

MINUTES OF THE MEETING
BOARD OF PILOT COMMISSIONERS
Sheraton Suites
2001 South Roosevelt Boulevard
Key West, FL 33040

CALL TO ORDER

Chair Phipps, called the meeting to order at 9:00 a.m.

Members Present

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

Members Not Present

Commissioner Bryson, Vice-Chair

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Drew Winters, Prosecuting Attorney
Galen Dunton, Board Consultant
Dan Ramsey, Docking Masters
Joe Brown, Florida State Pilots Association
Warren Husband, Florida State Pilots Association
Gretchen Rayborn, Florida State Pilots Association
Mike McGraw, Key West Pilots Association
Allen Thompson, Tampa Bay Pilots Association

Chair Phipps excused Commissioner Bryson's absence.

APPROVAL OF THE MINUTES OF THE MEETING

January 18, 2008

MOTION: Commissioner Molitor made a motion that the Board approve the minutes as submitted.

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

February 28, 2008, Conference Call

MOTION: Commissioner Jones made a motion that the Board approve the minutes as submitted.

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

PROSECUTING ATTORNEY'S REPORT – DREW WINTERS

Mr. Winters informed the Board that six cases were closed with a finding of no probable cause, five were with the consultant/expert and there were two formal hearings requested. He stated that the pretrial preparation had been completed for the formal hearings and he will stagger them so they are not heard at same time. Mr. Winters informed the Board that the two formal hearing cases were over a year old.

MOTION: Commissioner Frudaker made a motion that the Board authorize Mr. Winters to proceed with the year old cases.

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

EXAMINATION PROCESS – GALEN DUNTON

Commander Dunton stated that the Board asked him to provide this information at the last meeting. He provided the Board with a Memorandum that shows the examination process and informed the Board that they were a week ahead of schedule with the exam results from the March 2008 examination. He stated that they may review the challenges earlier than projected. Commander Dunton stated that this was the basic timeframe, the number of challenges, and the approximate costs. He informed the board that the costs for his time were not included. This figure was only the examination contract experts.

Commander Dunton stated that his comments were provided and that there was no cut and dry answers for any of the questions. He stated that he did not suggest they shorten the timeframe for the examination process as was suggested by Secretary Benson. He stated that this has been a successful program, and reminded the Board that they were not picking a minimum qualified person. They were selecting the best qualified candidate.

Commissioner Frudaker asked Commander Dunton to expand on his comments about using a simulator.

Commander Dunton stated his suggestion would require that Chapter 310, Florida Statutes, be opened, so they probably do not want to consider this. However, if it is ever opened, they may want to consider these changes. He stated that you cannot change the length of the review time, however, they may want to add an extra factor for determining the top candidate by looking at how they would handle different situations. Commander Dunton stated that candidates are meeting the criteria but do not have the practical experience, and currently there is no way to look at reviewing practical experience.

Commissioner Fernandez commented that in California the candidates do spend time on a simulator after they have taken and passed the exam.

Commissioner Buford asked for some examples of what a deputy may do. Commander Dunton responded that for seamanship skills, they should always be thinking many steps ahead when piloting and some do well in exam but in the practical situation they cannot handle problems that may arise.

Commissioner Frudaker asked if they could require the top candidates to do simulator training before giving the short list to the Secretary for selection. He also wanted to know if it could be done with no costs to the associations.

Mr. Flury responded that they have the authority to do this in the rules. Commander Dunton commented that this does not solve any potential problems. It just gives more information when making a selection.

Captain Brown commented that the Secretary wanted to know how to streamline the process and he thought the current process is good. He stated that they were now looking at changing or modifying the process, and he would like to see this issue go to Committee for discussion. Captain Brown commented that situational awareness is a big term and normally the candidates lack that awareness. He commented that he supports this review, but he would like for it to go to Committee.

Commissioner Phipps asked the Florida State Pilots Association to research this issue and present information to the Board at the next meeting.

Commissioner Molitor suggested that the Florida State Pilots Association work in Committee also to consider a standardized evaluation form. The form could be recommended to each association for use in order for everyone to be using the same form.

Captain Brown responded that it may become a legal issue if the Board tries to create an evaluation for every port to use.

Commissioner Phipps stated that this would be on the rules agenda for the next meeting to discuss ways to enhance the testing process.

REPORTS

Chair's Report – Commissioner Phipps

Chair Phipps thanked the Key West Pilots for the wonderful reception last night. She stated that it may be good idea, at some point, for the Board to have preliminary language ready if and when Chapter 310, Florida Statutes is opened up for any changes they feel are needed.

Commissioner Phipps informed the Board that there was information in the agenda from the National Transportation Safety Board. They are investigating the issue in San Francisco regarding a marine incident, and they are requesting

a board member and Commander Dunton attend. She stated that she needed the Board to ratify the decision to send her and Commander Dunton to Washington, D.C.

