

# 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, 1<sup>st</sup> Vice President, Florida Harbor Pilots Association  
Captain Stephen Gasecki, 2<sup>nd</sup> 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

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~~ 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 Jaccoma, 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

## **GENERAL BOARD BUSINESS**

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  
Captain Sam Stephenson, 1<sup>st</sup> Vice President, Florida Harbor Pilots Association  
Captain Stephen Gasecki, 2<sup>nd</sup> 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

### **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 Wingart 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**