

**EXECUTIVE SUMMARY**  
**Board of Pilot Commissioners**

**I. General Information**

Meeting Type: Finance Committee, Rules Committee, and General Business Meetings  
Meeting Date: Thursday, January 29, 2009 and Friday, January 30, 2009  
Meeting Location: Residence Inn  
8959 Astronaut Boulevard  
Cape Canaveral, Florida

Attendees:

Commissioner Cheryl Phipps, Chair  
Commissioner Eric Bryson, Vice Chair  
Commissioner Harold "Hap" Brandenburg  
Commissioner Rivers H. Buford, Jr.  
Commissioner John Fernandez  
Commissioner Richard "Rick" Frudaker  
Commissioner Jeffrey Jones  
Commissioner Donald "Don" N. Molitor  
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)  
Elise Rice, Government Analyst, DBPR  
Philip "Phil" Monte, Assistant General Counsel, DBPR  
Michael "Mike" Flury, Assistant Attorney General, Office of the Attorney General  
Galen W. Dunton, Consultant  
Warren Husband, Counsel for Florida State Pilots Association  
Margaret Mathews, Akerman, Senterfitt, P.A.  
Drew Winters, Durst & Harnden, P.A.  
Joe Brown, President, Florida State Pilots Association  
Stephen Gasecki, First Vice President, Florida State Pilots Association  
Gretchen Rayborn, Executive Liaison, Florida State Pilots Association  
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association  
Ben Borgie, Canaveral Pilots Association  
Brian McGee, Pensacola Bay Pilots  
David Leech  
Chris Marlow  
Bill Leshe, Ocean Towing  
Dianna Garcia, Court Reporter

## II. Major Issues/Actions

- Chair Cheryl Phipps excused Commissioner Fran Bohnsack's absence from the meeting.
- Vice Chair Eric Bryson discussed the financial report for the quarter ending September 30, 2008, and his budgetary handout included in the supplemental agenda. He indicated that based on the projected revenue and expenses, he anticipates a positive balance in the operating account at the end of the fiscal year, and he suggested that the gross pilotage assessment remain at 8/10 of one percent until further notice.
- Commissioner Rick Frudaker mentioned the letter included in the agenda from the Ft. Pierce Pilots Association asking that a change be made to Rule 61G14-15.004, Florida Administrative Code – Boarding and Disembarking, as the reference location appeared to be outdated. Commission Frudaker indicated that the coordinates for Port St. Joe also appeared to be outdated. The board agreed on the following changes and asked Assistant Attorney General Mike Flury to proceed with rulemaking on the following amendments and that a Statement of Estimated Regulatory Costs was not necessary for these amendments:
  - (1) Except when subsection (2) applies, pilots shall board inbound vessels before or at the time they cross the Territorial Sea Line of Demarcation and disembark from outbound vessels at or after the time they cross such line; or, board and disembark vessels at the traditional pilot station, as approved by the Board and specifically listed below:
    - (d) Fort Pierce: Pilots board and disembark off the sea buoy in the vicinity of  $27^{\circ} 28.5' 28.6'$  N  $80^{\circ} 46.2' 15.4'$  W.
    - (l) Port St. Joe: Pilots board inbound vessels ~~about 4 two miles outside St. Joseph Bay Entrance Lighted Whistle Buoy "SJ" offshore of Sea Buoy #2~~ in the vicinity of  $29^{\circ} 52.0' 51.5'$  N  $85^{\circ} 29.5' 30.7'$  W. The pilot will leave outbound vessels ~~between lighted in the vicinity of Buoy #2 and St. Joseph Bay Entrance Buoy.~~ At time the Port St. Joe Pilot may not be available and vessels will be required to proceed to the Panama City pilot station to embark or disembark the pilot.
- The Probable Cause Panel closed five cases with no finding of probable cause, tabled two cases, requested the issuance of two letters of guidance in lieu of finding probable cause, and found probable cause in one case.
- Mr. Phil Monte, Assistant General Counsel, reported that there are currently 19 pilot cases in the legal department.
- The following individuals were approved to sit for the March 2009 Deputy Pilot examination for the Port of Panama City:
  - Nathan Cook
  - Cameron Kirkconnell
  - Luke James
  - Christopher Marlow
  - Robert Moore, II
  - Martin Poole
  - John Pritchett
  - Paul Rubin
  - Julian Stubbs
  - Timothy Sullivan
  - Ryan White

- The board denied the request of Captain Kevin Persson to sit for the March 2009 Deputy Pilot examination for the Port of Panama City as he did not have the required sea service to be eligible for examination. In addition, Captain Michael Shoffstall submitted an email on January 5, 2009, requesting that he be removed from the list of candidates requesting to take the March 2009 Deputy Pilot examination for the Port of Panama City.
- The board discussed the letters from Captain Brian McGee of the Pensacola Bay Pilots and Mr. Clyde Mathis of the Port of Pensacola. Captain McGee mentioned that there is not much traffic calling on the Port of Pensacola, and he is uncertain how much longer he can continue to work in Pensacola. He requested a cross-licensed Deputy Pilot from the Port of Panama City be considered for the Port of Pensacola. The board asked that Vice Chair Eric Bryson draft a letter to the Pensacola City Council regarding the lack of traffic in Pensacola and solicit their assistance with helping the local harbor pilots in their area. The board also requested that a notice be sent to all pilot associations indicating that a cross-licensed Deputy Pilot is currently being sought for the Port of Pensacola.
- Since many associations have indicated that their actual handle times have increased, Commander Galen Dunton asked the board to consider compiling a committee to study this issue. Mr. Flury indicated that this request should probably go before the Pilotage Rate Review Board, and the board agreed.
- Ms. Robyn Barineau, Executive Director, informed the board that the next meeting is scheduled for April 29 and 30, 2009, in Hutchinson Island.

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

- Mr. Flury will proceed with rulemaking on Rule 61G14-15.004, Florida Administrative Code – Boarding and Disembarking.

### **IV. Action Required**

- Vice Chair Bryson will draft a letter to the Pensacola City Council.
- Board staff will send all pilot associations notification regarding the request for a cross-licensed Deputy Pilot in the Port of Pensacola.

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Robyn Barineau  
Executive Director  
February 3, 2009