

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 12, 2007, and Friday, July 13, 2007
Meeting Location: Radisson at the Port
8701 Astronaut Boulevard
Port Canaveral, Florida

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Eric Bryson, Vice Chair
Commissioner Harold "Hap" Brandenburg
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner Jeffrey Jones
Commissioner Donald "Don" N. Molitor
Jean Whitten, Director, Office of Budget and Financial Management, Department of
Business and Professional Regulation
Robyn Barineau, Executive Director, Department of Business and Professional
Regulation
Elise Rice, Government Analyst, Department of Business and Professional Regulation
Drew Winters, Assistant General Counsel, Department of Business and Professional
Regulation
Mary Ellen Clark, Assistant Attorney General, Department of Legal Affairs
Michael Flury, Assistant Attorney General, Department of Legal Affairs
Galen W. Dunton, Consultant
Margaret Mathews, Attorney for Captain Francis Wood
Ron Christaldi, Counsel for Florida State Pilots Association
Jorge Viso, President, Florida State Pilots Association
Joe Brown, Florida State Pilots Association
Gretchen Rayborn, Executive Director, Florida State Pilots Association
Doug Brown, Canaveral Pilots Association
Dave Richards, Canaveral Pilots Association
Brian Seuter, Cumberland Sound Pilots Association
David Leech, Ft. Pierce Pilot Association
John Atchison, St. Johns Bar Pilots Association
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
James Frudaker, Florida Docking Masters Association
Tony Hogg, Florida Docking Masters Association
Martin D. Poole
Laurie Combs, Court Reporter

II. Major Issues/Actions

- Chair Cheryl Phipps excused Commissioner Fran Bohnsack's absence from the board meeting.
- The board welcomed new board members, Commissioners Jeffrey Jones and Harold Brandenburg.
- Chair Phipps appointed Vice Chair Eric Bryson as Chair of the Finance Committee. Commissioner Don Molitor was appointed Vice Chair of the Finance Committee.
- Vice Chair Bryson reviewed the financial report included in the agenda. He added that the revenues and expenses appear to be inline with the board's projections. He mentioned that the gross pilotage assessment will increase to .75% effective August 1, 2007, as the board anticipates increased expenses relating to some outstanding cases which are scheduled to be heard at the Division of Administrative Hearings. Vice Chair Bryson informed the board that he will have more information at the next board meeting as the fiscal year end financial report will be available.
- Commissioner Rick Frudaker reported that the following rules should be effective before the next board meeting:
 - Rule 61G14-11.007, Florida Administrative Code, which clarifies that the board should be provided with the recommendations of the Deputy Pilot Advancement Committee whether advancement is favorable or unfavorable.
 - Rule 61G14-15.003, Florida Administrative Code, relating to the submission of changes for approval by the board of the maximum allowable draft of vessels calling at the ports and the restrictions on bottom clearance for the channels. The board agreed to change the "current maximum" allowable draft to the "normal" allowable draft.
- The board discussed amending Rule 61G14-17.002, Florida Administrative Code, relating to the composition of the Probable Cause Panel and agreed not to make any changes to the rule.
- Ms. Jean Whitten, Director of Budget and Financial Management, Department of Business and Professional Regulation, provided the board with handouts relating to Office of Information Technology expenses and the history of expenditures and appropriations for information technology. Ms. Whitten gave a brief overview of past and future expense projections for information technology. When asked by the board if their operating account would be swept by the Legislature, Ms. Whitten informed the board that Chapter 216, Florida Statutes, provides the Legislature with the authority to sweep cash accounts. She added that she has the flexibility on how the department's cash accounts would be swept. The board advised Ms. Whitten that they adjust their gross pilotage rates to ensure they do not operate in a negative cash position, and that they anticipate several costly cases at the Division of Administrative Hearings which will impact their budget.
- Case No. 2005.011068 against Captain Francis Wood was originally agendaed as a Settlement Stipulation but will go forward as a formal hearing at the Division of Administrative Hearings.
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 21 pilot cases in the legal department. The board agreed to allow Mr. Winters to continue handling the six year-old pilot cases in the legal department.
- The board approved the requests of the Tampa Bay Pilots Association to grant permanent, two-year Deputy Pilot certificates to Deputy Pilots Peter Glynn and Joseph Lachnicht.

- The board approved the request from the St. Johns Bar Pilot Association to amend their Deputy Pilot Training Program as provided in the agenda. The association indicated that a new terminal is being constructed in the port, more vessels will call on the port, and larger vessels are expected to call on the port.
- The board reviewed the June 13, 2007, email and attachment from Ms. Candi Bing with the National Transportation Safety Board relating to required bridge resource management for harbor and docking pilots. After the April 15, 2006, investigation of the grounding of a ship in the New York Harbor waterway, the National Transportation Safety Board requested that the United States Coast Guard and the 13 state pilot commissions require harbor and docking pilots to take part in recurrent joint training exercises that emphasize the concepts and procedures of bridge resource management. After discussion by the board and comments from the Florida State Pilots Association, the board agreed to adopt the formal comments made by the Florida State Pilots Association which include:
 - In the State of Florida, state pilot licenses are only issued to Harbor Pilots.
 - In the State of Florida, docking pilots are federally licensed mariners.
 - The Florida Board of Pilot Commissioners has no jurisdiction over federally licensed docking pilots.
 - Florida state licensed pilots have actively participated in Bridge Resource Management for Pilots (BRMP) training for many years.
 - The board looks forward to reviewing the complete National Transportation Safety Board report once it has been released.
 - Further comments by the National Transportation Safety Board in reference to docking pilots should be directed toward the appropriate organizations.

Chair Phipps asked Ms. Robyn Barineau, Executive Director, to draft a response from the board for her signature. The board agreed that once the final report is released by the National Transportation Safety Board, they may want to submit additional comments.
- The board conducted the evaluation of its Assistant Attorney General, Ms. Mary Ellen Clark, and will provide their favorable comments to the Attorney General and to her supervisor.
- Ms. Clark introduced Mr. Michael Flury, Assistant Attorney General, who will now serve as counsel for the Board of Pilot Commissioners. Ms. Clark thanked the board for the opportunity to work with them.
- The Probable Cause Panel closed six cases with no finding of probable cause, closed one case with a letter of guidance, and found probable cause in one case.
- Ms. Barineau informed the board that final grades from the March deputy pilot examination should be released by the end of July. A memo will be provided to Secretary Holly Benson with the final grades and other demographic information for her selection of the deputy pilots.
- Ms. Barineau informed the board that pursuant to their request at the May board meeting, she contacted several professional journals suggested by Commissioner John Fernandez and former Commissioner Mike Buffington regarding the cost of advertising future deputy pilot openings in their publications. She mentioned that should the need arise, she has compiled all her research into one report, and it is available anytime for review.
- Captain Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association, informed the board that Secretary Benson toured the Port of Tampa Bay on June 5, 2007.

- The next board meeting will be conducted in Palm Beach on October 4 and 5, 2007. The following board meeting will be conducted January 17 and 18, 2008, either in Tampa or Panama City.

III. Legislation/Rule Promulgation

- There was no legislation or rule promulgation.

IV. Action Required

- Ms. Barineau will prepare a response to the email and attachments from the National Transportation Safety Board and forward the response to Chair Phipps for her signature.

Robyn Barineau
Executive Director
July 16, 2007