

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

**The Omphoy Ocean Resort
2842 South Ocean Boulevard
Palm Beach, FL
OCTOBER 3, 2013**

CALL TO ORDER

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

Members Present

Commissioner Fernandez, Chair
Commissioner Fox
Commissioner Kurtz
Commissioner Nielsen
Commissioner Swindell
Commissioner Ulrich
Commissioner Walters

Members Not Present

Commissioner Trueba

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Erica White, Prosecuting Attorney
Galen Dunton, Board Consultant
Dan Ramsey, Florida Docking Masters Association
Allen Thompson, Tampa Bay Pilots Association
Warren Husband, Florida Harbor Pilots Association (FHPA)
Andy Edelstein, Port Everglades Pilots Association (PEPA)
Bill Roden, Palm Beach Pilots Association (PBPA)
Stuart Lilly, FHPA
Gretchen Winters, FHPA
Reid Hansen, PBPA
Ben Borgie, FHPA
Alexandra Ramirez, Court Reporter

Chair Fernandez stated that Commissioner Trueba was excused from the meeting.

Chair Fernandez welcomed Commissioner Kurtz to the Board.

APPROVAL OF THE MINUTES OF THE MEETING

March 25, 2013

April 25, 2013

July 31, 2013

MOTION: Commissioner Swindell made a motion that the Board approve the minutes as submitted.

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

PROSECUTING ATTORNEY'S REPORT – ERICA WHITE

Ms. White informed the Board that there were eight cases set for probable cause with no others in the Office of the General Council.

REQUEST FOR DEPUTY PILOT OPENING

Key West Bar Pilots Association

Chair Fernandez stated that the Key West Bar Pilots Association requested at least one deputy from the March 2014 examination to replace a retiring pilot.

MOTION: Commissioner Ulrich made a motion that the Board approve the request from the Key West Bar Pilots Association for at least one deputy pilot from the March 2014 examination.

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

REVIEW OF DEPUTY PILOT TRAINING PROGRAM

Biscayne Bay Pilots Association

Chair Fernandez informed the Board that the Biscayne Bay Pilots Association was making some minor adjustments to keep the training in line for the deputies.

MOTION: Commissioner Ulrich made a motion that the Board approve the changes for the deputy pilot training program as requested by the Biscayne Bay Pilots Association.

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

Tampa Bay Pilots Association

Captain Thompson informed the Board that the Tampa Bay Pilots Association was making some minor changes to their training program.

MOTION: Commissioner Fox made a motion that the Board approve the changes for the deputy pilot training program as requested by the Tampa Bay Pilots Association.

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

REPORTS

Chair's Report – Commissioner Fernandez

Chair Fernandez stated that he did not have a report to give at this time.

Deputy Pilot Advancement Committee – Commissioner Fernandez Summaries of the Committee Meetings

Chair Fernandez reported that there had been five telephone conference calls and the summaries were provided for the Board's review.

Chair Fernandez informed the Board that there will be a conference call on December 23rd at 10:00 a.m. as there is a Temporary Certificate set to expire prior to the next meeting which needs to be approved for the Deputy Pilot license.

Finance Committee Report – Commissioner Fernandez

Chair Fernandez informed the Board that the year end financial report will be discussed at the January meeting.

Chair Fernandez appointed Commissioner Kurtz as Vice-Chair of the Committee.

Rules Committee Report

Chair Fernandez appointed Commissioner Ulrich as Chair of the Committee and Commissioner Walters as Vice-Chair of the Committee.

Probable Cause Panel Report – Commissioner Fernandez

Chair Fernandez stated that he did not have report to present at this time.

Pilotage Rate Review Committee – Commissioner Fernandez

Commissioner Fernandez reported that the Committee will meet on October 4, 2013.

Board Counsel's Report – Michael Flury

Mr. Flury informed the Board that there were no rules pending at this time, however, the rule regarding the gross pilotage assessment remains open.

Mr. Flury informed the Board that legislation recently passed to allow public comments at meetings. He asked the Board if they wanted to develop a rule for this, and if so, he will provide a draft generic rule for consideration at the next Board meeting.

Chair Fernandez suggested that the draft be provided for review by the Rules Committee at the January meeting.

Executive Director's Report – Robyn Barineau

Ms. Barineau informed the Board that the next meeting will be held on January 23 & 24, 2014, in Canaveral.

NEW BUSINESS

Commissioner Fox apologized for an e-mail that he sent in August to all the members. He stated that he was expressing his concerns with the statutes and other issues, however, it was not placed on the agenda as he requested. Commissioner Fox stated that he would like to place some of the issues on the agenda.

Commissioner Fox commented that the statute was 40 years old and there had not been many changes. He also expressed concerns about the minority mentoring as there are only six minority pilots. He commented that he would like to see the Board review Chapter 310, FS, for possible changes.

Chair Fernandez commented that it was a violation of the Sunshine Law if communication is made outside a noticed meeting and he cautioned everyone to be aware of that. He stated that it was the duty of the Board to approve examination candidates, handle discipline and rate matters; it was not their duty to change the statute.

Following discussion, the following action was taken.

MOTION: Commissioner Fox made a motion that the Board appoint a committee to review the statute, and to report their findings to the full Board.

SECOND: Commissioner Nielsen seconded the motion which passed with Chair Fernandez, Commissioner Ulrich, and Commissioner Kurtz voting against the motion.

Chair Fernandez asked the Board to submit materials to staff for inclusion in the agenda for the Legislative Committee. He also appointed Commissioner Swindell as Chair of the Committee.

OLD BUSINESS

Commissioner Ulrich asked for an update on the status of the Port of Pensacola. Chair Fernandez stated that Captain Cheryl Phipps and Captain Bruce Cumings from the Port Everglades Pilots Association have applied for the cross-license Deputy Pilot licenses and they are working on completing their trips.

ELECTION OF OFFICERS

Chair Fernandez stated that he would like to defer the elections until the January meeting when a full Board is present.

BOARD MEMBER TRAINING

At this time, the board member training took place.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:15 p.m.