pilot members on the Pilotage Rate Review Committee. Commissioner Cheryl Phipps will serve as an alternate on the Pilotage Rate Review Committee.
- Commissioner David de la Parte will serve as the Interim Chair of the Pilotage Rate Review Committee until which time the committee can meet and elect a chair.

III. Legislation/Rule Promulgation

- Mr. Dennis will move forward with the amendment to Rule 61G14-19.001, Florida Administrative Code – Percentage of Gross Pilotage Assessed.

IV. Action Required

- No additional action was required.

Robyn Barineau
Executive Director
July 12, 2010