

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, May 3, 2007, and Friday, May 4, 2007
Meeting Location: Hyatt Regency Miami
400 Southeast Second Avenue
Miami, Florida

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Eric Bryson, Vice Chair
Commissioner J. Michael "Mike" Buffington
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner Donald "Don" N. Molitor
Commissioner Victoria Robas
Commissioner Eugene "Gene" F. Sweeney
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
Mary Ellen Clark, Assistant Attorney General, Department of Legal Affairs
Galen W. Dunton, Consultant
David de la Parte, Counsel for Florida State Pilots Association
Ron Christaldi, Counsel for Florida State Pilots Association
Jorge Viso, President, Florida State Pilots Association
Gretchen Rayborn, Executive Director, Florida State Pilots Association
Tony Cuva, Esquire, Attorney for Joseph Bunicci
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
John Atchison, St. Johns Bar Pilots Association
Shelley Kelly, Court Reporter

II. Major Issues/Actions

- Based on the board's request at their January 2007 meeting, Ms. Mary Ellen Clark provided the board with draft language amending Rule 61G14-11.007, Florida Administrative Code, which clarifies that the board should be provided with the recommendations of the Deputy Pilot Advancement Committee whether advancement is favorable or unfavorable. The board approved the language provided by Ms. Clark.
- The board agreed to amend Rule 61G14-15.003(4), Florida Administrative Code, relating to the submission of changes for approval by the board of the maximum

allowable draft of vessels calling at the ports and the restrictions on bottom clearance for the channels. The board agreed to change the “current maximum” allowable draft to the “normal” allowable draft.

- The board agreed to strike Rule 61G14-15.003(5), Florida Administrative Code, relating to the submission of changes for approval by the board of pilot work schedules as this information is no longer necessary.
- Commissioner Mike Buffington reviewed the board’s second quarter Financial Report for the 2006-2007 fiscal year and indicated that there is a marginal net income. He indicated that there will be a small operating account balance at year end, and he suggested that the gross pilotage rate be increased to .75% effective July 1, 2007. Commissioner Buffington indicated that he still did not understand the Information Technology expense and he suggested that a department representative be present at the next board meeting to explain this expense and the projected long-range plans for Information Technology. The board agreed with Commissioner Buffington and asked Ms. Robyn Barineau, Executive Director, to make this request on their behalf.
- The board approved the Settlement Stipulation in case number 2004.052981 against Joseph Bunicci which imposed a \$500 fine, \$391.50 costs and a reprimand.
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 23 pilot cases in the legal department. The board agreed to allow Mr. Winters to continue handling the six year-old pilot cases in the legal department.
- The board approved the request of the Ft. Pierce Pilots Association for a cross-licensed pilot.
- The board approved the request of the Port Everglades Pilots’ Association to grant permanent, two-year Deputy Pilot certificates to Deputy Pilots David Ulrich and Sam Stephenson.
- The board approved the request from the Biscayne Bay Pilots Association to amend their maximum allowable draft from 38 feet 6 inches to 39 feet 4 inches.
- The board approved the amended Ft. Pierce port operational guidelines submitted by the Ft. Pierce Pilots Association which included changes to the channel and depths alongside piers based on United States Army Corp. of Engineers soundings taken late last year.
- The Probable Cause Panel closed eight cases with no finding of probable cause and sent one case back to the department for additional investigation.
- Ms. Clark informed the board that a formal hearing has been requested in the Michael Funk matter.
- Because the number of individuals applying to become deputy pilots in Florida appears to be decreasing, the board asked Ms. Barineau to research the cost of advertising future deputy pilot openings in professional journals and report her findings to the board at the next meeting.
- Commissioner Victoria Robas mentioned the eulogy of former board member, Commissioner John Hiers, which was included in the agenda. She indicated that the eulogy included not only his accomplishments and other accolades, but his privilege of serving on the Board of Pilot Commissioners.
- Ms. Barineau provided the following information to the board related to the March 2007 deputy pilot examination:
 - Jacksonville: five individuals passed the examination and three individuals failed the exam
 - Tampa: four individuals passed the examination and seven individuals failed the examination

- Mr. Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association, informed the board that Secretary Holly Benson has planned a work day at the Port of Tampa Bay on June 5, 2007, and they look forward to this event.
- Confirmed future meeting dates and locations include July 12 and 13, 2007, in Port Canaveral and October 4 and 5, 2007, in Palm Beach.
- The board elected Commissioner Cheryl Phipps and Commissioner Eric Bryson, Chair and Vice Chair, respectively, of the Board of Pilot Commissioners.
- Captain Jorge Viso, President, Florida State Pilots Association, mentioned Mr. David de la Parte's recent acceptance of the General Counsel position with the Moffitt Cancer Center and Research Institute. He thanked Mr. de la Parte for his 21 years of service to the Florida State Pilots Association and indicated that Mr. Ron Christaldi will now serve as counsel for the Florida State Pilots Association.

III. Legislation/Rule Promulgation

- Ms. Clark will move forward with amending Rule 61G14-11.007, Florida Administrative Code, regarding recommendations from the Deputy Pilot Advancement Committee.
- Ms. Clark will move forward with amending Rule 61G14-15.003(4), Florida Administrative Code, regarding the maximum allowable draft of vessels calling on ports.
- Ms. Clark will move forward with striking Rule 61G14-15.003(5), Florida Administrative Code, regarding the submission of pilot work schedules to the board as this information is no longer necessary.

IV. Action Required

- Based on the board's request, Ms. Barineau will ask that a representative from the department be present at the next board meeting to explain the Information Technology expense and the long-range plans for Information Technology.
- Ms. Barineau will research the cost of advertising future deputy pilot openings in professional journals and report her findings at the next board meeting.

Robyn Barineau
Executive Director
May 9, 2007