

**BOARD OF PILOT COMMISSIONERS  
LEGISLATIVE COMMITTEE MEETING  
Telephone Conference Call  
888.670.3525  
Participant Passcode: 6493057517#**

**July 14<sup>th</sup>, 2014 – 10:00 am**

**Approved April 23, 2015**

**CALL TO ORDER**

Commissioner Kurtz, Acting Chair, called the meeting to order at 10:05 a.m.

**Members Present**

Commissioner Kurtz, Vice-Chair  
Commissioner Fernandez  
Commissioner Phipps  
Commissioner Trueba  
Commissioner Ulrich  
Commissioner Winegeart

**Members Not Present**

Commissioner Fox, Chair  
Commissioner Nielsen  
Commissioner Swindell  
Commissioner Walters

**Others Present**

Daniel Biggins, Executive Director  
Donald Shaw, Government Analyst  
Galen Dunton, Pilot Board Consultant  
Michael Flury, Board Counsel  
Clark Jennings, Board Counsel  
Stuart Lilly, Florida Harbor Pilots Association (FHPA)  
Andrew Melick, Biscayne Bay Pilots Association  
Steven Nadeau, Biscayne Bay Pilots Association  
Court Reporter

*\*Of Note: Commissioners Fox and Nielsen had resigned their positions on the Board prior to this meeting taking but they were called during roll as staff had not been notified of their resignations.*

## II. APPROVAL OF MINUTES

- **February 11, 2014 Legislative Committee Meeting**

Commissioner Winegeart made a motion to approve the minutes. Commissioner Fernandez seconded the motion. After discussion, Commissioner Phipps abstained from voting as she was not a member of the board at the time the Committee meeting took place. After further discussion the board voted unanimously to approve the minutes.

- **April 22, 2014 Legislative Committee Meeting**

Commissioner Ulrich made a motion to approve the minutes. Commissioner Winegeart seconded the motion. After discussion Commissioner Trueba recused himself from the voting as he was not present at the Committee meeting. After further discussion, the board voted unanimously to approve the minutes.

## III. PROPOSED DRAFT OF LEGISLATIVE LANGUAGE

- **310.071 Deputy Pilot Certification**

Mr. Biggins presented a proposed draft of changes to the statutory language, indicating that certain changes to the requirements to obtain a deputy pilot license. Commissioner Ulrich commented that at the previous meeting he was strongly in favor of adding the requirement that deputy pilots have a college degree but he has come to the realization that he did not consider the smaller ports and that the Board is here to regulate all of the ports, and he feels the smaller ports would suffer too much of a restriction in potential candidates if they required a college degree. Commissioner Phipps stated that the proposed language is also confusing in the “and/or” clause in the statutes. Mr. Biggins stated he would be willing to redraft the language to make it clearer.

After further discussion Commissioner Phipps made a motion to not adopt the proposed language since Commissioners Nielsen and Fox were not present at this meeting and they were the Commissioners who suggested the language be changed. Commissioner Ulrich seconded the motion. After discussion the board voted unanimously to approve the motion.

- **310.151 Rates of Pilotage; Pilotage Rate Review Committee**

Mr. Biggins presented a proposed draft of change to the statutory language, proposing changes to Ch. 310.151 (3), Florida Statutes. Commissioner Ulrich stated that while he does not object to this change, he doesn't feel opening up Chapter 310 to make this one small change is worth it. Commissioner Ulrich stated he was under the assumption the legislative package would be more

substantial, and he doesn't feel this one change on its own warrants opening up Chapter 310. Commissioner Phipps agreed with Commissioner Ulrich.

After discussion Commissioner Fernandez made a motion to not adopt the proposed language. Commissioner Winegeart seconded the motion. After discussion the board voted unanimously to approve the motion.

#### **IV. NEW BUSINESS**

Commissioner Fernandez brought up a motion filed by the Biscayne Bay Pilots Association regarding the disqualification of Commissioners Fox and Nielsen at the upcoming Rate Review hearing for the Port of Miami. Mr. Flury stated that any discussion of that motion should be discussed by the Rate Review Committee and this meeting is not the proper forum to discuss it. Mr. Jennings stated that the Rate Review Committee would have to address the motion.

#### **V. OLD BUSINESS**

No Old Business was discussed.

#### **VI. ADJOURNMENT**

With nothing further to discuss the meeting was adjourned at 10:28 am.