

MINUTES OF THE MEETING
RULES COMMITTEE
BOARD OF PILOT COMMISSIONERS
Sheraton Suites
2001 South Roosevelt Boulevard
Key West, FL 33040
April 3, 2008

CALL TO ORDER

Commissioner Frudaker, Chair of the Rules Committee, called the meeting to order at 1:09 p.m.

Members Present

Commissioner Frudaker, Chair
Commissioner Bohnsack
Commissioner Brandenburg
Commissioner Buford
Commissioner Fernandez
Commissioner Jones
Commissioner Molitor
Commissioner Phipps

Members Not Present

Commissioner Bryson, Vice-Chair

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Drew Winters, Prosecuting Attorney
Michael Flury, Board Counsel
Galen Dunton, Board Consultant
Joe Brown, Florida State Pilots Association
Allen Thompson, Tampa Bay Pilots Association

APPROVAL OF THE MINUTES OF THE MEETING

January 17, 2008

MOTION: Commissioner Fernandez made a motion that the Committee approve the January 17, 2008, minutes as submitted.

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

RULES REPORT – MICHAEL FLURY

Mr. Flury informed the Committee that Rule 61G14-11.002(1), Florida Administrative Code, which referred to Section 310.075, Florida Statutes, rather

than Section 310.071, Florida Statutes, was being amended with a technical change.

Overview of the Sunshine and Ethics Laws

Mr. Flury gave a brief overview of the Sunshine and Ethics Laws for the members. He informed the Board that e-mails could be sent to board staff, and they can disseminate them at the next board meeting. He also reminded everyone that e-mails are public record.

Mr. Flury cautioned the members regarding carrying on discussions during meetings as the entire meeting has to be recorded. He stated that if they had concerns to please speak with him.

DISCUSSION OF ADJUSTMENT OF GROSS PILOTAGE ASSESSMENT

MOITON: Commissioner Buford made a motion that based on the recommendation from the Finance Committee, that this Committee recommend to full Board that the gross pilotage assessment be changed to 0.8% effective July 1, 2008.

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

Commissioner Frudaker stated that Commissioner Bryson had submitted information regarding Rule 61G14-11.007, Florida Administrative Code. Mr. Flury informed the Committee that this could be noticed for discussion at the next meeting.

MOTION: Commissioner Fernandez made a motion that Board Counsel notice Rule 61G14-11.007, Florida Administrative Code, for rule development at the next meeting.

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

Captain Joe Brown, President, Florida State Pilots Association, stated that this was necessary as the rules were all geared for promoting a deputy, however, there was no way to eliminate a deputy in the process. He stated that they preferred that this be in the rules and not in Chapter 310, Florida Statutes. He stated that currently if a port has a deputy that is not working out, they have to keep them for a year as there is not a way to remove the certificate prior to one year.

Captain Allen Thompson, Tampa Bay Pilots Association, asked that the Committee look at the procedures and protocol from the perspective of an association as it is not clear how to bring the issue before the Board if there is concern regarding a deputy.

In discussion, Commissioner Frudaker recommended that everyone read and study the statutes and rules for discussion at the next meeting.

Mr. Winters commented that from the Department's standpoint the certificate is valid for one year. It would fall under the disciplinary process if action had to be taken prior to the one year expiration date.

Following discussion, Commissioner Frudaker stated that this would be discussed further at the next meeting.

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 at this time, the meeting was adjourned at 1:54 p.m.