

# **MINUTES OF THE MEETING**

## **BOARD OF PILOT COMMISSIONERS PILOTAGE RATE REVIEW COMMITTEE**

**Telephone Conference Call**

**888.670.3525**

**Participant Passcode: 1628623372#**

**December 18, 2014, 9:00 am**

**Approved January 23, 2015**

### **CALL TO ORDER**

Chair Swindell called the meeting to order at 9:32 a.m.

### **Members Present**

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

### **Others Present**

John MacIver, Executive Director  
Donald Shaw, Government Analyst  
Michael Flury, Board Counsel  
Marlene Stern, Board Counsel  
Clark Jennings, Board Counsel  
Thomas Panza, Florida Caribbean Cruise Association ("FCCA")  
Greg McDermott, FCCA  
Donna Blanton, Biscayne Bay Pilots Association ("BBP")  
Capt. Andy Melick, BBP  
Bob Peltz, BBP  
Capt. Stuart Lilly, Florida Harbor Pilots Association ("FHPA")  
Warren Husband, FHPA  
Capt. Jay Winegeart, St. Johns Bar Pilots Association  
Court Reporter present

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

Mr. Flury addressed the Committee stating that on November 18, 2014, the Committee voted to repeal rule 61G14-22.012, Florida Administrative Code. Mr. Jennings then indicated that the Committee had withheld their vote on whether or

not a Statement of Estimated Regulatory Cost (“SERC”) was required, as it could not be determined if repealing the rule would result in additional regulatory costs exceeding \$200,000. Mr. Jennings informed the Committee that staff had provided them with the SERC checklist indicating that repeal of the rule would not result in increased regulatory costs to small businesses.

Mr. Jennings informed the Committee that a rule challenge was currently pending with DOAH and was being held in abeyance until the Committee considered repealing the rule. Mr. Jennings informed the Committee that staff was to provide DOAH with a written update on the Committee’s actions which was due later that day.

**Motion:** Commissioner Ramos made a motion to reconsider the vote to repeal the rule which took place on November 12, 2014, and to vote again on rule repeal at a later date.

**Second:** Commissioner Burke seconded the motion.

After discussion the Committee voted as follows:

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

Those opposed to the motion: Commissioner Fernandez, Commissioner Swindell, Commissioner Ulrich.

Motion passed by 4 votes to 3.

After the vote, Mr. Jennings polled the Board on the next date the Committee could convene to vote on repealing the rule. A poll was conducted and it was determined that the next available time the Committee could consider this issue was at the meeting in January in Panama City. Ms. Blanton indicated that she would proceed with her rule challenge at DOAH immediately.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 10:19 a.m.