

**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 28 and 29, 2006  
Meeting Location: Hilton Garden Inn  
12 Via De Luna Drive  
Pensacola Beach, Florida 32561

Attendees:

Commissioner Victoria Robas, Chair  
Commissioner Cheryl Phipps, Vice Chair  
Commissioner Eric Bryson  
Commissioner John Fernandez  
Commissioner Richard "Rick" Frudaker  
Commissioner John Hiers  
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  
Diane Guillemette, 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  
Brian McGee, Pensacola Pilots  
Ronald Schaefer, Pensacola Pilots

**II. Major Issues/Actions**

- Chair Victoria Robas excused Commissioner Rivers Buford, Jr.'s absence from the board meeting and gave an update on his medical condition and recuperation.
- Chair Robas thanked Ms. Diane Guillemette, Assistant Attorney General, for her willingness to assist the board in Ms. Mary Ellen Clark's absence. Chair Robas mentioned Ms. Clark's prestigious induction into the Inns of Court.

- Chair Robas thanked Captains Brian McGee and Ronald Schaefer for their attendance at the board meeting.
- Commissioner Mike Buffington reviewed the board's year end Financial Report for the 2005-2006 fiscal year and indicated that although several expense areas fluctuated from the projected amount, overall the expense and revenue figures remain in-line with the projections. He indicated a concern with the Information Technology and Division of Administrative Hearings expense items and suggested the figures for these two areas may need to be adjusted for future years in the board's five year budget projections. The board also agreed to adjust the gross pilotage assessment rate to .35 percent effective January 1, 2007. Additionally, since a rate hearing has been requested, the board asked that a current fiscal year Financial Report be provided for the Pilotage Rate Review Board as expenses will be incurred for the rate hearing and should be noted in a Financial Report.
- Vice Chair Cheryl Phipps mentioned that Rule 61G14-12.0015, Florida Administrative Code – License and Certificate Retention Eligibility – continues to move through the rulemaking process with no additional objections from the Joint Administrative Procedures Committee (JAPC).
- Vice Chair Phipps also informed the board that Rule 61G14-12.001, Florida Administrative Code – Renewal of Licenses and Certificates - and Rule 61G14-12.002, Florida Administrative Code – Definition of “Active Service” – are currently being repealed as they are no longer necessary since the new Rule 61G14-12.0015, Florida Administrative Code, is being created.
- Vice Chair Phipps mentioned the need to amend 61G14-17.004(2)(e)2., Florida Administrative Code – Guidelines for the Disposition of Disciplinary Action – to include language for retention of a certificate to practice. The board agreed with Vice Chair Phipps' suggestion to amend the language as follows: “Attempting to obtain, obtaining or retaining a license or certificate to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.”
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 23 pilot cases in the legal department. He indicated there are five cases that have been in the legal department for greater than one year, and the board agreed to have Mr. Winters continue to proceed with the disciplinary process on these cases.
- Chair Robas informed the board of the Operational Measures of the North Atlantic Right Whale Ship Strike Reduction Strategy submitted by the National Marine Fisheries Service (NMFS) requiring vessels in the southeastern area of the United States, including the ports of Fernandina and Jacksonville, travel at a speed of ten knots or less during the period from November 15 through April 15 each year in certain areas of the navigable channels. Commissioner Eric Bryson offered additional comments regarding this matter. Commissioner Bryson added that some of the most hazardous weather experienced by the impacted ports occurs between November 15 and April 15. Final comments relating to the proposal must be submitted in writing on or before October 5, 2006. The board agreed to send to the NMFS a letter

- outlining their concerns with the proposal, such letter being signed by the Chair. The board directed Ms. Mary Ellen Clark, Assistant Attorney General, to work with board staff and provide the Chair with a letter for submission to the NMFS before the October 5, 2006, deadline.
- The board approved the request of the St. Johns Bar Pilot Association for at least one Deputy Pilot from the March 2007 examination.
  - Vice Chair Phipps raised some concerns over the advancement of the Deputy Pilot in the Port of Ft. Pierce as there are no large ships for handling in this small port. The board agreed that the current training plan was sufficient for the Port of Ft. Pierce.
  - The Probable Cause Panel closed three cases with no finding of probable cause and requested that letters of guidance be issued in three other cases.
  - Ms. Robyn Barineau, Executive Director, advised the board that the department is currently attempting to address the board member vacancy situation and is seeking assistance from boards 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 mentioned the list of eligible candidates that passed the March 2006 Deputy Pilot examination for the Port of Tampa which was included in the agenda for informational purposes.
  - Ms. Barineau referred the board to the letter from the Massachusetts Maritime Academy relating to the Advanced Shiphandling in Manned Models course. The board instructed Ms. Barineau to thank the academy for their information.
  - Chair Robas thanked the board, staff, Commander Galen Dunton, and the FSPA for their assistance to her during her tenure on the board. Additionally, she thanked Governor Bush for the opportunity to serve the citizens of the State of Florida. Chair Robas commented on the good work of this board.
  - The board elected Commissioner Cheryl Phipps and Commissioner Eric Bryson Chair and Vice Chair, respectively, of the Board of Pilot Commissioners.
  - The board agreed to conduct its January 22 and 23, 2007, board meeting in Fernandina Beach.

### **III. Legislation/Rule Promulgation**

- Ms. Clark will move forward with amending Rule 61G14-17.004(2)(e)2., Florida Administrative Code, as follows, "Attempting to obtain, obtaining or retaining a license or certificate to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board."

#### **IV. Action Required**

- Ms. Clark will work with board staff and prepare a letter from the Chair regarding the Operational Measures of the North Atlantic Right Whale Ship Strike Reduction Strategy raising the board's concerns over the proposal. The letter will be prepared for the Chair's signature and submission to the NMFS on or before October 5, 2006.
- Ms. Barineau will send a letter on behalf of the board to the Massachusetts Maritime Academy for their provision of information on their Advanced Shiphandling in Manned Models course.

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Robyn Barineau  
Executive Director  
October 10, 2006