

# MINUTES

## BOARD OF PILOT COMMISSIONERS

The Omni Jacksonville Hotel.

245 Water Street

Jacksonville, FL 32202

THURSDAY, OCTOBER 1, 2015

APPROVED JANUARY 22, 2016

### **Members Present:**

Members Present

Commissioner Swindell, Chair

Commissioner Burke

Commissioner Kurtz

Commissioner Miguez

Commissioner Ramos

Commissioner Ulrich

### **Members Excused:**

Commissioner Trueba

### **Others Present:**

Thomas Campbell, Executive Director

Marlene Stern, Board Counsel

Clark Jennings, Pilotage Rate Review Committee Counsel

Rebecca Hays, Prosecuting Attorney

Anne Ahrendt, Government Analyst

Angela Reichenbach, Court Reporter, Precision Reporting

Warren Husband, Florida Harbor Pilots Association

Stuart Lily, Florida Harbor Pilots Association

Sam Stephenson, Florida Harbor Pilots Association

Gretchen Winters, Florida Harbor Pilots Association

Steve Gasecki, Canaveral Pilots Association

Doug Mutter, Canaveral Pilots Association

Allen Thompson, Tampa Bay Pilots Association

James Frudaker, Florida Docking Masters

Randy Brook, Florida Docking Masters

**Chair Kurtz called the meeting to order at 1:34 p.m.**

### **PILOTAGE RATE REVIEW COMMITTEE ROLL CALL**

Members Present

Commissioner Swindell, Chair

Commissioner Burke

Commissioner Kurtz

Commissioner Miguez

Commissioner Ramos  
Commissioner Ulrich  
**Members Excused**  
Commissioner Trueba

**Proposed Changes to Rule 61G14-22.001**

A motion was made to accept the changes with the elimination of the changes to Subsection (8). Motion made by Commissioner Ramos; Seconded by Commissioner Burke. Motion carried.

**Proposed Changes to Rule 61G14-22.006**

A motion was made to accept the changes as proposed. Motion was made by Commissioner Kurtz; Seconded by Commissioner Miguez. Motion Carried.

**Proposed Changes to Rule 61G14-22.007**

A motion was made to accept the changes to the rule along with additional changes. Motion was made by Commissioner Miguez; Seconded by Ramos.

**RULES COMMITTEE ROLL CALL**

**Members Present**

Commissioner Ulrich, Chair  
Commissioner Phipps, Vice Chair  
Commissioner Burke  
Commissioner Jaccoma  
Commissioner Kurtz  
Commissioner Miguez  
Commissioner Ramos  
Commissioner Swindell  
Commissioner Winegeart

**Members Excused**

Commissioner Trueba

**RULES SUGGESTED FOR REPEAL**

**61G14-10.006**

Commissioner Ulrich made a motion that the rule not be repealed and that §310.051 be added to the "Laws Implemented". Motion was seconded by Commissioner Jaccoma. Motion carried.

**61G14-11.007**

Commissioner Phipps made a motion that the rule not be repealed and that §310.073 and 310.075 be added to the "Laws Implemented". Motion was seconded by Commissioner Swindell. Motion carried.

**61G14-14.0041**

A motion was made to repeal Rule 61G14-14.0041 by Commissioner Winegeart and seconded by Commissioner Burke. Motion Carried.

Board Counsel Stern asked the following questions:

Would the rule change have an adverse impact on small business? A response in the negative came in the form of a motion made by Commissioner Swindell and seconded by Commissioner Winegeart. Motion carried.

Would the rule change increase regulatory costs in excess of \$200,000 within one year of implementation of the rule? A response in the negative came in the form of a motion by Commissioner Winegeart and seconded by Commissioner Phipps. Motion carried.

**61G14-14.005**

A motion was made to repeal Rule 61G14-14.005 by Commissioner Jaccoma and seconded by Commissioner Winegeart. Motion carried

Board Counsel Stern asked the following questions:

Would the rule change have an adverse impact on small business? A response in the negative came in the form of a motion made by Commissioner Phipps and seconded by Commissioner Burke. Motion carried.

Would the rule change increase regulatory costs in excess of \$200,000 within one year of implementation of the rule? A response in the negative came in the form of a motion by Commissioner Burke and seconded by Commissioner Ramos. Motion carried.

**61G14-15.001**

A motion was made by Commissioner Burke to bring Rule 61G14-15001 for additional review at the next board meeting. Motion was seconded by Commissioner Ramos. Motion carried.

