

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, Probable Cause
Panel and General Business Meetings
Meeting Date: July 13 and 14, 2006
Meeting Location: Hutchinson Island Marriott Beach Resort & Marina
555 NE Ocean Boulevard
Hutchinson Island
Stuart, Florida 34996

Attendees:

Commissioner Victoria Robas, Chair
Commissioner Cheryl Phipps, Vice Chair
Commissioner Eric Bryson
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner John Hiers
Commissioner Donald "Don" N. Molitor
Commissioner Eugene "Gene" F. Sweeney
Tim Vaccaro, Director, Division of Professions, Department of Business and
Professional Regulation (DBPR)
Robyn Barineau, Executive Director, 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
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
David Leech, Ft. Pierce Pilots Association
William Wetzel, Ft. Pierce Pilots Association
Ken Shields, Operations Manager, Port of Ft. Pierce

II. Major Issues/Actions

- Chair Victoria Robas excused Commissioner Mike Buffington's absence from the board meeting.
- Mr. Ken Shields, Operations Manager of the Port of Ft. Pierce, gave an overview of the operation of the port. Mr. Shields mentioned that the Port of Fort Pierce is the last privately owned port in the state. He added that there are three vessels that sail five to six times weekly from the port. Mr. Shields stated that the port owners have made substantial improvements to the port and are looking to expand the port's business and growth.

- Commissioner Gene Sweeney reviewed the board's third quarter Financial Report for the 2005-2006 fiscal year and indicated that the expense and revenue figures outlined in the Financial Report remain in-line with the projections. He estimates that the net assets at the end of the 2005-2006 fiscal year will be approximately \$100,000. Commissioner Sweeney suggested that the five year revenue projections be postponed for discussion until the next board meeting so that Commissioner Buffington may be present for the discussion. There were no suggestions to amend the current gross pilotage rate of 7/10 of one percent.
- Ms. Mary Ellen Clark, Assistant Attorney General, informed the board that the change in the gross pilotage rate of 7/10 of one percent was effective July 1, 2006, and Rule 61G14-19.001, F.A.C. – Percentage of Gross Pilotage Assessment, will be noticed for rule development for the September 2006 board meeting.
- Ms. Clark distributed a letter she received by fax from the Joint Administrative Procedures Committee (JAPC) dated July 11, 2006, regarding Rule 61G14-12.0015, F.A.C. – License and Certificate Retention Eligibility. Ms. Clark suggested the board strike section (2) of the proposed rule which states:
 "License or certificate holders who fail to comply with this rule shall surrender their licenses or certificates to the Board until compliant."
 She also suggested renumbering the rule and making a change to the incorrect specific authority change from Section 310.085, F.S., to Section 310.081, F.S. Commissioner Rivers Buford, Jr., asked what the process will be should a certificate holder not complete all the requirements for maintaining a certificate. Ms. Clark indicated that the department should be prepared to file complaints against non-compliant certificate holders. Commissioner Don Molitor also suggested information relating to non-compliance be included in the board's disciplinary guidelines. Once the amended Rule 61G14-12.0015, F.A.C., is effective, Ms. Clark will repeal Rules 61G14-12.001 and 61G14-12.002, F.A.C.
- Chair Robas introduced and welcomed Mr. Tim Vaccaro, Director of the Division of Professions, to the meeting. Director Vaccaro thanked the board for the opportunity to attend and participate in their meeting. He added that since his appointment as director, he is attempting to attend as many board meetings as possible to understand the operations of each board. Several board members and meetings attendees expressed the need to continue to conduct board meetings at the various ports around the state as an educational tool and to understand the challenges of the ports, as well as allow as many individuals from the various ports as possible to attend a board meeting. Commissioner Buford added that this profession is unusual to other professions in that a certificate is specific to a particular port. Director Vaccaro added that the department understands the importance of this board meeting at the various Florida ports.
- The board approved the Settlement Stipulation in Case No. 4004-022527 against Captain William Roden which calls for payment of a fine of \$1,337.50 and completion of a one-day continuing education course and simulator training in assist tug handling.
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 22 pilot cases in the legal department.
- The board approved the following Deputy Pilots for the September 2006 State Pilot examination:
 1. Captain Reid Hansen – Palm Beach Pilots' Association
 2. Captain Rick Montoya – Port Everglades Pilots' Association
 3. Captain Jeff Robben – Port Everglades Pilots' Association

4. Captain Brendan McMillin – Canaveral Pilots
- The board approved the request of the Tampa Bay Pilots Association for at least one Deputy Pilot from the March 2007 examination.
 - The board commended Ms. Clark for her performance as the board's counsel over the last year.
 - The Probable Cause Panel closed four cases with no finding of probable cause.
 - Ms. Robyn Barineau, Executive Director, solicited the board's assistance with articles for the upcoming newsletter.
 - Ms. Barineau informed the board of some recent legislation which allows for increased per diem rates for board members and other state employees. She indicated that she will provide further details of travel information and board member responsibilities with a PowerPoint presentation at a future board meeting.
 - Ms. Barineau advised the board that the department is currently attempting to address the board member vacancy situation and is seeking assistance from boards to assist with locating qualified applicants to fill vacancies on all its boards and commissions. Ms. Barineau suggested that interested applicants contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing.
 - Ms. Barineau informed the board that the Complaints and Investigative Statistics Report for the Period July 2005 through May 2006 was provided for informational purposes.
 - Commissioner Don Molitor mentioned that the port security information contained in the agenda was included for informational purposes.
 - The board agreed to conduct its January 22 and 23, 2007, board meeting in Palm Beach or Miami.

III. Legislation/Rule Promulgation

- Ms. Clark will move forward with amending Rule 61G14-12.0015, F.A.C.
- Ms. Clark will move forward with noticing Rule 61G14-17.004, F.A.C., for development to update section (2)(e)2. removing the renewal reference and adding "maintaining" or "inaction" of a license or certification to practice. Ms. Clark will bring proposed language to the next board meeting for discussion.

IV. Action Required

- The board will discuss the five year budget projections at the September 2006 board meeting.

Robyn Barineau
Executive Director
July 18, 2006