MINUTES

BOARD OF PILOT COMMISSIONERS

Hilton Cocoa Beach Oceanfront
1550 North Atlantic Avenue
Cocoa Beach, FL 32931
April 23, 2015 - 9:00 A.M.

APPROVED JULY 13, 2015

LEGISLATIVE COMMITTEE MEETING

Chairman Swindell called the meeting to order at 9:00 am

Members Present
Commissioner Swindell, Chair
Commissioner Burke
Commissioner Jaccoma
Commissioner Kurtz
Commissioner Miguez
Commissioner Phipps
Commissioner Trueba
Commissioner Ulrich
Commissioner Winegeart

Members Excused:
Commissioner Brian Ramos

Others Present:
Thomas Campbell, Executive Director, Board of Pilot Commissioners
Elise Rice, Government Analyst
Anne Ahrendt, Government Analyst
Clark Jennings, Board Counsel, Office of the Attorney General
Elizabeth Beyer, Court Reporter from Angell Reporting Service
Captain Stuart Lilly, President, Florida Harbor Pilots Association
Captain Sam Stephenson, 1st Vice President, Florida Harbor Pilots Association
Captain Stephen Gasecki, 2nd Vice President, Florida Harbor Pilots Association
Captain Ben Borgie, Florida Harbor Pilots Association-Director Canaveral Pilots
Gretchen Winters, Florida Harbor Pilots Association
Warren Husband, General Counsel for Florida Harbor Pilots Association
Captain Doug Mutter, Canaveral Pilots Association
Captain Greg Turner, Palm Beach Pilots Association
Captain Andrew Edelstein, Port Everglades Pilots Association
Captain Allen Thompson, Tampa Bay Pilots Association

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Captain Stuart Lily, President of the Florida Harbor Pilots Association, recognized the service of outgoing board member Captain John Fernandez and welcomed the new member Captain Michael Jaccoma.

Warren Husband, counsel for the Florida Harbor Pilots Association, presented a letter from the FHPA with proposed changes to Section 310.151, Florida Statutes, for discussion. No action taken.

Proposed revised language to 310.011(3), Florida Statutes to realign the geographic areas for Board positions to be submitted as part of the Department’s legislative package was discussed.

Motion: Commissioner Winegeart moved that the Board accept the suggested changes with the staff providing effective dates for the changes. Second: Commissioner Jaccoma. Motion carried.

Executive Director, Tom Campbell presented proposed changes to Section 310.151, Florida Statutes.

After discussion regarding changes to 310.151, F. S., A motion was made by Commissioner Burke to accept the changes to 310.151(2), F. S., as set forth in Exhibit 2 with the exception to make the following changes:

“In the case of an application for a rate change on behalf of a pilot or group of pilots, the application shall be accompanied by a consolidated financial statement, statement of profit or loss and balance sheet prepared reviewed or audited by a certified public accountant of the pilot or group of pilots,”(sentence 4) and

“The committee may grant a request direction a pilot association to provide financial information, within 60 days if practicable, either prepared or reviewed or audited by a certified public accountant selected by the Department,”(sentence 6)

The motion was seconded by Commissioner Trueba with the addition of making the following changes in 310.151, (3), F. S., “The committee shall conclude its investigation, conduct a public hearing and determine whether to modify the existing rates of pilotage in that port with 150 days 120 days 60 days after the filing of the completed application except that the committee may not be required to complete a hearing for more than one port 150 days 120 days 60 days period.

A roll call vote was taken. Commissioners Burke, Miguez, Swindell, and Trueba voted in the affirmative. Commissioners Jacomma, Kurta, Phipps, Ulrich and Winegeart voted in the negative.

The motion failed 4-5.

A motion by Commissioner Trueba to accept the changes to Chapter 310.151,(2) F. S. and 310.151,(3), F. S. as made in the first motion, with the addition of tying a completed
application to the request for change in rates the request for financial information. Board office staff would provide the language and the language would be subject to approval by the Committee at a conference call at a future date.

Commissioner Burke seconded the motion.

A roll call vote was taken. Commissioners Burke, Kurtz Miguez, Phipps, Trueba and Ulrich voted in the affirmative. Commissioners Jaccoma and Winegeart voted in the negative.

The motion carried 7-2.

A motion was made by Commissioner Jaccoma that if multiple applications were submitted for the same port, those applications would be reviewed in tandem by the Committee.

Seconded by Commissioner Phipps.

