

**MINUTES OF THE MEETING
BOARD OF PILOT COMMISSIONERS
Telephone Conference Call
888.670.3525
Participant Code 7004064007#
Thursday, September 6, 2018, 11:00 am EDT
APPROVED OCTOBER 23, 2018**

CALL TO ORDER

Chair Kurtz called the conference call meeting to order at 11:02 a.m.

MEMBERS PRESENT

Commissioner Carolyn Kurtz, Chair
Commissioner Michael Jaccoma, Vice Chair
Commissioner Sherif Assal
Commissioner Bob Benson
Commissioner Bruce Cumings
Commissioner Chris Oatis
Commissioner Cheryl Phipps
Commissioner Brian Seuter
Commissioner Lou Sola
Commission David Wilkins

OTHERS PRESENT

Krista Woodard, Executive Director
Anne Ahrendt, Government Analyst
Galen Dunton, Consultant
Marlene Stern, Board Counsel
Crystal Stephens, Prosecuting Attorney
Captain Chris Marlow, Biscayne Bay Pilots
Captain Steve Robbins, Biscayne Bay Pilots
Captain Hardee Kavanaugh, St. Johns Bar Pilots
Captain Ben Borgie, Canaveral Pilots Association
Captain Reid Hanson, Palm Beach Pilots
Captain Brian McGee, Pensacola Bay Pilots
Captain Todd Cooper, Port Everglades Pilots
Captain Allen Thompson, Tampa Bay Pilots
Captain Zach Condon, St. Andrew Bay Pilots Association
Captain Chuck Zenter, Key West Bar Pilots
Thomas Panza, Panza, Maurer & Maynard
Jennifer Granger, Panza, Maurer & Manard
Greg McDermott, Panza, Maurer & Maynard
Donna Blanton, Esq., The Radley Law Firm
Brandon J. Hechtman, Esq., Wicker Smith
Jordan S. Cohen Esq., Wicker Smith
Captain Sam Stephenson
Warren Husband, Attorney, Florida Harbor Pilots Association
Court Reporter, For the Record

APPROVAL OF 1ST DEPUTY PILOT CERTIFICATIONS

REQUEST FOR TWO YEAR DEPUTY PILOT CERTIFICATE FOR CAPTAIN DEREK DAY AND CAPTAIN TREVOR GILL, PORT MIAMI – BISCAYNE BAY PILOTS

Captain Steve Robbins of the Biscayne Bay Pilots asked that Captain Derek Day and Captain Trevor Gill be issued their first Deputy Pilot Certifications for PortMiami effective September 18, 2018.

Motion: Commissioner Phipps made a motion to approve the certifications for Captain Day and Captain Gill. Second: Commissioner Assal seconded the motion. Motion carried.

REQUEST FOR TWO YEAR DEPUTY PILOT CERTIFICATE FOR CAPTAIN JOHN BOUCHARD, PORT OF KEY WEST – KEY WEST BAR PILOTS

Captain Chuck Zenter of the Key West Bar Pilots asked that Captain Bouchard be issued his first Deputy Pilot certification for Port of Key West effective September 7, 2018.

Motion: Commissioner Seuter made a motion to approve the certification for Captain Bouchard. Second: Commissioner Jaccoma seconded the motion. Motion carried.

REQUEST FOR TWO YEAR DEPUTY PILOT CERTIFICATE FOR CAPTAIN JAMES MOORE, PORTS OF TAMPA BAY – TAMPA BAY PILOTS

Captain Allen Thompson of the Tampa Bay Pilots asked that Captain Moore be issued his first Deputy Pilot certification for Tampa Bay effective September 14, 2018.

Motion: Commissioner Cumings made a motion to approve the certification for Captain Bouchard. Second: Commissioner Oatis seconded the motion. Motion carried.

REQUEST FOR DEPUTY PILOTS FOR THE MARCH 2019 EXAMINATION

CANAVERAL PILOTS ASSOCIATION

A request was made by Captain Ben Borgie of the Canaveral Pilots Association to administer an examination for at least one Deputy Pilot opening in March 2019 for Port Canaveral.

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

PORT EVERGLADES PILOTS ASSOCIATION

A request was made by Captain Todd Cooper of the Port Everglades Pilots Association to administer an examination for at least one Deputy Pilot opening in March 2019 for Port Everglades.

A motion was made by Commissioner Benson and seconded by Commissioner Assal to approve the request. Motion carried.

