

MINUTES OF THE MEETING
RULES COMMITTEE
BOARD OF PILOT COMMISSIONERS
Radisson Resort at the Port
8701 Astronaut Boulevard
Cape Canaveral, FL
July 12, 2007

CALL TO ORDER

Commissioner Frudaker, Chair of the Rules Committee, called the meeting to order at 1:18 p.m.

Members Present

Commissioner Richard Frudaker, Chair
Commissioner Harold "Hap" Brandenburg
Commissioner Eric Bryson, Vice-Chair
Commissioner Rivers Buford, Jr.
Commissioner John Fernandez
Commissioner Jeffrey Jones
Commissioner Don Molitor
Commissioner Cheryl Phipps

Members Not Present

Commissioner Fran Bohnsack

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Mary Ellen Clark, Board Counsel
Michael Flury, Board Counsel
Drew Winters, Prosecuting Attorney
Galen Dunton, Consultant
Jorge Viso, President, Florida State Pilots Association
Martin Poole
Doug Brown, Canaveral Pilots Association
Allen Thompson, Jr., Tampa Bay Pilots Association
Gretchen Rayborn, Florida State Pilots Association
Brian Seuter, Cumberland Pilots Association
John Atchison, St. Johns Bar Pilots Association
Ron Christaldi, Florida State Pilots Association
James Frudaker, Florida Docking Masters Association

APPROVAL OF THE MINUTES OF THE MEETING
May 3, 2007

MOTION: Commissioner Fernandez made a motion that the Committee approve the May 3, 2007, minutes as submitted.

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

RULES REPORT

Ms. Clark informed the Committee that the Rules Report was included in the agenda. She stated that Rule 61G14-11.007, Florida Administrative Code, was approved at the May meeting and should be in effect prior to the next Board meeting.

Ms. Clark stated that Rule 61G14-15.003, Florida Administrative Code, was approved at the May meeting and should be in effect prior to the next Board meeting.

Ms. Clark informed the Committee that Rule 61G14-17.002, Florida Administrative Code, was a suggested change to the probable cause panel makeup for the Committee to consider. She informed the Committee that the change would allow past members that were not pilots to serve on the probable cause panel. She stated that they could vote to have the rule developed and published with this language.

Following discussion, Captain Jorge Viso, President of the Florida State Pilots Association, expressed concern with the proposal. He stated that there was concern because there would not be a requirement for the non-pilot to be actively involved in the industry anymore, whereas the pilot member has to be an active pilot.

Mr. Winters informed the Committee that the reason for the proposed rule change was to expand the pool of members for the probable cause panel. In addition, since the former member would not be on the board, they would not have to be recused from voting when the case came up for Board presentation.

Mr. Ron Christaldi, Florida State Pilots Association, expressed concern that the rule was in place for licensed pilots and a consumer member that was currently on the Board. This change would deviate from the original intent of the rule.

Commissioner Buford commented that he had confidence in the Board regarding who to appoint and who not to appoint to the panel.

Following discussion, the following action was taken.

MOTION: Commissioner Molitor made a recommendation that the Committee notice Rule 61G14-17.002, Florida Administrative Code, as presented for rule development.

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

Ms. Clark informed the Committee that Rule 61G14-19.001, Florida Administrative Code, was noticed and she had informed the Board at the last meeting that the rule could be effective July 1, 2007. She stated that she later realized that the rule could not be effective at that time and after consulting with staff and the Chair, the rule was noticed with an effective date of August 1, 2007.

Commissioner Frudaker asked Ms. Clark to provide the Board with the rule development process as she had done previously.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:40 p.m.