

## **MINUTES OF THE MEETING**

### **RULES COMMITTEE BOARD OF PILOT COMMISSIONERS Crowne Plaza La Concha 430 Duval Street Key West, FL October 9, 2003**

#### **CALL TO ORDER**

Commissioner Phipps, Chair of the Rules Committee, called the meeting to order at 2:20 p.m.

#### **MEMBERS PRESENT**

Commissioner Phipps, Chair  
Commissioner Frudaker, Vice-Chair  
Commissioner Leech  
Commissioner Robas

#### **OTHERS PRESENT:**

Anthony Spivey, Executive Director  
Elise Rice, Government Analyst  
Ed Tellechea, Board Counsel  
Mike Buffington, Board Member  
John Hiers, Board Member  
Gene Sweeney, Board Member  
Rivers Buford, Board Member  
Earl McMillin, Board Member  
Don Molitor, Board Member  
Galen Dunton, Consultant  
David de la Parte, FSPA  
Jorge Viso, FSPA  
C. Efthimiadis, FSPA  
Michael McGraw, Key West Pilots  
James N. Frudaker, FL Docking Masters  
Gretchen Rayborn, FSPA

#### **APPROVAL OF THE MINUTES OF THE MEETING**

**July 24, 2003**

**MOTION:** Commissioner Robas made a motion that the minutes of the meeting be approved as submitted.

**SECOND:** Commissioner Leech seconded the motion and it passed unanimously.

Commissioner Phipps asked about the application for a rate increase. Mr. Tellechea responded that there was an application. Mr. Spivey stated that it was being rewritten because he wanted to have the application updated along with the procedures.

Commissioner Frudaker questioned if the application will be reviewed by the Rate Review Board or just in-house. Following discussion Mr. Spivey stated that he would have the Rate Review Board review the application prior to implementation.

Commissioner Phipps turned the meeting over to Mr. Tellechea at this time to present the proposed rules he had drafted.

Mr. Tellechea informed the Committee that the first rule, 61G14-12.001, involved licensees whom are spouses of members of the armed forces that are exempt from renewal process. He informed the Committee that a rule is required to be done by each board.

Commissioner Buffington commented that to say they are exempt from all license renewal provisions, he had a problem with that because they would not have to do the physical or drug test. Mr. Tellechea responded that it was required by statute. Commissioner Buffington stated that he had a problem with this because it could put the public in jeopardy.

Discussion followed. David de la Parte questioned what other boards were doing and stated that unless the rule needed to be adopted now, perhaps there needed to be more research to see what the Legislature intended.

Commissioner Frudaker stated that their job was is to protect the public and he would not agree to incorporate this into rules without further investigation.

Mr. Tellechea informed the Committee that this language came from other boards and the rule reads that all requirements have to be met.

Commissioner Robas stated that the licensee could not just put an association on hold for the time they are gone because they could not be replaced by another pilot. She stated that because of the structure it creates an economic impact as well as safety issue to the State of Florida.

Commissioner Buffington stated that the rule would have to contain language that was specific. Commissioner Buford suggested in the second line striking "for" and adding language.

Mr. Tellechea informed the Committee that this could be noticed for rule development without the language and he will do research to determine if the board has discretion to be exempt from some of the provisions and then it could be considered at the next meeting. Mr. Tellechea also stated that they may want to suggest legislative changes to

Chapter 455 regarding pilots. He asked that the Committee recommend to the Board that he be allowed to begin rule making.

Mr. Tellechea stated that the next rule, 61G14-17.002, dealt with the probable cause panel where there is a provision which allows for former board members serve on the panel.

MOTION: Commissioner Robas made a motion that the Committee accept the changes to 17.002, F.A.C.

SECOND: Commissioner Frudaker seconded the motion for discussion purposes.

Commissioner Frudaker asked if they should add active state pilot license? Mr. Tellechea responded that they did not need it, however if they wanted that added, he could put it in.

Following discussion, Mr. Tellechea suggested that a former member be appointed to serve on the Probable Cause Panel all the time. Commissioner Buford suggested that the rule state current licensed state pilot.

Following discussion regarding the rule, Mr. Tellechea read the rule as changed. The panel shall consist of three (3) members, not more than one member of the panel shall be a non-pilot board member. Former board members who hold an active valid license may serve on the probable cause panel, but at least two (2) current board members must be members of the panel at all times.

MOTION: Commissioner Robas made a motion that the Committee accept the changes as read.

SECOND: Commissioner Frudaker seconded the motion and both motions passed unanimously.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 3:17 p.m.