

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 3, 2008, and Friday, April 4, 2008
Meeting Location: Sheraton Suites
2001 South Roosevelt Boulevard
Key West, Florida 33040

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Frances "Fran" Bohnsack
Commissioner Harold "Hap" Brandenburg
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner Jeffrey Jones
Commissioner Donald "Don" N. Molitor
Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Elise Rice, Government Analyst, Department of Business and Professional Regulation
Drew Winters, Assistant General Counsel, Department of Business and Professional Regulation
Michael Flury, Assistant Attorney General, Department of Legal Affairs
Galen W. Dunton, Consultant
Warren Husband, Counsel for Florida State Pilots Association
Joe Brown, President, Florida State Pilots Association
Gretchen Rayborn, Executive Liaison, Florida State Pilots Association
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
Mike McGraw, Key West Pilots Association
Dan Ramsey, Florida Docking Masters

II. Major Issues/Actions

- Chair Cheryl Phipps excused Vice Chair Eric Bryson from the board meeting as he is currently recuperating from heel-reconstruction surgery.
- Commissioner Don Molitor mentioned the financial report for the quarter ending December 31, 2007, and Vice Chair Bryson's budgetary handout included in the agenda. Ms. Robyn Barineau, Executive Director, informed

- the board that she spoke with Vice Chair Bryson who indicated that the gross pilotage assessment should be increased to 8/10 of one percent effective July 1, 2008, and the board agreed to this change.
- Mr. Michael Flury, Assistant Attorney General, advised the board that the technical error in Rule 61G14-11.002(1), Florida Administrative Code, Qualifications of Applicants for a Certificate as a Deputy Pilot, which currently makes reference to Section 310.075, Florida Statutes, and should refer to Section 310.071, Florida Statutes, is being amended.
 - Mr. Flury informed the board that Rule 61G14-19.001, Florida Administrative Code, Percentage of Gross Pilotage Assessed, has been noticed for rule development should the board want to make changes to the gross pilotage assessment rate at the next meeting.
 - Mr. Flury gave a brief overview of the Sunshine and Ethics Laws to the board members. He reminded all members that issues that could potentially come before the board should not be discussed at any social gatherings. He added that emails or written correspondence should be sent to board staff for distribution to all board members. Mr. Flury cautioned board members about leaning over to speak with other members during a board meeting when other discussions are taking place during a meeting. He asked all members to err on the side of caution and informed them of the consequences for violations.
 - The board agreed to discuss Rule 61G14-11.007, Florida Administrative Code, Documents Issued, at the next meeting to possibly address the evaluation process for Deputy Pilots during their training period.
 - Mr. Drew Winters, Assistant General Counsel, reported there are currently 15 pilot cases in the legal department. The board agreed to allow Mr. Winters to continue handling the two year-old pilot cases in the legal department.
 - Based on former Secretary Holly Benson's challenge for the board to explore the possibility of finding ways to streamline the entire licensure process, the board asked its consultant, Commander Galen Dunton, to provide them with an overview and timeline of the examination process for Deputy Pilots. After his presentation, Commander Dunton suggested the possibility of the board considering a simulator practicum exercise to see how candidates would react in dynamic situations. He added that this requirement would be costly and may require a statutory change. Florida State Pilots Association President (FSPA), Captain Joe Brown, suggested the Rules and Legislation Committee consider this suggestion at the July board meeting. Captain Brown will submit related information on behalf of the FSPA for discussion at the next meeting.
 - Chair Phipps suggested that the board be prepared with any suggested amendments to their practice act (Chapter 310, Florida Statutes) should it ever be opened for any reason in the future.
 - Chair Phipps mentioned the request by the National Transportation Safety Board (NTSB) to send a board member to participate in an upcoming panel hearing related to the NTSB's investigation into the accident in which the M/V Cosco Busan spilled fuel oil after striking the San Francisco-Oakland Bay Bridge. The board authorized sending Chair Phipps and Commander Dunton

to represent the Florida Board of Pilot Commissioners in this matter. The board also suggested sending legal representatives, if practicable. Chair Phipps will report the outcome of the panel hearing at the next board meeting.

- Captain Brown distributed a commendation letter from the Public Service Commission honoring Captain Chris Mons for his exceptional heroism while rescuing two individuals from the cold St. John's River on January 6, 2008.
- The board asked staff to send a letter to the United States Coast Guard regarding the heroic efforts of those individuals who assisted in rescuing Captain Frank Knowles from the waters off the St. Andrews Pass.
- The Probable Cause Panel closed five cases with no finding of probable cause and requested the issuance of one letter of guidance in lieu of finding probable cause.
- Ms. Barineau requested that all travel reimbursements be submitted as soon as possible as the fiscal year ends June 30, 2008, and to avoid certifying forward any current outstanding travel expenses in the next fiscal year.
- Ms. Barineau mentioned that the preliminary grades for the March 2008 Deputy Pilot exam have been released. She will keep the board apprised of the date of the release of the final grades and the Secretary's selection process.
- Ms. Barineau informed the board that former Secretary Benson moved to the Agency for Healthcare Administration right after the last board meeting. She added that the Mr. Charles "Chuck" Drago is the Interim Secretary for the Department of Business and Professional Regulation.
- Ms. Barineau reminded the board of the following meeting dates and locations:
 - Thursday, July 17, and Friday, July 18, 2008 – Ft. Lauderdale
 - Monday, September 29, and Tuesday, September 30, 2008 – Jacksonville
- The board approved the transit guidelines submitted by the Ft. Pierce Pilots Association.
- The board unanimously re-elected Captain Cheryl Phipps and Captain Eric Bryson as Chair and Vice Chair, respectively, of the Board of Pilot Commissioners.

III. Legislation/Rule Promulgation

- The Rules and Legislative Committee will discuss the issue of adding a simulator exercise as a practicum for all Deputy Pilot candidates.
- Mr. Flury will notice for development Rule 61G14-11.007, Florida Administrative Code, Documents Issued, for discussion at the next meeting to possibly address the evaluation process for Deputy Pilots during their training period.

IV. Action Required

- FSPA will submit information for discussion relating to a simulator exercise as a practicum for Deputy Pilot candidates at the next meeting.
- Chair Phipps will provide the board with information from the NTSB panel hearing at the next meeting.
- Staff will prepare a letter to the United States Coast Guard regarding the heroic efforts of those individuals who assisted in rescuing Captain Frank Knowles from the waters off the St. Andrews Pass.

Robyn Barineau
Executive Director
April 9, 2008