PALM BEACH PILOTS ASSOCIATION

A request was made by Captain Reid Hanson of the Palm Beach Pilots Association to administer an examination for at least one Deputy Pilot opening in March 2019 for the Port of Palm Beach.

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

ST. ANDREW BAY PILOTS

A request was made by Captain Zach Condon of the St. Andrew Bay Pilots Association to administer an examination for at least one Deputy Pilot opening in March 2019 for the Ports of Panama City.

A motion was made by Commissioner Assal and seconded by Commissioner Jaccoma to approve the request. Motion carried.

TAMPA BAY PILOT ASSOCIATION

A request was made by the Captain Allen Thompson of the Tampa Bay Pilots Association to administer an examination for at least one Deputy Pilot opening in March 2018 for the Ports of Tampa Bay.

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

RATIFICATION OF THE ANNUAL REGULATORY PLAN

Marlene Stern presented the Annual Regulatory Plan which showed no changes to Rulemaking for 2018-2019.

A motion was made to ratify the Annual Regulatory Plan as presented by Board Counsel Marlene Stern by Commissioner Jaccoma and seconded by Commissioner Cumings. Motion carried.

NEW BUSINESS: None

OLD BUSINESS: None

ADJOURNMENT

There being no further business to come before the Board, the General Board meeting was adjourned at 11:14 a.m. EST.

PILOTAGE RATE REVIEW COMMITTEE

CALL TO ORDER

Chair Wilkins called the conference call meeting to order at 11:14 a.m.

MEMBERS PRESENT

Commissioner David Wilkins, Chair
Commissioner Chris Oatis, Vice Chair
Commissioner Sherif Assal
Commissioner Bob Benson
Commissioner Carolyn Kurtz
Commissioner Brian Seuter
Commissioner Lou Sola

RATIFICATION OF THE ANNUAL REGULATORY PLAN FOR THE PILOTAGE RATE REVIEW COMMITTEE- MS. MARLENE STERN-BOARD COUNSEL

Executive Director Woodard, at the request of the Pilotage Rate Review Board Counsel, Clark Jennings (not in attendance), brought an item to be added to the 2018-2019 Annual Regulatory Plan. The rule to be amended was Chapter 61G14-22.007 (1), Florida Administrative Code. The specific item to be change would be the requirement that the applicants submit seven (7) copies of the application when filing for a change in rates of pilotage. The change would delete the requirement for paper copies to be submitted.

A motion was made by Commissioner Oatis to add to Section 2 of the Annual Regulatory Plan Rule 61G14-22.007 (1), Florida Administrative Code, for amendment in order to increase efficiency, simplify the process and reduce regulatory costs.

The motion was seconded by Commissioner Assal. The motion carried.

CHAIR'S OPENING COMMENTS-

Commissioner Wilkins reminded the Committee of the Rate Hearing to be held in October for Port Everglades.

PRELIMINARY DISCUSSION AND PROCEDURAL REVIEW – MS. MARLENE STERN, COMMITTEE COUNSEL

Counsel Stern instructed that the PRRC 2014-1 PortMiami case was closed at DBPR and at the Division of Administrative Hearings (DOAH). Motions to Intervene were filed by Fast Reliable Seaway, LLC, et al; and Seaboard Marine Ltd.. The Biscayne Bay Pilots responded in opposition to the motions to intervene, which was followed by the Petitioners Motion to Strike.

It was Ms. Stern's legal opinion that because the case is closed, the Committee is unable to consider the motions. It was her recommendation that letters be issued to the parties rejecting their pleading because the case is closed. Both Donna Blanton, counsel for the

Biscayne Bay Pilots and Tom Panza, counsel for the Florida Caribbean Cruise Association supported Ms. Stern's recommendation to the Committee.

Mr. Brandon Hechtman, Esq. representing the parties seeking to intervene, spoke as to their opposition to the case being closed.

Ms. Stern advised that she would send a letter to DBPR Agency Clerk's office stating that the pleadings should have been rejected. She further stated that the Committee would await the decision from the 3rd District Court of Appeals, which may not occur until 2019.

A motion was made by Commissioner Seuter to reject the pleadings at this time. The motion was seconded by Commissioner Benson. Motion carried.

PUBLIC COMMENTS

ADJOURNMENT

There being no further business to come before the Committee, the chair called for a motion to adjourn. A motion was made by Commissioner Oatis and seconded by Commissioner Seuter. The motion carried and the Pilotage Rate Review Committee meeting was adjourned at 11:33 a.m. EST.