

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, Probable Cause Panel and General Business Meetings
Meeting Date: Thursday, April 7, 2005 and Friday, April 8, 2005
Meeting Location: Hampton Inn & Suites
19 South Second Street
Fernandina Beach, Florida 32034

Attendees:

Commissioner Victoria Robas, Chair
Commissioner J. Michael Buffington
Commissioner Rivers H. Buford, Jr.
Commissioner Richard Frudaker
Commissioner John M. Hiers
Commissioner Earl McMillin
Commissioner Donald N. Molitor
Commissioner Eugene F. Sweeney
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Drew Winters, Assistant General Counsel, DBPR
Ed Tellechea, Assistant Attorney General, Department of Legal Affairs (DLA)
Mary Ellen Clark, Assistant Attorney General, DLA
Galen W. Dunton, Consultant
David de la Parte, Counsel for Florida State Pilots Association (FSPA)
Jorge J. Viso, President, FSPA
Gretchen Rayborn, Executive Director, FSPA
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
Joseph J. Brown, President, St. Johns Bar Pilot Association (SJBPA)
Barrie Snyder, SJBPA
John Jacobson, Biscayne Bay Pilots Association
Jim Fuller, St. Andrews Bay Pilots Association
Brian Seuter, Cumberland Sound Pilots Association
James Frudaker, Florida Docking Masters Association
Tom Craighead
Ann Robas

II. Major Issues/Actions

- Commissioner Robas excused Commissioner Phipps' absence and explained Commissioner Leech's departure from the Board of Pilot Commissioners
- Mr. Ed Tellechea, Assistant Attorney General, informed the Board that he would no longer be serving as their Board Counsel because of workload issues, and he

introduced the new Assistant Attorney General assigned to the Board of Pilot Commissioners, Ms. Mary Ellen Clark

- Commissioner Buffington expressed his appreciation for the assistance received from the Department regarding the Board's Financial Statements; Commissioner Buffington explained the methodology used in the Financial Statement compilation and indicated that the expense and revenue figures outlined in the Financial Statements are in line with the same period from the 2003-2004 fiscal year
- Commander Galen Dunton informed the Board that he does not foresee any further developments that will cause the Testing and Continuing Education expense to escalate
- Mr. Tellechea explained the proposed amendment to Rule 61G14-20.001, Florida Administrative Code; Mr. Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association, informed the Board that there is currently a United States Coast Guard (USCG) drug testing requirement and these changes would allow licensees the opportunity to submit their USCG drug testing documentation to the Board for consideration as their annual drug test; the Board agreed to the language as provided in the agenda with the following adjustments:
 - line 22, page 24, shall read: "met one of the Coast Guard drug testing requirements for"
 - line 7, page 25, shall read: "substances regulated under Chapter 893, Florida Statutes, or"
- Commissioner Frudaker mentioned the email from Captain David Leech regarding section 310.071(2), Florida Statutes, and rule 61G14-11.002(2)(g), Florida Administrative Code (F.A.C.); Captain Jorge J. Viso, President, Florida State Pilots Association, mentioned that he believed this issue was brought forward by Captain Leech because of an application brought before the Board wherein an applicant had previous experience for consideration from the Washington State Ferry and whether or not this experience could be considered; Captain Viso informed the Board that he researched this issue on the Internet and that the Washington State Ferry is not a licensing agency; the Board agreed to adjust rule 61G14-11.002(2)(g), F.A.C., as follows and notice this rule for development:
 - "...service as an unlimited First Class Pilot in a deep water U.S. port will be accepted on a day for day basis towards the service required with credit being given for each day upon which the applicant provided pilot service to a vessel which legally required such service and such service was provided under the authority of and licensed by a duly constituted governmental regulatory authority."
- There was no recommendation for adjustment of the gross pilotage rate
- The board unanimously approved the Settlement Stipulation in the case Andrew Byron Efthimiadis vs. Board of Pilot Commissioners
- The Probable Cause Panel found no probable cause in one case; requested further investigation of one case; and closed 21 cases with no finding of probable cause
- The board unanimously approved the request from the Port of Tampa for a declaration of at least two openings for Deputy Pilots for a September examination
- The board unanimously approved the request from the Palm Beach Harbor Pilots' Association to approve Captain Bruce Cumings for examination for cross licensure for the Port of Fort Pierce
- The board unanimously approved the examination application of Mr. Peter R. Whiting

