

EXECUTIVE SUMMARY
Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, Probable Cause
Panel Meeting, and General Business Meetings
Meeting Date: Thursday, April 29, 2010, and Friday, April 30, 2010
Meeting Location: Crowne Plaza Hotel
200 East Gregory Street
Pensacola, Florida

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Eric Bryson, Vice Chair
Commissioner Frances "Fran" Bohnsack
Commissioner Rivers H. Buford, Jr.
Commissioner David de la Parte
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner Donald "Don" N. Molitor
Commissioner Jorge Viso

Robyn Barineau, Executive Director, Department of Business and Professional
Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Diane Moore, Assistant General Counsel, DBPR
Michael Flury, Assistant Attorney General, Office of the Attorney General
Galen W. Dunton, Board Consultant
Steve Gasecki, Vice President, Florida Harbor Pilots Association (FHPA)
Gretchen Rayborn, Executive Liaison, FHPA
Margaret Matthews, Attorney at Law
Drew Winters, Attorney at Law
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
Jay Winegeart, St. Johns Bar Pilot Association
Brian McGee, Pensacola Pilots Association
Frank Knowles, Panama City Pilots Association
Tony Hogg, Florida Docking Masters Association
Clyde Mathis, Director, Port of Pensacola
Amy Miller, Port of Pensacola
Mike Pate, Port of Pensacola Users Association
Bill Leshay, Ocean Towing
Matt Pate
Jeremy Pate
Pamela Dee Elliott, Court Reporter

II. Major Issues/Actions

- Chair Cheryl Phipps excused Commissioner Jeffrey Jones from the board meeting and welcomed new Commissioners Jorge Viso and David de la Parte.
- Mr. Clyde Mathis, Director of the Port of Pensacola, introduced himself and Ms. Amy Miller. He added that although the port has struggled in the past, they have acquired some new customers and are looking forward to future growth. He added that he understands the need for the single Pensacola state pilot, Captain Brian McGee, to take on additional work outside of his service to the Port of Pensacola, and he appreciates the service provided by cross-licensed deputy pilot, Captain Frank Knowles. Mr. Mathis indicated that there is currently a window of time when a pilot may not be available, and this is worrisome to the port and its users. Commissioner Don Molitor suggested that the city council may want to consider offering Captain McGee a stipend or put him on their payroll as an employee to ensure he is always available to the port traffic. Mr. Mathis indicated that the city is willing to assist. Captain McGee informed the board that he wants to be able to stay in Pensacola full-time, but his 2009 income from piloting in the Port of Pensacola was only \$16,000, which will not support his family. For this reason, he had to seek other work at sea. Mr. Mathis indicated that an application to increase pilotage rates is currently being prepared. Captain McGee added that his biggest expense is payment of a charter boat to take him to and from the vessels, and that the provision of a pilot boat would be helpful. Mr. Mike Pate, Port of Pensacola Users Association, informed the board that the port users have experienced a loss of business because of the lack of a full-time pilot. Commissioner John Fernandez suggested that the port subsidize some of the pilot's expenses. Ms. Miller informed the board that the city is working on acquiring a pilot boat, filing for a rate increase, and making a financial commitment to keep a full-time pilot. Ms. Miller added that a meeting to discuss these matters will be scheduled with Captain McGee, the Port of Pensacola Users Association and the port authority. She will get back with the board on the outcome of the meeting.
- Vice Chair Eric Bryson discussed the preliminary financial report for the quarter ending March 31, 2010. He indicated that the gross pilotage assessment is 8/10 of one percent was effective on January 1, 2010. Vice Chair Bryson suggested reducing the gross pilotage assessment to 1/10 of one percent effective as soon as possible. Once the first quarter report for the new fiscal year is released, the board can reevaluate whether or not to adjust the gross pilotage assessment at that time.
- Captain Steve Gasecki, Vice President of the Florida Harbor Pilots Association, informed the board that legislation has passed to dissolve the Pilotage Rate Review Board and make it a committee within the Board of Pilot Commissioners. This legislation also amends the current make-up of the Board of Pilot Commissioners. He added that the bill is on its way to the Governor for signature.
- Mr. Michael Flury, Assistant Attorney General, informed the board that a change to the Administrative Procedures Act (APA) has been presented to the Legislature for consideration. This change will require that all rules impacting small business must be ratified by the Legislature. He will keep the board informed of the progress of this legislation.
- Mr. Flury reminded the board that recent legislation requires all Department of Business and Professional Regulation licensees to report to the department any criminal convictions within 30 days of the conviction. After discussion, the board agreed to impose a \$100 citation for this offense. Mr. Flury will move forward with rulemaking. The board agreed that this change does not impact small business.

- Ms. Diane Moore, Assistant General Counsel, reported that there were 15 pilot cases in the legal department as of March 18, 2010.
- The board approved the revised Safety/Operating Guidelines for the Key West Bar Pilots Association.
- The Probable Cause Panel closed ten cases with no finding of probable cause and found probable cause in one case.
- The board approved the request of the Tampa Bay Pilots Association to allow Captain Steve Sottak to sit for the state pilot examination.
- Ms. Robyn Barineau, Executive Director, informed the board of the following future meetings:
 - July 8 and 9, 2010 – Key West
 - September 23 and 24, 2010 – Panama City

III. Legislation/Rule Promulgation

- Mr. Flury will move forward with rulemaking to impose a \$100 citation on licensees who fail to timely report a criminal conviction to the board.

IV. Action Required

- Ms. Miller will inform the board of the outcome of a meeting with Captain McGee, the Port of Pensacola Users Association and the port authority.
- Mr. Flury will keep the board apprised of the progress of the proposed APA legislative change.

Robyn Barineau
Executive Director
May 4, 2010