

**MINUTES OF THE MEETING**  
**RULES COMMITTEE**  
**BOARD OF PILOT COMMISSIONERS**  
**Hyatt Regency Pier Sixty Six**  
**2301 SE 17<sup>th</sup> Street Causeway**  
**Ft. Lauderdale, FL**  
**July 17, 2008**

**CALL TO ORDER**

Commissioner Frudaker, Chair of the Committee, called the meeting to order at 1:19 p.m.

**Members Present**

Commissioner Frudaker, Chair  
Commissioner Bohnsack  
Commissioner Brandenburg  
Commissioner Bryson, Vice-Chair  
Commissioner Buford  
Commissioner Jones  
Commissioner Molitor  
Commissioner Phipps

**Members Not Present**

Commissioner Fernandez

**Others Present**

Elise Rice, Government Analyst  
Julie Rowland, Administrative Assistant  
Charles Tunnickliff, Prosecuting Attorney  
Michael Flury, Board Counsel  
Galen Dunton, Board Consultant  
Allen Thompson, Tampa Bay Pilots Association  
Gretchen Rayborn, Florida State Pilots Association  
Chris Marlow  
Warren Husband, Florida State Pilots Association  
Drew Winters, Durst & Harnden, P.L.  
John Atchison, St. Johns Bar Pilot Association  
Stephen Gasecki, Florida State Pilots Association  
David Leech

**APPROVAL OF THE MINUTES OF THE MEETING**

**April 3, 2008**

MOTION: Commissioner Phipps made a motion that the Committee approve the minutes as submitted.

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

### **RULES REPORT – MICHAEL FLURY**

Mr. Flury reported that the rule regarding the gross pilotage assessment rate and documents issued were opened for development.

### **DISCUSSION OF RULE 61G14-11.007, FLORIDA ADMINISTRATIVE CODE, DOCUMENTS ISSUED**

Mr. Flury reported that there was discussion at the last meeting regarding if associations had to continue training prior to the one-year certificate expiring. Mr. Flury informed the Committee that the Board does not have to issue the two year certificate, however, if they wanted to revoke a temporary certificate, that would have to go through the disciplinary process. He stated that the disciplinary process would take time, unless it was an emergency situation. Commissioner Bryson commented that if there were a question regarding the ability of the deputy, they would not be able to pilot on their own.

Commissioner Frudaker stated that he was not sure if they could expand the testing process as discussed at the last meeting and the idea of using a simulator was discussed. Commissioner Bryson stated that he had concerns about the use of simulation.

Commissioner Bryson informed the Committee that Commander Dunton provided the Committee with the number of deputies that failed to become state pilots. He reported that of the 35 openings, since 1998, only four have failed to complete the program. Commissioner Bryson stated that he did not think that the simulation would have impacted these situations.

Commissioner Buford reminded everyone that they were here to protect the health, safety, and welfare of the public and he did not see any changes necessary in order to do this.

Commissioner Molitor stated that he thought they were discussing how to terminate a deputy that was not performing and perhaps they needed to look at the pilot association employment contract to see how to proceed. Commissioner Frudaker responded that the Board could not get involved in the contracts of the associations.

During discussion, Mr. Flury stated that the Board's duty was to either advance or not advance the deputy pilots, and he would defend the Board's position.

Commissioner Buford stated that the consensus was that Chapter 310, Florida Statutes, requires a twelve-month training program and can only be changed in this chapter, and, therefore, the discussion should end.

**GENERAL DISCUSSION OF RULE CHAPTER 61G14, FLORIDA  
ADMINISTRATIVE CODE**

Commissioner Phipps stated that she requested this be on the agenda in case they needed to discuss any additional rules.

Commissioner Frudaker commented that there was some previous discussion as to whether or not they could assist the Secretary in evaluating the deputy pilot candidates.

Following discussion, Mr. Tunncliff informed the Committee that the selection was that of the Secretary of the Department and theirs alone, and the Board does not have any input.

During discussion, Captain Leech informed the Committee that the only individuals that score well in San Francisco, where they have a separate simulation test, are the experienced ship handlers or the ones that have taken it before, and the process is very subjective.

**OLD BUSINESS**

There was no old business to come before the Committee at this time.

**New Business**

There was no new business to come before the Committee at this time.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 2:13 p.m.