- The board unanimously approved the 2005 updated guidelines and practices as submitted by the Biscayne Bay Pilots Association as included in the agenda with one amendment as presented by Captain John Jacobson:

-page 53 –

“Port of Miami Channel Transit Draft Guidelines

Container Berth Bay 127 to 132

Vessels will be limited to drafts of 34 feet at MLW plus 100% of the height of tide at the time of transit.”

- Mr. Drew Winters, Assistant General Counsel, reported there are currently 42 Pilot cases in Legal
- Commissioner Robas thanked Captain Seuter and the Cumberland Sound Pilots Association for the reception
- Commissioner Robas informed the Board that she had spoken with Deputy Director Jerry Wilson regarding the Board’s agreement to increase the hourly rate for Commander Dunton’s contract from \$50 per hour to \$70 per hour; she explained that the Department is given one allotment from which all consultant contracts must be paid and even though the Board agreed to increase Commander Dunton’s hourly rate, the Board must stay within their appropriation; Commissioner Robas cautioned that all review requests should come through the Board Office to ensure that only those true consultant review matters are sent to Commander Dunton and those matters which can be addressed by the Board Office are done so appropriately
- Commissioner Buffington asked that the Department consider raising Commander Dunton’s contract fee cap by \$10,000 because one major marine casualty could cause his contract to cap out immediately; Commander Dunton says this matter could be evaluated after the end of the 2005-2006 fiscal year, and Commissioner Robas added that should the need arise to increase Commander Dunton’s contract cap, this matter could be addressed with the Department
- Commissioner Buford suggested the Board consider utilizing a former Board member, active Pilot, to assist on the Probable Cause Panel
- Commissioner Sweeney suggested the Board meet in the following ports/areas over the next several meetings: Pensacola, Port Everglades, Palm Beach and Miami
- Commissioner Molitor mentioned that the port security information contained in the agenda was included for informational purposes
- Commissioner Robas mentioned the letters included in the agenda addressed to Secretary Carr and Ms. M. Catherine Lannon commending Commander Dunton and Mr. Tellechea and their excellent service to the Board
- Commissioner Robas mentioned the letter included in the agenda addressed to Secretary Carr regarding the Central Intake Unit and Secretary’s Carr’s response which was also included in the agenda
- Commissioner Buffington mentioned the comparison material included in the agenda regarding port gross revenue receipts, assessment fees, and the number of handlings per port
- Commissioner McMillin distributed an extensive report on simulator facilities and indicated that 10 of 17 Florida ports are all simulated and that the cost per day for these facilities ranges from \$2,000 per day to \$3,800 per day
- Commissioner Robas asked Commander Dunton and Mr. Winters to further review using simulator facilities in disciplinary cases
- Ms. Elise Rice, Government Analyst, reported that all pilots have submitted copies of their USCG licenses, and she is maintaining a spreadsheet with this information which was included in the agenda

- The Board unanimously approved Ms. Robyn Barineau as Executive Director of the Board of Pilot Commissioners
- Commissioner Robas and Commissioner Phipps were unanimously elected Chair and Vice Chair, respectively, of the Board of Pilot Commissioners

III. Legislation/Rule Promulgation

- Ms. Clark will proceed with filing rule 61G14-20.001, F.A.C., as amended by the Board
- Ms. Clark will notice for rule development rule 61G14-11.002(2)(g), F.A.C., as discussed by the Board

IV. Action Required

- Commander Dunton and Mr. Winters will research utilizing simulator facilities in disciplinary matters
- Commander Buffington asked Ms. Barineau to research whether or not legislation was proposed to dissolve trust funds as reported in the newspaper and report her findings at the next Board meeting
- Ms. Rice will notify all interested parties of the Port of Tampa's declaration of at least two Deputy Pilot openings and post this information on the Board's website

Robyn Barineau
Executive Director
April 13, 2005