

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

**Hilton Palm Beach Airport
150 Australian Avenue
West Palm Beach, FL 33406-1473
October 5, 2007**

CALL TO ORDER

Chair Phipps called the meeting to order at 9:00 a.m.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Bryson, Vice-Chair
Commissioner Buford
Commissioner Fernandez
Commissioner Frudaker
Commissioner Molitor

Members Not Present

Commissioner Brandenburg
Commissioner Jones

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Drew Winters, Prosecuting Attorney
Galen Dunton, Board Consultant
Jorge Viso, Florida State Pilots Association
Allen Thompson, Tampa Bay Pilots Association
Gretchen Rayborn, Florida State Pilots Association
John Atchison, St. Johns Bar Pilot Association
Chris Marlowe
Ron Christaldi, Florida State Pilots Association
Reid Hansen, Palm Beach Pilots Association

Chair Phipps informed the Board that the absences of Commissioner Brandenburg and Commissioner Jones were excused.

Chair Phipps thanked the Palm Beach Pilots Association for arranging the dinner on Thursday evening.

APPROVAL OF THE MINUTES OF THE MEETING

July 13, 2007

MOTION: Vice-Chair Bryson made a motion that the Board approve the July 13, 2007, minutes as submitted.

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

REQUEST FOR DEPUTY PILOT OPENING

St. Johns Bar Pilots Association

Chair Phipps stated that a request had been received from the St. Johns Bar Pilots Association for at least one deputy.

Captain John Atchison was present on behalf of St. Johns Bar Pilots Association. He stated that they were facing an increase in business and there were potential retirements in the future.

Following discussion, the following action was taken.

MOTION: Commissioner Fernandez made a motion that the Board approve the request for at least one deputy pilot for the St. Johns Bar Pilots Association.

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

Commissioner Phipps stated that a conference call would be scheduled for March 12, 2008. This would be the latest date that the number of openings could be requested to be increased.

PROSECUTING ATTORNEY'S REPORT – DREW WINTERS

Mr. Winters provided a copy of his report at the meeting. He stated that there were a total of 10 cases for probable cause that were heard by the panel. Of those, all were closed. Two formal hearings have been requested, and he was working with them to resolve them or send them to the Division of Administrative Hearings. One case has been assigned to the Division of Administrative Hearings, and six have been sent to consultant/expert for investigation. Mr. Winters stated that there are four year-old cases and he asked that the Board allow him to continue working these and proceed with all matters.

MOTION: Commissioner Molitor made a motion that the Board authorize Mr. Winters to continue processing the year-old cases.

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

REPORTS

Chair's Report – Commissioner Phipps

Chair Phipps did not have a report to give at this time.

Finance Committee Report – Commissioner Bryson

Vice-Chair Bryson reported that the Committee met on October 4, 2007, and determined that the gross pilotage rate should be decreased to .002%. He

stated that this change could not be in effect until January 1, 2008. Vice-Chair Bryson informed the Board that the gross pilotage rate should be changed to .1% effective January 1, 2008.

MOTION: Commissioner Buford made a motion that the Board amend Rule 61G14-19.001, Florida Administrative Code, changing the gross pilotage rate to .1% beginning January 1, 2008.

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

Vice-Chair Bryson stated that the Committee will review the first quarter financial report when it is available and make sure they are on the right track regarding the gross pilotage assessment rate.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the Committee met on October 4, 2007. He stated that Board Counsel explained the rule making process to the Committee. He reported that the Committee received a request from the Finance Committee to lower the gross pilotage assessment to .002% and then it was just changed to .1%.

MOTION: Commissioner Buford made a motion that the Board ratify the actions of the Committee and the change in the gross pilotage rate to .1% effective January 1, 2008.

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

Commissioner Frudaker asked Mr. Flury to update the rule development for future changes in the assessment rate.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the Probable Cause Panel met on October 4, 2007. They reviewed ten cases which were all closing orders. Chair Phipps reported that all ten of the cases were closed, two with letters of guidance and two with letters of commendation to two of the pilots for the extraordinary work they did to keep the damages to a minimum.

Board Counsel's Report – Michael Flury

Mr. Flury informed the Board that the hearing in the Funk matter was set for early or mid November. He will keep the Board informed regarding this matter.

Executive Director's Report – Robyn Barineau

Deputy Pilot Appointments From the March 2007 Examination

Ms. Barineau informed the Board that the information from the last examination was included in the agenda as requested.

Ms. Barineau informed the Board that she is currently working on the newsletter which should be posted on the web by the end of October or first part of November. She stated that any article suggestions would be appreciated.

Commissioner Buford questioned if Ms. Barineau had any information on the vacant position on the Board. Ms. Barineau responded that she did not have any information at this time.

Port Security – Commissioner Molitor

Commissioner Molitor stated that this information was provided for the Board to read at their leisure.

CORRESPONDENCE

Chair Phipps stated that the letter to the National Transportation Safety Board was included in the agenda. She stated that there was also a letter from Captain Leech that he is retiring.

NEW BUSINESS

Chair Phipps expressed her concern regarding the lack of membership on the Pilotage Rate Review Board. She stated that there are possibly two ports considering submitting an application for rate increases and they must have a full Board. She asked Ms. Barineau to relay their concerns to the Secretary.

Captain Jorge Viso, President of Florida State Pilots Association, informed the Board that they are also contacting the Governor's Appointments Office on this issue.

Commissioner Frudaker asked Board Counsel to give a briefing on the Sunshine Law at this meeting or the next since there were new members on the Board. Mr. Flury responded that he would do this at the next meeting.

Chair Phipps informed the Board that the next meeting was scheduled for January 17 & 18, 2008, in Panama City. She stated that future meetings were also scheduled for April 3 & 4 in Key West and July 17 & 18 in Ft. Lauderdale.

Vice-Chair Bryson stated that he would like to see if the members want to meet in Tallahassee and invite the Secretary to attend. Chair Phipps responded that she would like to see if the Secretary could attend one of their meetings at one of the ports rather than Tallahassee.

OLD BUSINESS

There was no old business to come before the Board at this time.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:30 a.m.