Mr. Flury stated that the Board needed to delegate authority to Commissioner Phipps to represent the Board.

MOTION: Commissioner Bohnsack made a motion that the Board authorize the expenses for Commissioner Phipps and Commander Dunton to travel to Washington, D.C., as requested by the National Transportation Safety Board. She further stated that the Board authorized Commissioner Phipps to represent the Board in this matter.

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

Following discussion regarding legal representation, the following motion was made.

MOTION: Commissioner Frudaker made a motion that the Board approve legal representation from either the Department of Business and Professional Regulation or the Board Counsel to attend the National Transportation Safety Board hearings and the expenses be paid.

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

Ms. Barineau informed the Board that she would check into this.

Commissioner Phipps informed the Board that they had received a copy of a Public Service Commission commendation letter for Captain Chris Mons, deputy pilot in Jacksonville, regarding a rescue effort. Captain Brown informed the Board that Captain Heath and the boat captain were also recognized.

Finance Committee Report – Commissioner Molitor

Commissioner Molitor reported that the Committee met yesterday and recommended to the Rules Committee that the gross pilotage assessment be changed to 0.8% effective July 1, 2008.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the Committee met yesterday. He stated that Rule 61G14-11.002(1), Florida Administrative Code, which had a technical error, was being amended.

Commissioner Frudaker reported that the Rules Committee, at the request of the Finance Committee, was recommending to the full Board that the gross pilotage assessment be changed to 0.8% effective July 1, 2008.

Commissioner Frudaker reported that Rule 61G14-11.007, Florida Administrative Code, would be discussed at the next meeting regarding the evaluation process for deputy pilots during their training period.

MOTION: Commissioner Buford made a motion that the Board adopt the actions of the Rules Committee.

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

Probable Cause Panel Report – Commissioner Phipps

Commissioner Phipps reported that the Committee met yesterday. She reported that they heard six cases, of which five were closed with a finding of no probable cause and one was closed with letter of guidance.

Board Counsel's Report – Michael Flury

Mr. Flury did not have a report to give at this time.

Executive Director's Report – Robyn Barineau

Ms. Barineau encouraged the members to send in their reimbursement information as quickly as possible since it was getting close to the end of the fiscal year. She also informed the Board that the preliminary grades from the March examination had been released. Ms. Barineau stated that 14 candidates took the examination of the 18 that were approved.

Ms. Barineau informed the Board that The Bottom Line was included in the agenda as there was an article by Secretary Benson regarding her meeting with the Board. She stated that former Secretary Benson is now serving as the Secretary of the Agency for Health Care Administration at the Governor's request. Ms. Barineau stated that the Department is now represented by Interim Secretary Chuck Drago. She looks forward to working with him.

Port Security – Commissioner Molitor

Commissioner Molitor stated that he continued to look through publications and sends the information for commissioners to read in the agenda.

Commissioner Bohnsack thanked Commissioner Molitor for sending this information.

CORRESPONDENCE

Letter from the National Transportation Safety Board

The bottom line

Letter Regarding Captain Frank Knowles

This was provided for informational purposes.

Following discussion, staff was asked to send a copy of the letter regarding Captain Frank Knowles for forwarding to the U. S. Coast Guard.

NEW BUSINESS

Commissioner Phipps stated that there was a letter in the handouts from Ft. Pierce regarding new guidelines. Commander Dunton informed the Board that this had been reviewed by all entities and cross licensed pilots.

MOTION: Commissioner Frudaker made a motion that the Board approve the transit guidelines as submitted by the Ft. Pierce Pilots Association.

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

Commissioner Molitor stated that he had an idea when he was reviewing the bottom line. He suggested that the Board consider having a meeting once a year in Tallahassee and invite the legislators who represent the port areas and present them with an overview of the ports as a whole. He stated that they could have the April meeting in Tallahassee and encourage them to provide more funding for security and other measures. Commissioner Molitor stated that he thought this would be beneficial.

Commissioner Bohnsack stated that she thought that it would be difficult to get legislators to attend a meeting during session. Perhaps members could invite them to the meeting when the meeting is held in their area. Commissioner Buford agreed with Commissioner Bohnsack.

Commissioner Frudaker stated that the legislators do know the impact of the ports on Florida's economy.

OLD BUSINESS

There was no Old Business to come before the Board at this time.

ELECTION OF OFFICERS

Chair Phipps informed the Board that she had heard that Vice-Chair Bryson was happy to continue serving and stated that she was also happy to continue as Chair.

MOTION: Commissioner Molitor made a motion that the Board nominate the existing Chair and Vice-Chair to serve another term.

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:20 a.m.