**61G14-15.002**

A motion was made by Commissioner Ramos to keep the rule. Motion was seconded by Swindell. Motion carried.

**BREAK**

**LEGISLATIVE COMMITTEE Roll Call**

**Members Present**

Commissioner Swindell, Chair  
Commissioner Phipps, Vice Chair  
Commissioner Burke  
Commissioner Jaccoma  
Commissioner Kurtz  
Commissioner Miguez  
Commissioner Ramos  
Commissioner Ulrich  
Commissioner Winegeart

**Members Excused**

Commissioner Trueba

Commissioner Swindell called the meeting to order at 2:57 p.m.

**Continued discussion of subsections  
Chapter 310.151(3), Florida Statutes**

Motion made by Commissioner Burke and seconded by Commissioner Ramos to eliminate language and shall appoint an investigative committee comprised of department staff to assist the committee in this undertaking.” located in Line 3, 4 & 5.

Motion by Commissioner Ramos and seconded by Commissioner Tom Burke to add the language “pursuant to rules prescribed by the committee” in line 3. Motion carried.

Motion made by Commissioner Phipps and seconded by Commissioner Kurtz to increase 150 day period in lines 17 and 19 to 180 days. Motion carried.

Motion made by Commissioner Miguez and seconded by Commissioner Burke to remove the language “at least 120 days prior to the hearing” on line 7. Motion carried

**Chapter 310.151(4)(a), Florida Statutes**

Motion made by Commissioner Phipps and seconded by Commission Ramos to delete the sentence “If an administrative hearing is requested.” beginning in line 17 and ending in line 21. Motion carried.

**Chapter 310.011(1), Florida Statutes**

A motion was made by Commissioner Ulrich and seconded by Commissioner Phipps to add language “of those two members, no two members shall be from the same category as listed above.” Roll call taken. Carries 5-4.

**Chapter 310.151(8), Florida Statutes.**

A motion was made by Commissioner Burke and seconded by Commissioner Miguez to table the discussion on new section Chapter 310.151(8) Florida Statute until the January meeting when the CPA Board member could attend. Roll call was taken. Motion failed 4-5.

A motion was made by Commissioner Kurtz and seconded by Commissioner Winegeart to table the discussion on new section Chapter 310.151(8) until the January 2016 meeting. Motion carried.

**PROBABLE CAUSE MEETING  
CLOSED TO PUBLIC**

# **BOARD OF PILOT COMMISSIONERS**

**The Omni Jacksonville Hotel.  
245 Water Street  
Jacksonville, FL 32202  
GENERAL BOARD BUSINESS  
Friday, October 2, 2015 9:30 am**

## **CALL TO ORDER**

Chair Kurtz called the meeting to order at 9:30 am.

## **Roll Call**

Commissioner Kurtz, Chair  
Commissioner Swindell, Vice-Chair  
Commissioner Ulrich  
Commissioner Burke  
Commissioner Jaccoma  
Commissioner Miguez  
Commissioner Phipps  
Commissioner Ramos  
Commissioner Winegeart

## **Members Excused**

Commissioner Trueba

## **Others Present:**

Thomas Campbell, Executive Director  
Marlene Stern, Board Counsel  
Clark Jennings, Pilotage Rate Review Committee Counsel  
Rebecca Hays, Prosecuting Attorney  
Anne Ahrendt, Government Analyst  
Court Reporter (Stephanie), Precision Reporting  
Warren Husband, Florida Harbor Pilots Association  
Stuart Lily, Florida Harbor Pilots Association  
Sam Stephenson, Florida Harbor Pilots Association  
Ben Borgie, Florida Harbor Pilots Association  
Steve Gasecki, Canaveral Pilots Association  
Doug Mutter, Canaveral Pilots Association  
Allen Thompson, Tampa Bay Pilots Association  
James Frudaker, Florida Docking Masters  
Randy Brook, Florida Docking Masters

## **PRESENTATION ON JAXPORT**

Captain Tim McGill of the St. Johns Bar Pilots Association introduced Captain Jeff Dixon, Captain of the Port, USCG.  
Captain Dixon presented Chair Kurtz a commemorative coin for JaxPort and recognized the St. Johns Bar Pilots Association

Brian Taylor, Chief Executive Officer, Port of Jacksonville , gave a presentation on JaxPort.

**BREAK**

Chair Kurtz asked to go out of order on the agenda to take up Item # 6.

**JOINT REQUEST TO COMBINE PORTS OF JACKSONVILLE & FERNANDINA**

A motion was made by Commissioner Phipps to adopt a rule to allow the ports of Jacksonville and Fernandina to combine. Motion was seconded by Commissioner Kurtz. Commissioner Winegeart recused himself from the vote. Motion carried.

