

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, July 14, 2005 and Friday, July 15, 2005
Meeting Location: Hyatt Regency Pier Sixty-Six Hotel
2301 S.E. 17th Street
Ft. Lauderdale, Florida 33316

Attendees:

Commissioner Victoria Robas, Chair
Commissioner Cheryl Phipps, Vice Chair
Commissioner Eric Bryson
Commissioner J. Michael "Mike" Buffington
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner John M. Hiers
Commissioner Donald "Don" N. Molitor
Commissioner Eugene "Gene" F. Sweeney
Robyn Barineau, Executive Director, Department of Business and Professional
Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Drew Winters, Assistant General Counsel, DBPR
Mary Ellen Clark, Assistant Attorney General, Department of Legal Affairs (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
Margaret Mathews, Attorney for Captain Brian Tahaney
Timothy Shusta, Attorney for Captain Richard Heston
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
Reid Hansen, Palm Beach Pilots Association
Charlie Hand, Biscayne Bay Pilots Association
Bob Flint, Port Operations, Port Everglades
David Ulrich

II. Major Issues/Actions

- Chair Victoria Robas excused Commissioner Rick Frudaker's absence from the board meeting
- Chair Robas introduced Commissioner Eric Bryson and Commissioner John Fernandez and welcomed them to the Board of Pilot Commissioners
- Commissioner Mike 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; he indicated that the board's net assets should be neutral or slightly higher than anticipated at year end; Commissioner Buffington provided the board with a proposed five year budget for the Board of Pilot Commissioners

- The board agreed to decrease the gross pilotage assessment effective October 1, 2005, from one percent to 6/10 of one percent, thus amending rule 61G14-19.001, Florida Administrative Code to reflect the gross pilotage assessment change
- The board agreed to amend rule 61G14-11.002(2)(g), Florida Administrative Code, to read:
 - “...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 a the duly constituted governmental regulatory entity under which the applicant was licensed.”
- Ms. Mary Ellen Clark, Assistant Attorney General, informed the board that the Joint Administrative Procedures Committee (JAPC) objected to their recent amendments to rule 61G14-20.001, Florida Administrative Code, but she spoke with Ms. Suzanne Printy of the JAPC and worked through Ms. Printy's objections
- The board agreed to discuss at their next board meeting rule 61G14-12.003, Florida Administrative Code, which will create an exemption from licensure renewal for spouses of members of armed forces; this rule was tabled in September 2004
- Ms. Clark informed the board that Mr. Bill Harold is the new attorney handling Board of Pilot Commissioner rules to be reviewed by the JAPC
- The board approved the Settlement Stipulations in the matters against Captain Brian Tahaney and Captain Richard Heston
- The board approved the requests to sit for the September 2005 state pilot examination for the following individuals:
 - Benjamin Borgie – Canaveral Pilots Association
 - Dean Grant – Port Everglades Pilots Association
 - Mark Schmitt – Biscayne Bay Pilots Association
- The board approved the following exam applicants to sit for the September 2005 deputy pilot examination for the Port of Tampa:
 - Travis Bacon
 - Paul Derboven
 - Michael Funk
 - Peter Glynn
 - John Humphreys
 - William Kavanaugh, Jr.
 - Joseph Lachnicht
 - Michael Manion
 - Narayan Mons
 - Igor Nechepurenko
 - William Payne
 - Caleb Rallis
 - Donald Sacca
 - Stephen Sottak
 - Charles Zenter
 - Miriam Coddington
 - John Dos Santos
 - Cyril Gittens
 - Kevin Griffin
 - Garrett Johnson
 - Kris Kubiak
 - Gregg MacLaren
 - Philip Matteo
 - Scott Moser
 - Thomas McCarthy
 - Martin Poole
 - Robert Ripley
 - Johnathan Samuell
 - Gene Tarzetti

- The board denied the following exam applicants to sit for the September 2005 deputy pilot examination for the Port of Tampa as they have not met the burden of proof that they have achieved the required sea time experience:
 - Steven Parrish
 - Leland Thorn
- Mr. Bob Flint of Port Operations from Port Everglades gave an extensive overview of the Port Everglades facility; he indicated that the port was established in the late 1920's and has continued to grow dramatically; he added that the port has a large container and petroleum business and that the port accommodated over four million cruise passengers last fiscal year; Mr. Flint indicated that the cost to operate the port for the current fiscal year will be in excess of \$18 million
- The Probable Cause Panel found probable cause in two cases and closed eight cases with no finding of probable cause
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 25 pilot cases in the legal department
- Chair Robas mentioned the letter from Deputy Secretary Andy Edwards dated July 5, 2005, regarding budget input for the current fiscal year and the following fiscal year
- Ms. Robyn Barineau, Executive Director, informed the board that she was not aware of any discussion regarding the dissolution of trust funds
- Ms. Barineau informed the board that preliminary grades from the March 2005 deputy pilot examination were released in June and final grades should be released in early August
- Ms. Barineau advised the board that she, Elise Rice, Ed Tellechea and Mary Ellen Clark met with several representatives from the Puerto Rican Pilot delegation in May and spent approximately two hours with them detailing the Florida application, examination, licensure and regulation processes; the delegation was impressed by the Florida licensure and regulation model and indicated their current licensure and regulation scheme is primarily based on the Florida model
- The board asked that they be notified of the top five examination candidates each time an examination is administered
- Ms. Barineau briefed the two new members on travel arrangements and reimbursements
- Chair Robas asked members to submit reimbursements for travel as soon after a board meeting is possible
- Commissioner Sweeney suggested the Board meet in the following ports/areas over the next several meetings: Pensacola, Palm Beach, Miami, Key West and Tallahassee; the board agreed to attempt to secure a meeting site in Key West for the next board meeting and if Key West is not available, to secure a meeting site in Palm Beach
- Commissioner Molitor mentioned that the port security information contained in the agenda was included for informational purposes

III. Legislation/Rule Promulgation

- Ms. Clark will proceed with filing rules 61G14-11.002(2)(g), and 61G14-19.001, F.A.C., as amended by the Board
- Ms. Clark will proceed with filing rule 61G14-20.001, Florida Administrative Code

- The board will discuss at their next board meeting rule 61G14-12.003, Florida Administrative Code, which will create an exemption from licensure renewal for spouses of members of armed forces; this rule was tabled in September 2004

IV. Action Required

- The board asked Ms. Barineau to research the board's input on the development of the five year budget as in previous fiscal years; Commissioner Buffington asked that a copy of the board's five year budget as developed by the department be provided to all members of the Finance Committee
- The board asked Ms. Barineau to research how they are billed for the contract with the Division of Administrative Hearings

Robyn Barineau
Executive Director
July 19, 2005