

## **MINUTES OF THE MEETING**

### **RULES COMMITTEE BOARD OF PILOT COMMISSIONERS**

**Residence Inn  
8959 Astronaut Boulevard  
Cape Canaveral, FL 32920  
January 29, 2009**

#### **CALL TO ORDER**

Commissioner Frudaker, Chair of the Committee, called the meeting to order at 1:11 a.m.

#### **Members Present**

Commissioner Frudaker, Chair  
Commissioner Brandenburg  
Commissioner Bryson, Vice-Chair  
Commissioner Buford  
Commissioner Fernandez  
Commissioner Jones  
Commissioner Molitor  
Commissioner Phipps

#### **Members Not Present**

Commissioner Bohnsack

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Mike Flury, Board Counsel  
Galen Dunton, Board Consultant  
Phil Monte, Prosecuting Attorney  
Jorge Viso, Florida State Pilots Association  
Allen Thompson, Tampa Bay Pilots  
Ben Borgie, Canaveral Pilots  
Gretchen Rayborn, Florida State Pilots Association  
Joe Brown, Florida State Pilots Association  
Warren Husband, Florida State Pilots Association  
Steve Gasecki, Canaveral Pilots

#### **APPROVAL OF THE MINUTES OF THE MEETING**

**September 29, 2008**

MOTION: Commissioner Fernandez made a motion that the Committee approve the minutes as submitted.

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

### **RULES REPORT – MICHAEL FLURY**

Mr. Flury provided the Committee with a copy of his report.

Mr. Flury informed the Committee that he received three letters from the Joint Administrative Procedures Committee (JAPC) which he had made the changes referenced in the JAPC letter as they were technical changes.

### **DISCUSSION OF LETTER FROM FORT PIERCE PILOTS ASSOCIATION REGARDING RULE 61G14-15.004, FLORIDA ADMINISTRATIVE CODE, BOARDING AND DISEMBARKING**

Commissioner Frudaker stated that they had received a letter received from Captain Bill Wetzel requesting a change in Ft. Pierce. He informed the Committee that he did not have a problem with the requested change. Commander Galen Dunton agreed that there was no problem or concern in making the change.

Commissioner Frudaker commented that since the rule was going to be noticed for amendments, he had an additional issue. He stated that the sea buoy referred to in the rule regarding Port St. Joe had been taken out a number of years ago, and he would like to talk about a different position as a suggested boarding and disembarking area. Commissioner Frudaker informed the Committee that there had been another meeting regarding the port with the possibility of a startup, perhaps before the next meeting. He stated that Port St. Joe Company has agreed to let the Port St. Joe Port Authority use their bunk head temporarily, and he wanted to get the boarding area corrected as soon as possible.

Following discussion, the following action was taken.

MOTION: Commissioner Phipps made a motion that Rule 61G14-15.004 be amended as follows: (d) Fort Pierce: Pilots board and disembark off the sea buoy in the vicinity of 27° ~~28.5'~~ 28.6' N 80° ~~46.2'~~ 15.4' W.  
(l) Port St. Joe: Pilots board inbound vessels ~~about 4 two miles outside St. Joseph Bay Entrance Lighted Whistle Buoy "SJ" offshore Buoy #2~~ in the vicinity of 29° ~~52.0'~~ 51.5' N 85° ~~29.5'~~ 30.7' W. The pilot will leave outbound vessels ~~between lighted in the vicinity of Buoy #2 and St. Joseph Bay Entrance Buoy.~~ At times the Port St. Joe Pilot may not be available and vessels will be required to proceed to the Panama City pilot station to embark or disembark the pilot.

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

Mr. Flury and Ms. Barineau discussed the requirement for a Statement of Estimated Regulatory Costs (SERC) to be prepared for any rule development. Commissioner Phipps asked that a copy of the statute regarding the SERC be included in the next agenda for informational purposes. Following discussion, the following action was taken.

**MOTION:** Commissioner Bryson made a motion that the Committee determined that a SERC would not be required for this change as there would be no impact on small businesses.

**SECOND:** Commissioner Phipps seconded the motion and it passed unanimously.

### **DISCUSSION OF ADJUSTMENT OF GROSS PILOTAGE ASSESSMENT**

Commissioner Frudaker stated that a request was not made by the Finance Committee to change the assessment at this time.

### **OLD BUSINESS**

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

### **NEW BUSINESS**

There was no new business to come before the Committee at this time.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 1:37 p.m.