A roll call vote was taken, Commissioners Burke, Jaccoma, Kurtz, Mendez, Phipps, Trueba, Swindell and Ulrich voted in the affirmative. Commissioner Winegeart voted in the negative.

Motion carried 8-1.

**NEW BUSINESS:**

Commissioner Kurtz put forth that she would like to begin a conversation on cost recovery. Commissioner Ulrich made the suggestion that the Board create a legislative matrix whereby commissioners had the opportunity to put forth suggestions for discussion. Chair Swindell said that he would work with Mr. Campbell on creating a matrix.

**OLD BUSINESS**

None.

The Committee meeting was adjourned at 11:08 a. m.

Chair Kurtz called for a break before the General Board meeting
Chair Kurtz called the meeting to order at 11:30 am.

Members Present:
Commissioner Kurtz, Chair
Commissioner Burke
Commissioner Jaccoma
Commissioner Miguez
Commissioner Phipps
Commissioner Swindell
Commissioner Trueba
Commissioner Ulrich
Commissioner Winegeart

Members Excused:
Commissioner Ramos

Others Present:
Thomas Campbell, Executive Director, Board of Pilot Commissioners
Elise Rice, Government Analyst
Anne Ahrendt, Government Analyst
Clark Jennings, Board Counsel, Office of the Attorney General
Elizabeth Beyer, Court Reporter from Angell Reporting Service
Captain Stuart Lilly, President, Florida Harbor Pilots Association
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Approval of Minutes
Minutes of July 14, 2014 Meeting of the Board
Minutes of January 22, 2015 Meeting of the Board
Minutes of March 17, 2015 Meeting of the Board
Minutes of April 13, 2015 Meeting of the Board

Motion as made and seconded to approve the minutes as presented.
Motion carried.

Prosecuting Attorney’s Report – John Cary
**BOARD ATTORNEY’S REPORT – CLARK JENNINGS**  
Mr. Jennings made a report to the Board regarding the Biscayne Bay Pilots and Port Everglades Pilots Association Rate Review Appeal and DOAH Case No. 14-5036RX Rule Challenge Proceeding. He also provided a booklet on Chapters 119 & 286, Florida Statutes, as a review of the Sunshine Law.

**EXECUTIVE DIRECTOR’S REPORT-THOMAS CAMPBELL**  
The Regulations Report YTD as of March 31, 2015 was presented by Mr. Campbell. No action taken.

**EMERGENCY REQUEST FOR SEPTEMBER 2015 DEPUTY PILOT EXAMINATION**  
Commander Galen Dunton presented a request by the Port Everglades Pilot Association to have an examination for at least one Deputy Pilot Opening on September 11, 2015.

A motion was made to approve the request and seconded. Motion carried.

**COMMITTEE REPORTS**  
**Deputy Pilot Advancement Committee – Commissioner Phipps**  
**Approval of Minutes**  
Minutes of October 27, 2014 Meeting of the Committee  
Minutes of November 24, 2014 Meeting of the Committee  
Minutes of December 18, 2014 Meeting of the Committee  
Minutes of January 26, 2015 Meeting of the Committee  
Minutes of February 27, 2015 Meeting of the Committee  
Minutes of March 30, 2015 Meeting of the Committee  

A motion was made to accept the minutes and seconded. The motion carried.

A report on Progress of Deputy Pilots in Training Programs was presented. No action taken.

**Finance Committee**  
Mr. Campbell reviewed the Quarterly Financial Statements of the Board. No action taken.

**NEW BUSINESS**  
Appointment of Pilot Member to Pilotage Rate Review Committee  
A motion was made and seconded by the harbor pilot members of the Board of Pilot Commissioners to appoint Commissioner Kurtz to the Pilotage Rate Review Committee in place of Commissioner John Fernandez. Motion carried

Appointment of Pilot Alternate to the Pilotage Rate Review Committee
A motion was made and seconded by the harbor pilot members of the Board of Pilot Commissioners to appoint Commissioner Wingeart as the alternate pilot member for the Pilotage Rate Review Committee.
Motion carried

A motion was made to approve Thomas Campbell as the Executive Director for Board of Pilot Commissioners.
A motion was made and seconded.
Motion carried.

Establish Rules for Annual Regulatory Plan.

Probable Cause Panel Member Appointment to replace Commissioner John Fernandez
A motion was made to appoint Commission Winegeart and seconded.
Motion carried.

Next meeting to be held in Tampa at a venue to be determined on July 13 – 14, 2015

OLD BUSINESS
None

ADJOURNMENT