

EXECUTIVE SUMMARY
Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, Deputy Pilot Advance Committee, Probable Cause Panel, and General Business Meetings
Meeting Date: Thursday, September 27, 2012, and Friday, September 28, 2012
Meeting Location: The Biltmore Hotel
1200 Anastasia Avenue
Coral Gables, Florida 33134

Attendees:

Commissioner John Fernandez, Chair
Commissioner Eric Bryson
Commissioner Richard "Rick" Frudaker
Commissioner Matthew Sams
Commissioner David Ulrich

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)

Elise Rice, Government Analyst, DBPR

Erica White, Assistant General Counsel, DBPR

Michael Flury, Assistant Attorney General, Office of the Attorney General

Galen W. Dunton, Board Consultant

Stuart Lilly, President, Florida Harbor Pilots Association (FHPA)

Gretchen Rayborn, Executive Liaison, FHPA

Warren Husband, Attorney for FHPA

Cheryl Phipps, Port Everglades Pilots Association (PEPA)

Sam Stephenson, PEPA

Andy Edelstein, PEPA

Ben Borgie, Canaveral Pilots Association (CPA)

Steve Gasecki, CPA

John Jacobson, Biscayne Bay Pilots Association

Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association (TBPA)

Dan Ramsey, Florida Docking Masters Association

Daisy Amador, Court Reporter

II. Major Issues/Actions

- Chair John Fernandez excused the absences of Vice Chair Jorge Viso, Commissioner John Fox, Commissioner Thayer Smith, and Commissioner Carlos Trueba from the meeting.
- Commissioner Eric Bryson discussed the financial report for the year ending June 30, 2012. He indicated that the gross pilotage assessment rate is currently 7/10 of

one percent. After discussion, the board agreed to increase the gross pilotage assessment from 7/10 of one percent to 9/10 of one percent effective January 1, 2013. The board agreed that this increase, and accompanying change to Rule 61G14-19.001, Florida Administrative Code – Percentage of Gross Pilotage Assessed, would have an adverse impact on small business. Ms. Robyn Barineau, Executive Director, will prepare a Statement of Estimated Regulatory Costs (SERC) checklist for review at a future meeting.

- Captain Ben Borgie informed the board that the Canaveral Pilots Association is requesting at least one deputy pilot from the March 2013 deputy pilot examination due to an impending retirement. The board approved the request of the Canaveral Pilots Association for at least one deputy pilot from the March 2013 examination.
- Captain John Jacobson informed the board that the Biscayne Bay Pilots Association is requesting at least one deputy pilot from the March 2013 deputy pilot examination due to increased traffic. The board approved the request of the Biscayne Bay Pilots Association for at least one deputy pilot from the March 2013 examination.
- The board approved the request of the Key West Bar Pilots Association to approve Deputy Pilot Alejandro Gonzalez to sit for the state pilot examination.
- Mr. Michael Flury, Assistant Attorney General, informed the board that the Florida Administrative Weekly has been renamed as the Florida Administrative Register. He added that notices submitted for publication will now be published the following business day as opposed to the former ten day window.
- Mr. Flury added that the former Pilotage Rate Review Board rules were moved to the Pilotage Rate Review Committee within the Board of Pilot Commissioner by a Type II transfer approved during the 2012 Legislative Session.
- Ms. Erica White, Assistant General Counsel, reported that with the resolution of eight cases in the Probable Cause Panel meeting, there are currently no pilot cases in the legal department.
- Chair Fernandez informed the board that five Deputy Pilot Advancement Committee conference calls had been conducted since the last meeting, and all Deputy Pilots were advanced to the next levels of their appropriate training programs.
- The Probable Cause Panel found probable cause in one case, closed five cases with no finding of probable cause, and issued two Letters of Guidance in lieu of a finding of probable cause.
- Ms. Barineau informed the board of the following scheduled in-person meetings:
 - January 17 and 18, 2013 – Atlantic Beach
 - September 26 and 27, 2013 – Tampa
- The following conference call dates and times have been established:
 - Wednesday, October 23, 2012 – 10 a.m. – review and approval of deputy pilot examination applications
 - Friday, January 4, 2013 – 10 a.m. – consideration of the issuance of permanent deputy pilot certificates
- The board unanimously elected Commissioner John Fernandez and Commissioner Jorge Viso as Chair and Vice Chair, respectively, of the Board of Pilot Commissioners.

III. Legislation/Rule Promulgation

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

IV. Action Required

- Ms. Barineau will prepare the SERC checklist for consideration at a future meeting.

Robyn Barineau
Executive Director
October 2, 2012