Board Counsel Stern asked the following questions.

Would the rule change have an adverse impact on small business? A response in the negative came in the form of a motion made by Commissioner Phipps and seconded by Commissioner Swindell . Motion carried.

Would the rule change increase regulatory costs in excess of \$200,000 within one year of implementation of the rule? A response in the negative came in the form of a motion by Commissioner Jacomma and seconded by Commissioner Kurtz. Motion carried.

A motion was made by Commissioner Phipps to approve the cross licensing of Jacksonville pilot, Captain William Kavanaugh, Jr., for the port of Fernandina. Motion was seconded by Commissioner Burke . Commissioner Winegeart recused himself from the vote. Motion carried.

A motion was made by Commissioner Ramos to approve the cross licensing of Fernandina pilot, Captain Brian Seuter for the port of Jacksonville. Motion was seconded by Commissioner Jaccoma. Commissioner Winegeart recused himself from the vote. Motion carried.

**APPROVAL OF MINUTES**

Minutes July 13, 2015 Meeting of the Board

A motion was made to approve the minutes with corrections put forth by Commissioner Jaccoma. Commissioner Phipps made the motion. Motion seconded by Commissioner Ramos. Motion carried

Minutes of August 12, 2015 Teleconference Call

A motion was made to approve the minutes by Commissioner Jaccoma and seconded by Commissioner Winegeart. Motion carried.

Minutes of September 17, 2015 Teleconference Call

A motion was made to approve the minutes by Commissioner Swindell and seconded by Commissioner Miguez. Motion carried.

**REQUEST FOR DEPUTY PILOT OPENINGS – COMMANDER GALEN DUNTON**

A request was made by the Port Everglades’ Pilot Association to have an examination for at least one Deputy Pilot Opening for Port Everglades in March 2016.

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

A request was made by the Tampa Bay Pilots to have an examination for at least one Deputy Pilot Opening for the Ports of Tampa Bay in March 2016.

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

**RESIGNATION OF STATE PILOT FROM PORT OF FORT PIERCE**

Executive Director Campbell presented a letter from Captain Wetzel of Ft. Pierce Pilots surrendering his license. There is no plan to combine ports at this time and there are cross-licensed pilots available should the need for a pilot arise. No action needed by the board.

**SUNSHINE REVIEW WITH BOARD COUNSEL MARLENE STERN**

**REPORTS**

**Prosecuting Attorney’s Report – Rebecca Hays**

There is one pending disciplinary case

Six cases were closed during the Probable Cause Panel on October 1, 2015

**Board Attorney’s Report – Marlene Stern**

No Rule Report Provided.

**Deputy Pilot Advancement Committee Report-Commissioner Phipps**

Commissioner Phipps approved the July 31, 2015 and September 17, 2015

Committee Minutes as written. There are no known issues.

**Executive Director’s Report-Thomas Campbell**

Executive Director Campbell presented the financial reports as of June 20, 2015.

**ELECTION OF OFFICERS**

**Chair of the Board of Pilot Commissioners**

A motion was made by Commissioner Swindell and seconded by Commissioner

Burke to elect Commissioner Kurtz as the Chair of the Board of Pilot Commissioners.

Motion carried.

**OLD BUSINESS**

**Ratification of Legislative Committee Agenda Items**

A motion was made by Commissioner Swindell to approve the changes made to Chapter 310.151(3), Florida Statutes, Chapter 310.151(4)(1), Florida Statutes, Chapter 310.011(1), Florida Statutes and Chapter 310.151(8), Florida Statutes as discussed by the Legislative Committee at their meeting on October 1, 2015. The motion was seconded by Commissioner Winegeart. Motion carried.

**Ratification of Rule Committee Agenda Items**

A motion to ratify the decisions of the Rule Committee at their October 1, 2015 committee meeting was made by Commissioner Ulrich. Motion was seconded by Commissioner Phipps. Motion carried.

An update on the Port Everglades rate hearing was given by Executive Director Campbell.

Update on rate hearing in Port Miami

**NEW BUSINESS**

Board members now have the option to be State of Florida Employees (Other Personnel Services) or to volunteer their services. Forms need to be returned to the Board office no later than mid-November 2015.

Chair Kurtz read a letter to the Chief Financial Officer, Jeff Atwater, and to the Department's Secretary, Ken Lawson.

No public comments.

**ADJOURNMENT**