

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS PILOTAGE RATE REVIEW COMMITTEE Hyatt Regency Orlando International Airport 9300 Jeff Fuqua Boulevard Orlando, FL April 13, 2012

CALL TO ORDER

Chair Viso called the meeting to order at 12:53 p.m.

Members Present

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

Members Not Present

Commissioner Clemente

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Clark Jennings, Board Counsel
Eric Bryson, Board of Pilot Commissioners (BOPC)
Richard Frudaker, BOPC
David Ulrich, BOPC
Warren Husband, Florida Harbor Pilots Association (FHPA)
Tiffany Backman
Dan Ramsey, Florida Docking Masters
Kenneth Roberts, ACL/Indian River Terminal
Reid Hansen, Palm Beach Pilots Association
Stephen Gasecki, FHPA
Ben Borgie, FHPA
Bill Wetzal, Ft. Pierce Pilots Association
Joseph Sachs, CPA
Brian Seuter, Cumberland Sound Pilots Association
Stuart Lilly, FHPA
Margaret Mathews
Tim Dennis
Tom Barnhart
Evelyn Andrews, Court Reporter

REVIEW OF THE RECOMMENDED ORDER FOR ACL BAHAMAS LIMITED AND INDIAN RIVER TERMINAL, INC. VS. DEPARTMENT OF BUSINESS AND

**PROFESSIONAL REGULATION, PILOTAGE RATE REVIEW COMMITTEE,
DOAH CASE NO. 10/2335**

Mr. Jennings presented the facts in the case and stated that no exceptions were filed by either party.

Mr. Tim Dennis, former Board Counsel to the Committee, was also present. He stated that the Recommended Order was a result of a rate application filed by the Ft. Pierce Pilots Association in 2009. Mr. Dennis stated that the recommendation was that the Committee adopt the Recommended Order as presented and issue a Final Order that affirms the rate request sought by the Ft. Pierce Pilots Association.

Following discussion, the following action was taken.

MOTION: Commissioner Fernandez made a motion that the Committee adopt the Recommended Order of the Administrative Law Judge.

SECOND: Chair Viso seconded the motion which passed with Vice-Chair Sams voting against the motion.

MOTION: Commissioner Fernandez made a motion that the escrow account be released to the Ft. Pierce Pilots Association.

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

**DISCUSSION OF THE JOINT ADMINISTRATIVE PROCEDURES COMMITTEE
RULE MAKING AUTHORITY ISSUE**

Mr. Jennings stated that when the transfer was made for the Committee to come under the Board of Pilot Commissioners, the rules were not transferred. He stated that this issue has been resolved with a Type Two transfer effective October 1. Mr. Jennings stated that with the Committee's permission he would send a letter to the Department of State, with a copy to the Joint Administrative Procedures Committee, to notify them that the existing rules are to be transferred to the Board.

Chair Viso directed Mr. Jennings to proceed with the letters.

PUBLIC COMMENTS

There were no public comments 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 1:35 p.m.