

**MINUTES OF THE MEETING
BOARD OF PILOT COMMISSIONERS
Biltmore Hotel
1200 Anastasia Avenue
Coral Gables, FL
September 28, 2012**

CALL TO ORDER

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

Members Present

Commissioner Fernandez, Chair
Commissioner Bryson
Commissioner Frudaker
Commissioner Sams
Commissioner Ulrich

Members Not Present

Commissioner Fox
Commissioner Smith
Commissioner Trueba
Commissioner Viso, Vice-Chair

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Erica White, Prosecuting Attorney
Galen Dunton, Board Consultant
Stuart Lilly, Florida Harbor Pilots Association (FHPA)
Ben Borgie, Canaveral Pilots Association
Allen Thompson, Tampa Bay Pilots Association
John Jacobson, Biscayne Bay Pilots Association
Steve Gasecki, Canaveral Pilots Association
Gretchen Rayborn, FHPA
Andy Edelstein, Port Everglades Pilots Association
Dan Ramsey, Florida Docking Masters
Daisy Amador, Court Reporter

Chair Fernandez excused the absences of Commissioners Fox, Smith, Trueba and Viso.

APPROVAL OF THE MINUTES OF THE MEETING

March 7, 2012

April 13, 2012

August 30, 2012

MOTION: Commissioner Bryson 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

Ms. White reported that there were no pending cases at this time.

REQUEST FOR DEPUTY PILOT

Canaveral Pilots Association

Captain Ben Borgie was present on behalf of the Canaveral Pilots Association. He informed the Board that the association was requesting at least one or more deputy pilots from the March 2013 examination to replace a pilot that is retiring.

MOTION: Commissioner Frudaker made a motion that the Board approve the request for at least one deputy pilot for the Canaveral Pilots Association from the March 2013 examination.

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

REQUEST FOR STATE PILOT EXAMINATION

Alejandro Gonzalez – Key West Bar Pilots Association

Commander Dunton informed the Board that Captain Gonzalez was in his final stage of training, which he will complete on February 11, 2013, and he has completed the requirements to take the state pilot examination. He stated that he will take the examination in January.

MOTION: Commissioner Bryson made a motion that the Board approve Alejandro Gonzalez to take the state pilot examination.

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

REPORTS

Chair's Report – Commissioner Fernandez

Chair Fernandez stated that it had been busy year with an influx of new pilots. He stated that he hoped that all of the Board members will be present at the next meeting.

Deputy Pilot Advancement Committee – Commissioner Fernandez

Summaries of the Committee meetings

January 11, 2011

March 14, 2012

May 1, 2012

June 19, 2012

August 30, 2012

Chair Fernandez stated that the summaries were provided for informational purposes.

Finance Committee Report – Commissioner Bryson

Commissioner Bryson reported that the Committee reviewed the finances of the Board and that they are in a deficit. He stated that the Committee recommended to the Rules Committee that the gross pilotage assessment be changed to nine

tenths of one percent (.009%) effective January 1, 2013. Commissioner Bryson stated that he did not think they would need the increase for more than a year, and then it could be reduced.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the Committee approved the recommendation from the Finance Committee to increase the gross pilotage assessment. The Committee also agreed that a Statement of Economic Regulatory Cost (SERC) checklist should be prepared.

Commissioner Frudaker stated that Rule 61G14-19.001, F.A.C. remains open for future development as needed.

MOTION: Commissioner Bryson made a motion that the Board approve the recommendation of the Rules Committee to increase the gross pilotage assessment to nine tenths of one percent (.009%) effective January 1, 2013.

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

MOTION: Commissioner Bryson made a motion that a SERC checklist be prepared regarding the impact the increase will have on small businesses.

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

Probable Cause Panel Report – Commissioner Fernandez

Chair Fernandez reported that the panel met on September 27, 2012, and handled eight cases and one public case. Of the cases heard, five were closed, 2 were issued letters of guidance in lieu of finding probable cause, one case probable cause was found, and one case was pulled as the Board did not have jurisdiction.

Pilotage Rate Review Committee

Approval of the April 13, 2012 Minutes of the Meeting

Mr. Flury stated that the minutes would need to be approved by the Committee and since there was not a quorum present, it would need to be continued until the next meeting.

Board Counsel's Report – Michael Flury

Mr. Flury reported that there was a change in the noticing of meetings as the printed Florida Administrative Weekly will now be a daily-published electronic publication which will be the "Florida Administrative Register." He also reported that the Pilotage Rate Review Committee rules were transferred to the Board under a Type II transfer, which means that the rules do not have to be repromulgated.

Executive Director's Report – Robyn Barineau

Ms. Barineau informed the Board of the following meeting dates:
January 17 & 18, 2013 in Atlantic Beach

September 26 & 27, 2013 in Tampa

PUBLIC COMMENTS

There were no public comments at this time.

NEW BUSINESS

Chair Fernandez stated that there would be a conference call held on October 23, 2012, at 10:00 a.m., to review the applications for the November 15, 2012 Deputy Pilot Examination. He stated there would also be a conference call held on January 4, 2013 at 10:00 a.m., to approve the issuance of Deputy Pilot Certificates.

Captain John Jacobson, Biscayne Bay Pilots Association, informed the Board that they were requesting at least one deputy pilot from the March 2013 examination. He stated that this request was to keep up with the potential growth and maintain the current number of pilots

MOTION: Commissioner Bryson made a motion that the Board approve the request for at least one deputy pilot for the Biscayne Bay Pilots Association from the March 2013 examination.

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

OLD BUSINESS

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

ELECTION OF OFFICERS

MOTION: Commissioner Bryson nominated Commissioner Fernandez as Chair.

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

MOTION: Chair Fernandez nominated Commissioner Viso as Vice-Chair.

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:21 a.m.