

MINUTES OF THE MEETING

RULES COMMITTEE BOARD OF PILOT COMMISSIONERS Hampton Inn & Suites 19 South Second Street Fernandina Beach, Florida 32034 January 22, 2007 - 1:00 p.m.

CALL TO ORDER

Commissioner Phipps, Chair of the Rules Committee, called the meeting to order at 1:28 p.m.

Members Present

Commissioner Phipps, Chair
Commissioner Frudaker, Vice-Chair
Commissioner Bryson
Commissioner Buffington
Commissioner Buford
Commissioner Fernandez
Commissioner Hiers
Commissioner Molitor
Commissioner Robas

Members Not Present

Commissioner Sweeney

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Mary Ellen Clark, Board Counsel
Drew Winters, Prosecuting Attorney
Galen Dunton, Board Consultant
Gretchen Rayborn, Florida State Pilots Association
Allen Thompson, Tampa Bay Pilots Association
Brian Seuter, Cumberland Sound Pilots Association
Joe Brown, Florida State Pilots Association
David de la Parte, Florida State Pilots Association

Commissioner Phipps informed the Committee that Commissioner Sweeney was excused from the meeting.

APPROVAL OF THE MINUTES OF THE MEETING September 28, 2006

MOTION: Commissioner Bryson made a motion that the Committee approve the September 28, 2006, minutes as submitted.

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

RULES REPORT

Ms. Clark informed the Committee that the Rules Report was included in the agenda, and she discussed the rule changes.

Discussion of Adjustment of Gross Pilotage Assessment

Commissioner Phipps stated that the Committee did not receive a request from the Finance Committee to adjust the gross pilotage assessment.

NEW BUSINESS

Ms. Clark informed the Committee that a matter was brought to her attention last Friday, January 19, regarding a letter from an attorney demanding that a certificate be issued or reissued for a deputy pilot that had been terminated from his place of employment. She reviewed Section 310.071(3), Florida Statutes, and read the rule to the Committee. The letter to the Board, which will be heard at the next Board meeting, states that they want the department to review the termination, and they make the demand that the department issue the permanent certificate. Ms. Clark stated that they will look for the Board's evaluation of the deputy pilot and made a recommendation to the department regarding the temporary certificate. She stated that she believed that at this time, that has not happened. Ms. Clark explained the procedures that must be followed.

Ms. Clark informed the Committee that Rule 61G14-11.007, Florida Administrative Code, deals with deputy certificates and read the rule to the Committee. She stated that this rule does not address the possibility that someone will not receive a favorable recommendation and leaves an association to believe that if this is the case, then that is the end of the matter. She stated that puts the Board in the position under Chapter 310, Florida Statutes, to thoroughly evaluate and make a recommendation to the department regarding the deputy pilot.

Ms. Clark stated that during the full Board meeting she will make a recommendation that the deputy pilot who has not been recommended to advance and who is no longer employed by those who were training him, be given an evaluation before the Board prior to the end of February. She stated that she had no reason to believe that the deputy was not properly terminated, but the way the statute is written, the inquiry into that termination extends beyond the group with whom he had a direct employment contract to the Board that has the statutory duty to thoroughly evaluate and make recommendations to the department.

Commissioner Buford stated that the Board has jurisdiction over pilots and pilot licenses, however, they have no control over the associations.

Following discussion, Commissioner Bryson questioned if the individual had been advanced at all. Commissioner Phipps responded that they had not advanced him, and he did have his federal license at that time.

Commissioner Buffington asked that since this is an issue that was not on the agenda, if they could talk about a prior case on Andrew Efthimiadis since they had already addressed that and took a position.

Following discussion, Ms. Clark stated that the Board has an approved deputy training program and there is a good evaluation process laid out. She stated that the weakness is the need to clarify if the recommendation is favorable or not, and how to proceed.

MOTION: Commissioner Frudaker made a motion that Ms. Clark prepare language to modify Rule 61G14-11.007, Florida Administrative Code, and that the rule be noticed for development that would clarify the recommendations for a favorable or unfavorable advancement.

SECOND: Commissioner Buffington seconded the motion which passed unanimously following discussion.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:23 p.m.