

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS PILOTAGE RATE REVIEW COMMITTEE

Telephone Conference Call

888.670.3525

Participant Passcode: 1628623372#

November 12, 2014, 9:00 am

Approved January 23, 2015

CALL TO ORDER

Chair Swindell called the meeting to order at 9:03 a.m.

Members Present

Commissioner Swindell, Chair

Commissioner Burke

Commissioner Fernandez

Commissioner Miguez

Commissioner Ramos

Commissioner Trueba

Commissioner Ulrich

Others Present

Dan Biggins, Executive Director

Donald Shaw, Government Analyst

Michael Flury, Board Counsel

Marlene Stern, Board Counsel

Thomas Panza, Florida Caribbean Cruise Association ("FCCA")

Donna Blanton, Biscayne Bay Pilots Association ("BBP")

George Meros, Port Everglades Pilots Association ("PEVP")

Capt. Andy Melick, BBP

Capt. Stuart Lilly, Florida Harbor Pilots Association ("FHPA")

Warren Husband, FHPA

Capt. Cheryl Phipps, PEVP

Court Reporter present

REVIEW AND DISCUSSION OF RULE 61G14-22.012, F.A.C

Mr. Flury addressed the Committee stating that on October 23, 2014, the BBP, the PEVP, and the FHPA filed a rule challenge with the Division of Administrative Hearings challenging the validity of Rule 61G14-22.012. On October 31, 2014 the FCCA filed a Motion for Leave to Intervene. Mr. Flury stated the matter was being remanded back to the Committee to consider repealing the rule.

Mr. Flury provided a brief explanation of the intent of the rule and the history behind the rule and advised the Committee that the Committee did not have the authority for the rule anymore. Mr. Flury advised the Committee that it was counsel's recommendation that the Committee repeal the rule.

Ms. Blanton stated on the record that the BBP objects to Commissioner Trueba's participation in the proceedings.

Mr. Panza stated on the record that the FCCA objects to Commissioner Fernandez' participation in the proceedings.

Ms. Blanton addressed the Board on why the BBP, PEVP, and FHPA were challenging the rule and were requesting the Committee to repeal the rule.

Mr. Panza addressed the Board on why the FCCA opposed the rule challenge and the repeal of the rule.

Motion: Commissioner Fernandez made a motion repeal the rule.

Second: Commissioner Ulrich seconded the motion.

After discussion the Committee voted as follows:

Those in favor the motion: Commissioner Fernandez, Commissioner Ramos, Commissioner Swindell, Commissioner Ulrich.

Those opposed to the motion: Commissioner Burke, Commissioner Miguez, and Commissioner Trueba.

Motion passed by 4 votes to 3.

Mr. Flury then advised the Board they would need to make a determination on whether or not repealing the rule would have a negative impact on small business or if repealing the rule would result in \$200,000 or more of additional regulatory costs over the next year.

Motion: Commissioner Trueba made a motion to postpone the vote until more information could be provided on the fiscal impact of repealing the rule.

Second: Commissioner Ramos seconded the motion.

After discussion the Committee voted as follows:

Those in favor of the motion: Commissioner Burke, Commissioner Miguez, Commissioner Ramos, Commissioner Trueba, Commissioner Swindell.

Those opposed to the motion: Commissioner Fernandez and Commissioner Ulrich.

Motion passed by 5 votes to 2.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 10:12 a.m.