

Minutes

BOARD OF PILOT COMMISSIONERS

Tideline Ocean Resort and Spa

2842 South Ocean Boulevard

Palm Beach, FL 33480

561.540.6440

July 28, 2016

Approved January 18, 2017

GENERAL BOARD BUSINESS

Thursday, July 28, 2016, 9:00 A.M

CALL TO ORDER

Meeting was called to order by Chair Kurtz at 9:07 am EDT

Members Present:

Commissioner Kurtz, Chair

Commissioner Cumings

Commissioner Jaccoma

Commissioner Phipps

Commissioner Sola

Commissioner Trueba

Commissioner Wilkins

Commissioner Winegeart

Members Absent

Commissioner Assal (excused)

Others Present

Thomas Campbell, Executive Director

Clark Jennings, Board Attorney

Anne Ahrendt, Government Analyst

Rebecca Hays, Prosecuting Attorney

Oneida Del Toro Kraning, Court Reporter, Downtown Reporting

Warren Husband, Florida Harbor Pilots Association

Sam Stephenson, Florida Harbor Pilots Association

Gretchen Winters, Florida Harbor Pilots Association

Amy Miller, Port of Pensacola

Allen Thompson, Tampa Bay Pilots Association

Benjamin Borgie, Florida Harbor Pilots Association

Bill Leshe, Offshore Tugs Corp.

Reid Hansen, Palm Beach Pilots Association

Bill Roden, Palm Beach Pilots Association

Stephen Gasecki, Canaveral Pilots Association

Eric Bryson, St. Johns Bar Pilots Association

RULES COMMITTEE

Roll Call

Members Present:

Commissioner Phipps, Chair
Commissioner Jaccoma, Vice Chair
Commissioner Cumings
Commissioner Kurtz
Commissioner Ramos
Commissioner Sola
Commissioner Trueba
Commissioner Wilkins
Commissioner Winegeart

Members Absent

Commissioner Assal (excused)

Repeal of Rule 61G14-22.012 Determination of Disputed Issues of Material Fact; Formal or Informal Hearings.

Rule was found invalid by the Division of Administrative Hearings (DOAH).

A motion was made by Commissioner Winegeart to repeal the rule. Seconded by Commissioner Trueba. Motion carried.

Board Counsel Stern read the statement, "The proposed rule appeal would not have an adverse impact on small business and would not likely either directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida in one year after repeal of the rule." Board affirmed.

RULE COMMITTEE ADJOURNED AND THE GENERAL BOARD MEETING CONVENED AT 9:11 A.M. EDT.

GENERAL BOARD MEETING.

ROLL CALL:

Members Present:

Commissioner Kurtz, Chair
Commissioner Cumings
Commissioner Jaccoma
Commissioner Phipps
Commissioner Sola
Commissioner Trueba
Commissioner Wilkins
Commissioner Winegeart

Members Absent

Commissioner Assal (excused)

PRESENTATION PORT OF PALM BEACH - CAPTAIN REID HANSEN

Captain Hansen gave a brief presentation about the Port of Palm Beach.

APPROVAL OF MINUTES

Minutes of April 28-29, 2016 Meeting of the Board

A motion was made by Commissioner Jaccoma and seconded by Commissioner Phipps to approve the minutes as written. Motion Carried.

APPROVAL OF CAPTAIN MATTHEW RILEY AND CAPTAIN JOHN TIMMEL FOR THEIR FIRST TWO-YEAR DEPUTY PILOT CERTIFICATION (TAMPA BAY PILOTS)

Captain Allen Thompson of the Tampa Bay Pilots recommended to the Board that Captain Matthew Riley and Captain John Timmel be issued their first two year Deputy Pilot Certificates.

A motion was made by Commissioner Phipps and seconded by Commissioner Cumings to recommend that the Department of Business and Professional Regulation issue their certificates. Motion carried.

APPROVAL OF CAPTAIN TIMOTHY MCGILL TO SIT FOR CROSS LICENSURE EXAMINATION FOR PORT OF FERNANDINA

A motion was made by Commissioner Phipps and seconded by Commissioner Winegeart to approve Captain Timothy McGill to sit for the cross licensure examination for Port of Fernandina provided Captain McGill has received his Federal Pilot's endorsement for the Port of Fernandina. Motion carried.

DISCUSSION OF PENSACOLA BAY PILOT AND CROSS LICENSED DEPUTY PILOTS

Amy Miller, Port of Pensacola, addressed the Board regarding a solution to the coverage for pilotage in Pensacola. Ms. Miller expressed her support that the Board seek to combine the Port of Pensacola with the Ports of Panama City and Port St. Joe.

Captain Sam Stephenson presented the views of the Florida Harbor Pilots Association.

Ms. Miller expressed her appreciation for all the assistance and work provided by Captain Stephenson.

No official action was taken.

BREAK

REQUEST FOR DEPUTY PILOTS FOR THE MARCH 2017 EXAMINATION

KEY WEST BAR PILOTS

A request by letter was made by the Key West Bar Pilots Association to administer an examination for one Deputy Pilot opening in March 2017 for the Port of Key West.

A motion was made by Commissioner Phipps and Seconded by Commissioner Trueba to approve the request. Motion carried.

TAMPA BAY PILOTS ASSOCIATION

A request was made by the Tampa Bay Pilots Association to administer an examination for at least one Deputy Pilot opening in March 2017 for the Ports of Tampa Bay.

