

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, Probable Cause
Panel and General Business Meetings
Meeting Date: September 29 and 30, 2005
Meeting Location: Wyndham Reach Resort
1435 Simonton Street
Key West, Florida 33040

Attendees:

Commissioner Victoria Robas, Chair
Commissioner Cheryl Phipps, Vice Chair
Commissioner Eric Bryson
Commissioner J. Michael "Mike" Buffington
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner Donald "Don" N. Molitor
Commissioner Eugene "Gene" F. Sweeney
Robyn Barineau, Executive Director, Department of Business and Professional
Regulation (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
Michael McGraw, Key West Pilots Association
James Frudaker, Florida Docking Masters Association
Toni Leech
Barbara Buford

II. Major Issues/Actions

- Chair Victoria Robas excused Commissioner John Hiers' absence from the board meeting
- Commissioner Mike Buffington reviewed the board's fourth quarter Financial Statements for the 2004-2005 fiscal year and indicated that the expense and revenue figures outlined in the Financial Statements are in line with the same period from the 2003-2004 fiscal year; he indicated that the board's net assets were higher than anticipated at year end and the cash balance at year end was in excess of \$137,000; Commissioner Buffington provided the board with a proposed five year budget for the Board of Pilot Commissioners

- The board agreed to decrease the gross pilotage assessment effective January 1, 2006, from 6/10 of one percent to ¼ of one percent, thus amending rule 61G14-19.001, Florida Administrative Code, to reflect the gross pilotage assessment change
- Ms. Mary Ellen Clark, Assistant Attorney General, informed the board that she discussed the proposed rule 61G14-12.003, Florida Administrative Code, which would create an exemption from licensure renewal for spouses of members of armed forces, with Ms. Suzanne Printy and Mr. Scott Boyd of the Joint Administrative Procedures Committee (JAPC) who are understanding of the board's situation with this rule proposal; Ms. Printy and Mr. Boyd encouraged the board to continue a good faith effort toward compliance with section 455.02, Florida Statutes, and the military spousal rule; Ms. Printy and Mr. Boyd suggested the possibility of the board seeking a statutory exemption from this section since pilots are required to constantly maintain a current knowledge of their ports and their respective changes; Commissioner Rivers Buford offered some draft language which would redefine "active service"; the board agreed to conduct a rules workshop in Tallahassee to address this rule before the next board meeting and invite JAPC staff to join the board at their workshop
- Chair Victoria Robas thanked the Key West Pilots Association for their gracious reception and educational tour of the Port of Key West the evening of September 29, 2005
- Chair Robas, Commissioner Buffington and Captain Jorge J. Viso, President, FSPA, all made presentations to outgoing Commissioner David Leech, for his service to the board and to the citizens of the State of Florida
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 20 pilot cases in the legal department; the board agreed to allow the department to move forward on the cases over one year old
- The board approved the request for at least one deputy pilot opening for the Tampa Bay Pilots Association
- The board approved the requests for two year certificates for the following Deputy Pilots:
 - Rickie Montoya – Port Everglades
 - Jeff Robben – Port Everglades
 - Reid Hansen – Palm Beach
- The board approved the FSPA request for continuing education credit for a seminar which will be a part of their upcoming State Association meeting in Key West, Florida
- Chair Robas appointed Commissioner Eric Bryson to the Rules Committee and Commissioner John Fernandez to the Finance Committee
- The Probable Cause Panel found probable cause in one case and asked that a Letter of Guidance be issued and closed three cases with no finding of probable cause
- Ms. Robyn Barineau, Executive Director, informed the board that Ms. Simone Marstiller was recently appointed Secretary of the Department of Business and Professional Regulation
- Ms. Barineau informed the board that the assessment to each profession for their share of the contract with the Division of Administrative Hearings (DOAH) is based on the usage of DOAH services by each profession; Mr. Winters also informed the board that there is a two year lag in the billing for cases by DOAH
- As asked by the board, Ms. Barineau informed the board that Mr. David Ulrich and Mr. Sam Stephenson were the selected applicants to fill the two openings in Port Everglades

- Ms. Barineau indicated that she hopes to provide the Finance Committee and full board in the near future with a copy of the board's five year projection as developed by the department
- Commissioner Molitor mentioned that the port security information contained in the agenda was included for informational purposes, and he provided an article from the September 28, 2005, edition of the USA Today for copying and dissemination to the board relating to Mississippi waterways
- There was discussion relating to the letter from former Commissioner Earl McMillin regarding candidate pools and pilot selections by the Secretary of the Department of Business and Professional Regulation and no action was taken
- The board asked that they be provided with the top ten candidate listing from the recent Port Everglades examination
- The board agreed to conduct its next meeting in Tampa on January 12 and 13, 2006, with the possibility of conducting the following meeting in Ft. Pierce

III. Legislation/Rule Promulgation

- The board agreed to conduct a rules workshop in Tallahassee to address a proposed rule creating an exemption from licensure renewal for spouses of members of armed forces and further workshopping of this rule at the next board meeting
- Ms. Clark will notice the amendment to rule 61G14-19.001, Florida Administrative Code, reducing the gross pilotage assessment from 6/10 of one percent to ¼ of one percent, effective January 1, 2006

IV. Action Required

- Board staff will provide all members with a copy of the "active service" language prepared by Commissioner Buford
- Captain Allen Thompson, Jr., Executive Director, Tampa Bay Pilots Association will provide Ms. Barineau in the next few weeks with hotels in the Tampa area for the next board meeting site consideration
- Board staff will research board member compensation from the last board meeting and determine if all board member reimbursements can be remitted via direct deposit, providing research results to all board members
- Board staff will provide a copy of the article supplied by Commissioner Molitor to the other board members from the September 28, 2005, edition of the USA Today relating to Mississippi waterways
- The board asked that they be provided with the top ten candidate listing from the recent Port Everglades examination

Robyn Barineau
Executive Director
October 4, 2005