

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS PILOTAGE RATE REVIEW COMMITTEE

**Wyndham Bay Point Resort
4114 Jan Cooley Dr
Panama City Beach, FL 32408
850.236.6000**

January 23, 2015

Pending Approval

CALL TO ORDER

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

Members Present

Commissioner Swindell, Chair
Commissioner Burke
Commissioner Fernandez
Commissioner Miguez
Commissioner Ramos
Commissioner Trueba
Commissioner Ulrich
Commissioner Winegeart

Others Present

John MacIver, Executive Director
Dan Biggins, Executive Director
Donald Shaw, Government Analyst
Michael Flury, Board Counsel
Clark Jennings, 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. Stuart Lilly, Florida Harbor Pilots Association ("FHPA")
Warren Husband, FHPA
Capt. Stephen Gasecki, FHPA
Capt. Cheryl Phipps, PEVP
Capt. Allen Thompson, Tampa Bay Pilots Association
Capt. Benjamin Borgie, Canaveral Pilots Association
Court Reporter present

REVIEW AND APPROVAL OF MINUTES

October 21, 2014

Motion: Commissioner Burke made a motion to approve the minutes as amended.

Second: Commissioner Trueba seconded the motion.

Motion passed unanimously.

November 12, 2014

Motion: Commissioner Trueba made a motion to approve the minutes.

Second: Commissioner Burke seconded the motion.

Motion passed unanimously.

December 18, 2014

Motion: Commissioner Burke made a motion to approve the minutes as submitted.

Second: Commissioner Ramos seconded the motion.

Motion passed unanimously.

RECONSIDERATION OF RULE REPEAL

Mr. Jennings gave a brief history of Rule 61G14-22.012, Florida Administrative Code, and a brief update on where the Rule Challenge currently stands with the Division of Administrative Hearings.

After discussion, the following motion was made:

Motion: Commissioner Ulrich made a motion to repeal Rule 61G14-22.012, Florida Administrative Code.

Second: Commissioner Fernandez seconded the motion.

The following Commissioners voted for the motion: Commissioner Fernandez and Commissioner Ulrich.

The following Commissioners voted against the motion: Commissioner Burke, Commissioner Miguez, Commissioner Ramos, Commissioner Trueba, Commissioner Swindell.

Motion died.

CONSIDERATION OF MOTION TO INTERVENE – PORT EVERGLADES PILOTS ASSOCIATION

Mr. Jennings presented the motion stating that on October 17, 2014, the Port Everglades Pilots Association filed a Motion to Intervene in the application for a decrease in the rates of pilotage submitted by the Florida-Caribbean Cruise Association.

Mr. Jennings asked Mr. Panza if his client had any objection to the Committee granting the Motion to Intervene. Mr. Panza stated his client did not object.

Motion: Commissioner Miguez made a motion to grant the Motion to Intervene.
Second: Commissioner Winegeart seconded the motion.

Motion passed unanimously.

CONSIDERATION OF MOTION TO DISQUALIFY COMMISSIONERS BURKE AND MIGUEZ – PORT EVERGLADES PILOTS ASSOCIATION

Mr. Jennings presented the motion stating that on October 17, 2014, the Port Everglades Pilots Association filed a Motion to Disqualify Commissioners Burke and Miguez from the proceedings in the application for a decrease in the rates of pilotage submitted by the Florida-Caribbean Cruise Association. On January 14, 2015, the Port Everglades Pilots Association filed an amended motion.

Prior to any motions being made, Mr. Jennings asked both Commissioner Burke and Commissioner Miguez if they intended to either recuse or disqualify themselves from the proceedings.

Commissioner Burke stated he did not intend to recuse or disqualify himself from the proceedings.

Commissioner Miguez stated he did not intend to recuse or disqualify himself from the proceedings.

After discussion the following motion was made:

Motion: Commissioner Trueba made a motion to deny the Motion to Disqualify Commissioners Burke and Miguez.
Second: Commissioner Ramos seconded the motion.

The following Commissioners voted for the motion: Commissioner Burke, Commissioner Miguez, Commissioner Ramos, Commissioner Trueba, Commissioner Winegeart, Commissioner Swindell

The following Commissioner voted against the motion: Commissioner Fernandez

Motion passed by 6 votes to 1.

CONSIDERATION OF MOTION FOR STAY PENDING APPELLATE REVIEW – PORT EVERGLADES PILOTS ASSOCIATION

Mr. Jennings presented this motion stating that on January 7, 2015, the Port Everglades Pilots Association filed a Motion for Stay Pending Appellate Review, in which they sought to stay the proceedings in the application to decrease the rates of pilotage at Port Everglades pending the First District Court's consideration of whether Commissioners Burke and Miguez should be disqualified from the proceedings.

After discussion the following motion was made:

Motion: Commissioner Winegeart made a motion to grant the Motion for Stay Pending Appellate Review.

Second: Commissioner Fernandez seconded the motion.

The following Commissioners voted for the motion: Commissioner Fernandez and Commissioner Winegeart.

The following Commissioners voted against the motion: Commissioner Burke, Commissioner Miguez, Commissioner Ramos, Commissioner Trueba, Commissioner Swindell.

Motion failed by 5 votes to 2.

The Board did not grant the Motion.

OLD BUSINESS

No Old Business was discussed.

NEW BUSINESS

No New Business was discussed.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 9:49 a.m.