A motion was made by Commissioner Winegeart and seconded by Commissioner Cumings to approve the request. Motion carried.

BISCAYNE BAY PILOTS ASSOCIATION

Commissioner Jaccoma made a request on behalf of the Biscayne Bay Pilots to administer an examination for at least one Deputy Pilot opening for PortMiami.

A motion was made by Commissioner Cumings and seconded by Commissioner Phipps to approve the request. Motion carried.

REQUEST FROM BISCAYNE BAY PILOTS TO APPROVE REVISED DEPUTY PILOT TRAINING PROGRAM

A request was made to change the training program to allow for a deeper maximum draft.

The requested revisions were:

	From	To
Level II	350 Feet LOA 23 Feet Draft	360 Feet LOA 24 Feet Draft
Level III	460 Feet LOA 27 Feet Draft	485 Feet LOA 28 Feet Draft
Level IV	560 Feet LOA 30 Feet Draft	600 Feet LOA 32 Feet Draft
Level V	680 Feet LOA 32 Feet Draft	760 Feet LOA 36 Feet Draft
Level VI	760 Feet LOA 35 Feet Draft	875 Feet LOA 38 Feet Draft
Level VII	900 Feet LOA 37 Feet Draft	950 Feet LOA 38 Feet Draft
Level VIII	1000 Feet LOA 38 Feet Draft	1000 Feet LOA 40 Feet Draft
Level IX	Max Draft minus 3Feet	1100 Feet LOA 42 Feet Draft
Level X	Unlimited Length/Max Draft minus 3 feet	

A motion to approve the revised training program for the Biscayne Bay Pilots Association was made by Commissioner Trueba and seconded by Commissioner Cumings. Motion carried.

UPDATING COORDINATES FOR BOARDING AND DISEMBARKING

PORT CANAVERAL

A motion was made to approve the updated coordinates for Port Canaveral by Commissioner Cumings and seconded by Commissioner Winegeart. Motion carried.

Board Counsel Stern read the following statement: “The proposed rule amendment will not have an adverse impact on small business.” Commissioner Cumings moved to approve the statement and Commissioner Phipps seconded. Motion carried.

Board Counsel Stern read the following statement, “The proposed rule is not likely to either directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida in one year after implementation of the rule change.” Commissioner Winegeart moved to approve the statement and Commissioner Phipps seconded. Motion carried.

PORT OF KEY WEST

A motion was made to approve the updated coordinates for Key West by Commissioner Phipps and seconded by Commissioner Cumings. Motion carried.

PORTS JACKSONVILLE & FERNANDINA

A motion was made to approve the updated coordinates for Jacksonville and Fernandina by Commissioner Cumings and seconded by Commissioner Winegeart. Motion carried.

PANAMA CITY & PORT ST. JOE

A motion was made to approve the updated coordinates for Panama City and Port St. Joe by Commissioner Jaccoma and seconded by Commissioner Phipps. Motion carried.

Board Counsel Stern read the following statement: “For the ports of Key West, Fernandina and Jacksonville, and Panama City and Port St. Joe the proposed rule amendments will not have an adverse impact on small business and are not likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida in one year after implementation of the rule change.” Commissioner Cumings moved to approve the statement and Commissioner Phipps seconded. Motion carried.

REPORTS

Chair Report – Commissioner Kurtz- Nothing to report

Deputy Pilot Advancement Committee Report-Commissioner Phipps

Approval of May 31, 2016 Committee Minutes with corrections.

Approval of July 25, 2016 Committee Minutes with corrections.

Prosecuting Attorney Report – Rebecca Hays

There are two public cases; one of which is an unlicensed activity case.

Board Attorney Report – Marlene Stern

Rules Report- The changes to 61G14-20.001 Florida Administrative Code will become effective in August 2016.

House Bill 183 Section 6 regarding Notice of Non-Compliance- discussion was held but no action taken by the Board.

Executive Director Report-Thomas Campbell

Director Campbell presented the Financial Reports as of March 31, 2016.

RATIFICATION LISTS

Repeal of Rule 61G14-22.012 Determination of Disputed Issues of Material Fact; Formal or Informal Hearings.

A motion was made to ratify the repeal of Rule 61G14-22.012 by Commissioner Jaccoma and seconded by Commissioner Winegeart. Motion carried.

Deputy Pilot Advancements from March 22, 2016 – July 25, 2016

With Corrections.

Commissioner Trueba made a motion to ratify the deputy pilot advancements. Seconded by Commissioner Winegeart. Motion carried.

BREAK

ANTITRUST PRESENTATION – MARLENE STERN

Discussion but no action was taken.

PUBLIC COMMENTS

No comments.

NEW BUSINESS

Upcoming Board meeting dates

October Meeting will be a teleconference. Tentative date will be October 14.

January 2017– To be held in Panama City, Florida.

Resignation of Brian Ramos

Appointment of Louis Sola to Probable Cause Panel

Pilot Physicals and Drug Letters

OLD BUSINESS

Update on PortMiami rate hearing.

Clark Jennings gave an update on the PortMiami hearing.

ADJOURNMENT

Commissioner Cummings made a motion to adjourn. Motion seconded by Commissioner Phipps. Meeting was adjourned at 12:09 p.m. EDT.