

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS
Hyatt Regency Orlando International Airport
9300 Jeff Fuqua Boulevard
Orlando, FL
July 31, 2013
Approved October 3, 2013

CALL TO ORDER

Chair Fernandez called the meeting to order at 10:00 a.m.

Members Present

Commissioner Fernandez, Chair
Commissioner Bryson
Commissioner Fox
Commissioner Nielsen
Commissioner Swindell
Commissioner Trueba
Commissioner Ulrich
Commissioner Walters

Members Not Present

Commissioner Kurtz

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Warren Husband, Florida Harbor Pilots Association (FHPA)
Allen Thompson, Tampa Bay Pilots Association
Stuart Lilly, FHPA
Ben Borgie, FHPA
Clyde Mathis, Port of Pensacola
Thomas McCulley
Dan Ramsey, Florida Docking Masters
Wayne Stubbs, Panama City Port Authority
Marsha Frudaker
Bill Leshe, Offshore Tugs Corporation
Mike Pate, Mike Pate Stevedore Company, Inc.
Diana Brundage, Court Reporter

Chair Fernandez excused the absence of Commissioner Kurtz.

REQUEST FOR TWO YEAR CERTIFICATES

Christopher Marlow - Biscayne Bay Pilots Association

Captain Lilly informed the Board that the Biscayne Bay Pilots Association recommended the approval of a permanent deputy pilot certificate for Captain Marlow.

MOTION: Commissioner Swindell made a motion that the Board approve the issuance of a permanent deputy pilot certificate for Christopher Marlow.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

Todd Cooper – Port Everglades Pilots Association

Commissioner Ulrich informed the Board that the Port Everglades Pilots Association recommended the approval of a permanent deputy pilot certificate for Captain Cooper.

MOTION: Commissioner Bryson made a motion that the Board approve the issuance of a permanent deputy pilot certificate for Todd Cooper.

SECOND: Commissioner Trueba seconded the motion and it passed unanimously.

Carl Mahler – Port Everglades Pilots Association

Commissioner Ulrich informed the Board that the Port Everglades Pilots Association recommended the approval of a permanent deputy pilot certificate for Captain Mahler.

MOTION: Commissioner Bryson made a motion that the Board approve the issuance of a permanent deputy pilot certificate for Carl Mahler.

SECOND: Commissioner Swindell seconded the motion and it passed unanimously.

REQUEST FOR STATE PILOT EXAMINATION

Jeffrey Ritter – St. Johns Bar Pilot Association

Commissioner Bryson informed the Board that Captain Ritter will complete his training on October 30, 2013, and requested that he be approved take the examination as soon as possible. He stated that Captain Ritter had progressed well at all levels of his training.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the Board approve Jeffrey Ritter for the state pilot exam in September.

SECOND: Commissioner Swindell seconded the motion and it passed unanimously.

REQUEST FOR DEPUTY PILOT OPENING

Port Everglades Pilots Association

MOTION: Commissioner Swindell made a motion that the Board approve the request from the Port Everglades Pilots Association for at least one deputy from the March 2014 examination.

SECOND: Commissioner Bryson seconded the motion and it passed unanimously.

CORRESPONDENCE

May 31, 2013 – Clyde Mathis, Port of Pensacola

June 13, 2013 – Brian McGee, Pensacola Bay Pilots, Inc.

July 8, 2013 – Stuart Lilly, President, FHPA

July 16, 2013 – Wayne Stubbs, Panama City Port Authority

July 22, 2013 – Stuart Lilly, President, FHPA

Chair Fernandez stated that with the untimely passing of Captain Frank Knowles, Panama City has a deputy that can handle some ships, and they have another pilot that has completed the process to be a cross licensed deputy. He also stated that Panama City has asked for another deputy from 2014 Deputy Pilot Examination.

Chair Fernandez commented Captain Brian McGee, the Pilot in Pensacola has taken an additional job going out to sea to support his family. Captain Knowles was the crossed-licensed deputy who assisted Captain McGee. Chair Fernandez stated that he was aware that traffic had increased. He stated that there was concern that if Captain McGee became ill and could not be available for work, that they needed to have a cross-licensed deputy available to assist. He stated that they had advertised the cross-licensed deputy opening several times and Captain Cheryl Phipps from Ft. Lauderdale has submitted her paperwork to fill this position.

