

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, and General Business Meetings
Meeting Date: Wednesday, April 29, 2009 and Thursday, April 30, 2009
Meeting Location: Hutchinson Island Marriott Resort
555 NE Ocean Boulevard
Stuart, Florida

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Eric Bryson, Vice Chair
Commissioner Harold "Hap" Brandenburg
Commissioner France "Fran" Bohnsack
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
Tom Barnhart, Assistant Attorney General, Office of the Attorney General
Galen W. Dunton, Board Consultant
Margaret Mathews, Akerman, Senterfitt, P.A.
Joe Brown, President, Florida State Pilots Association
Gretchen Rayborn, Executive Liaison, Florida State Pilots Association
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
Bill Wetzel, Ft. Pierce Pilots Association
Bill Roden, Palm Beach Pilots Association
Bill Leshe, Ocean Towing
R. J. Leshe, Ocean Towing
Alex Tregen, Stuart News
Marcella Samson, Court Reporter

II. Major Issues/Actions

- Vice Chair Eric Bryson discussed the financial report for the quarter ending December 31, 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,

but he suggested that the gross pilotage assessment be increased to one percent effective July 1, 2009.

- The board approved the Statement of Estimated Regulatory Costs for the gross pilotage assessment rule, Rule 61G14-19.001, Florida Administrative Code. Vice Chair Bryson discussed some proviso language that was included in the appropriations bill which halts the funding of the Pilotage Rate Review Board by the Board of Pilot Commissioners. Captain Joe Brown, President of the Florida State Pilots Association, added that this line item will inhibit and restrict Florida state pilots. The board asked Ms. Robyn Barineau, Executive Director, to relay their concerns to the department's Legislative Affairs Director, and Vice Chair Bryson indicated that he will also be contacting the department's Legislative Affairs Director on this issue.
- Commissioner Rick Frudaker mentioned the need for corrections to Rule 61G14-15.004, Florida Administrative Code – Boarding and Disembarking, as referenced in the January 2009 meeting minutes. The board agreed that should these same errors be contained in the actual language prepared by the Assistant Attorney General, that a Notice of Change be filed correcting the errors. The language should read:
(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° 28.5' 28.6' N 80° 46.2' 15.4' W.
(l) Port St. Joe: Pilots board inbound vessels ~~about 1 two miles outside St. Joseph Bay Entrance Lighted Whistle Buoy "SJ" offshore of Buoy #2~~ in the vicinity of 29° 52.0' 51.5' N 85° 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 times, 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.
- Mr. Phil Monte, Assistant General Counsel, reported that as of April 28, 2009, there were 19 pilot cases in the legal department. The board agreed to allow Mr. Monte to continue processing the year-old cases.
- The board approved the application of Captain Francis Wood to take the cross-licensed deputy pilot examination for the Port of Pensacola.
- Commander Galen Dunton informed the board that when a rate application is received by the Pilotage Rate Review Board and sent to the investigative committee for handling, the committee has no way to quantify or qualify the actual handle times included in the application. Commander Dunton indicated that the investigative committee has been using historical data. He asked the board to consider gathering information to update the handle times to current standards. Captain Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association, informed the board that he is comfortable using historical data. Vice Chair Bryson indicated that actual handle time data currently exists. He suggested that this item be tabled for discussion until the July meeting so that he could discuss this matter with his pilot association. The board asked Commander Dunton to work with the Florida State Pilots Association to develop recommendations to address this issue.
- The board approved the amendments of the Tampa Bay Pilots Association Training Program and Training Policies.
- The board agreed to continue accepting board member compensation for attendance at meetings.

- The Probable Cause Panel closed five cases with no finding of probable cause, dismissed one case, requested the issuance of one letter of guidance in lieu of finding probable cause, and found probable cause in one case.
- Captain Brown mentioned the current difficulty with deputy pilots obtaining their United States Coast Guard (USCG) licenses. He added that the USCG has centralized their operations in West Virginia, and there appears to be an approximate four month delay in issuing federal licenses. Commander Dunton indicated that he would be willing to contact the USCG and ask that a representative be present at the board's July meeting in Fernandina Beach.
- Captain Brown mentioned the anticipated problems with attracting seamen for future deputy pilot openings. He suggested that the board explore how they are going to attract and maintain Florida pilots. Commander Dunton added that many individuals want to become Florida pilots, but the candidate pool is shrinking. Vice Chair Bryson will work with Captain Brown on this issue.
- Ms. Barineau informed the board that the next meeting is scheduled for July 23 and 24, 2009, in Fernandina Beach.

III. Legislation/Rule Promulgation

- Mr. Tom Barnhart, Assistant Attorney General, will inform Mr. Mike Flury, Assistant Attorney General, of the adjustment to the gross pilotage assessment rule, Rule 61G14-19.001, Florida Administrative Code.
- Mr. Barnhart will inform Mr. Flury of the possible need to file a Notice of Change on Rule 61G14-15.004, Florida Administrative Code – Boarding and Disembarking.

IV. Action Required

- Ms. Barineau will relay the board's concerns to the department's Legislative Affairs Director regarding the proviso language and that Vice Chair Bryson will also be contacting the department's Legislative Affairs Director on this issue.
- Ms. Barineau will obtain a copy of the proviso language and provide it to all members immediately.
- Commander Dunton will work with the Florida State Pilots Association to develop recommendations on how to proceed with gathering, or not, current handle time information.
- Commander Dunton will contact the USCG and ask that a representative be present at the July board meeting to entertain questions from the board.
- Vice Chair Bryson will work with the FSPA to address the need to attract and maintain Florida pilots.

Robyn Barineau
Executive Director
May 5, 2009