Chair Fernandez stated that there had been discussion about how to handle this situation. One of the suggestions was to combine the ports of Panama City and Pensacola, however, this was done many years ago and then they were uncombined. Chair Fernandez stated that it was not successful and could not see combining them again when it was not successful in the past.

Chair Fernandez stated that one option was to allow a deputy pilot from a port in the panhandle, if they so desire, to become licensed for both ports. He stated that this could not be required of the current deputy, and he did not see how they could train for two ports at same time. The Board may want to consider changing the rule to where once the deputy has completed their first year of training and has been awarded the deputy pilot certificate, to allow them to become cross-licensed in the panhandle.

Mr. Flury stated that the Board cannot waive the statute, but the Board can waive the rules, if necessary. He stated that the Board could handle this by making it known that the Board may consider a petition for variance and waiver if a deputy is interested in cross licensing.

Commissioner Ulrich stated that with Captain Phipps applying for cross-licensure, that would put Pensacola in a better position. Chair Fernandez stated that he had been informed that Captain Bruce Cummings from Ft. Lauderdale also expressed interest in applying for the cross-licensed deputy position in Pensacola.

Mr. Clyde Mathis, Port of Pensacola, stated that they still need to have an avenue for the deputy pilot in Panama City to apply for waiver.

Mr. Mathis stated that traffic has grown and they project that to continue. He informed the Board that Captain McGee had not left the port, nor had Captain Knowles covered the port, since November of 2011.

Mr. Mathis asked if there was anyway for Gary Bryan to apply for the deputy pilot license. Chair Fernandez responded that there would have to be a request for a deputy. Mr. Mathis commented that they do not want a situation where there are two pilots that are in competition and if Captain Bryan was brought in, he would not be in competition.

Chair Fernandez stated that Captain Bryan would have to submit an application if there is an opening and then his application would be reviewed to determine if he meets the requirements, as is done with all applications. If he does not meet requirements and no one else applies, it would have to be advertised two more times and then if no one else applies, then the Board could consider modifying the requirements.

In discussion, Mr. Mike Pate asked what would happen if Captain McGee were to get sick. He stated that the Board had to do something.

Chair Fernandez responded that there were time constraints with getting a cross-licensed deputy, and they can only hope that Captain McGee continues good health and stays well. He further stated that if there is no pilot, under the law, the ship could not be brought in.

Mr. Allen Thompson stated that one option was that the ship could go to another port and have the cargo transported to the original port. He commented that there were options.

Commissioner Bryson stated that the Board is trying to address the situation. Commissioner Trueba commented that the request for a deputy needs to come from Pensacola.

Mr. Flury stated that it was a 2nd degree misdemeanor if a ship comes in without a licensed pilot.

Discussion followed regarding the situation in Pensacola.

Mr. Wayne Stubbs expressed his appreciation to the Board for having this meeting and wanted to thank Captain Wiegert for his assistance in becoming a cross licensed deputy in the Port of Panama City. He stated that they appreciate the Board's assistance.

PILOTAGE RATE REVIEW COMMITTEE

Chair Fernandez stated that all non-pilots are on the Committee. The pilot members are himself and Commissioner Ulrich, who replaced Captain Viso when he resigned from the Board. He stated that he would like for the pilot members to approve Commissioner Ulrich and select an alternate pilot member.

MOTION: Commissioner Bryson made a motion that the pilot members approve Commissioner Ulrich serving on the Pilotage Rate Review Committee.

SECOND: Chair Fernandez seconded the motion and it passed unanimously.

MOTION: Commissioner Bryson made a motion that Commissioner Kurtz serve as the alternate member.

SECOND: Chair Fernandez seconded the motion and it passed unanimously.

PROBABLE CAUSE PANEL

Chair Fernandez stated that he asked Commissioner Swindell to serve on the panel, and he agreed to serve.

OLD BUSINESS

There was no old business to come before the Board at this time.

NEW BUSINESS

There was no new business to come before the Board at this time.

ADJOURNMENT

There being no further business to come before the Board at this time, the meeting was adjourned at 11:44 a.m.