

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, and General Business Meetings
Meeting Date: Thursday, July 23, 2009 and Friday, July 24, 2009
Meeting Location: Hampton Inn and Suites
19 South Second Street
Fernandina Beach, Florida 32034

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 (Friday only)
Commissioner Jeffrey Jones
Commissioner Donald "Don" N. Molitor

Charles W. Drago, Secretary, Department of Business and Professional Regulation (DBPR)

Robyn Barineau, Executive Director, 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

Steve Gasecki, Vice President, Florida State Pilots Association (FSPA)

Gretchen Rayborn, Executive Liaison, FSPA

Warren Husband, Attorney for FSPA

Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association

Jay Weingart, St. Johns Bar Pilot Association

Steve O'Conner, St. Johns Bar Pilot Association

Brian Seuter, Cumberland Sound Pilots Association

Dan Ramsey, Florida Docking Masters

Victoria Robas

Richard Woerner, Office of Program Policy Analysis and Government Accountability (OPPAGA)

Elizabeth McAuliffe, OPPAGA

Court Reporter

II. Major Issues/Actions

- Chair Cheryl Phipps welcomed Secretary Drago and thanked him for attending the meeting. Secretary Drago thanked the board for the opportunity to join them for their meeting and extended his thanks to the membership for their service on the board.

Secretary Drago reiterated his goal to streamline the department processes to make the Department of Business and Professional Regulation an easier place to do business. He mentioned that the hold times for callers into the department's Customer Contact Center have been reduced to under two minutes, the time for a Tier N response to emailers has been reduced to a day or two, and the time to process an application by the department's Central Intake Unit has been reduced to approximately five days. Secretary Drago mentioned the EZApply initiative and solicited the board members' suggestions for any improvements. He also described the Quality on the Line initiative. Secretary Drago added that the 2009 legislative session was very successful for the department, and he asked the board to provide the department with any legislative suggestions that would Accelerate Florida. Vice Chair Eric Bryson, Florida State Pilots Association (FSPA) Vice President Steve Gasecki, FSPA, Commissioner Fran Bohnsack, Commissioner Rivers Buford, and Commissioner Don Molitor all spoke about the recent document filed by the Florida Alliance of Maritime Organizations (FAMO). Vice Chair Bryson also mentioned that the board could potentially seek legislation to change the deputy pilot selection process. Secretary Drago indicated a willingness to listen to the proposal. Secretary Drago thanked the board and other attendees for their remarks. The board thanked Secretary Drago for attending the meeting.

- Chair Phipps excused the absences of Commissioner John Fernandez and Commissioner Rick Frudaker.
- Vice Chair Eric Bryson discussed the financial report for the quarter ending March 31, 2009, and his budgetary handout included in the supplemental agenda. He indicated that based on the projected revenue and expenses, he anticipates a small negative balance in the operating account at the end of the fiscal year, but anticipates that the account will move in a positive direction once the most recent gross pilotage assessment rule becomes effective on August 1, 2009. He suggested that the gross pilotage assessment be decreased to 8/10 of one percent effective October 1, 2009, or as soon thereafter as possible.
- The board briefly discussed the information included in the addendum related to turning over the conn of the vessel. Vice President Gasecki indicated that he would like to review this matter further and receive input from the APA. The board agreed to further discuss this matter at the October meeting.
- Commander Galen Dunton informed the board that he submitted a letter to FSPA President Joe Brown regarding a work hour study and necessary definitions for performing such a study. He suggested that the following be defined to develop actual piloting duties: actual bridge time, transportation time, and administrative time. Mr. Husband suggested that Commander Dunton's letter be reviewed more closely and that such definitions were not necessary until an actual work study is requested. He reminded the board that all rate applications are submitted to the department under oath and when an application is submitted, if the indicated times are questioned, the investigative committee of the Pilotage Rate Review Board (PRRB) should investigate such. Vice President Gasecki mentioned that since all ports are different, it would be difficult to make such definitions applicable to all. Captain Allen Thompson, Executive Director of the Tampa Bay Pilots Association, reminded the board that it would be difficult to factor in weather conditions. Commander Dunton informed the board that the PRRB investigative committee currently compares historical information against a submitted rate application. The board agreed to send a letter to the FSPA asking for their assistance with this proposal and discuss this matter again at the next meeting.

- Commander Dunton indicated that he has attempted to contact the United States Coast Guard (USCG) and ask that a representative be present at a board meeting, but he has been unsuccessful. He will continue to attempt to contact the USCG.
- The Probable Cause Panel closed three cases with no finding of probable cause, requested the issuance of one letter of guidance in lieu of finding probable cause, and found probable cause in one case.
- Mr. Phil Monte, Assistant General Counsel, reported that as of July 17, 2009, there were 12 pilot cases in the legal department. The board agreed to allow Mr. Monte to continue processing the year-old cases.
- On behalf of the Biscayne Bay Pilots Association, Commissioner Fernandez withdrew their request for an additional deputy pilot.
- The board approved the request of the St. Johns Bar Pilot Association for the issuance of a deputy pilot certificate to Captain William H. Kavanaugh, Jr.
- The board approved the request of the St. Johns Bar Pilot Association to allow Captain Narayan Chris Mons to sit for the state pilot examination.
- Ms. Robyn Barineau, Executive Director, informed the board that Captain Frank Wood has withdrawn his request for consideration as a cross-licensed deputy pilot in the Port of Pensacola. The board asked staff to notify all pilot associations again of this opening.
- Chair Phipps mentioned the final report from the National Transportation Safety Board (NTSB) regarding their investigation into the accident in which the M/V Cosco Busan spilled fuel oil after striking the San Francisco-Oakland Bay Bridge. She will have this report included in the next agenda for discussion.
- Ms. Barineau mentioned the letter from Secretary Drago mailed to Chair Phipps regarding 2010 Accelerate Florida legislative initiatives. She asked the board for their input by August 1.
- Vice Chair Bryson touched on possibly amending Chapter 310, Florida Statutes, to change the current deputy pilot selection process. He suggested that 50 percent of the consideration be given to the examination, 25 percent be given to interviews of the candidates, and 25 percent be based on professional background. Chair Phipps indicated that further discussion and consideration is necessary on this topic.
- The board agreed to send a letter to the PRRB asking that they consider amending Rule 61E13-2.005(1), Florida Administrative Code – Contents of Application by a Pilot. The rule currently allows pilot associations with gross revenues of \$250,000 or less to file a rate application without a consolidated or combined financial statement audited by an independent certified public accountant and an unqualified opinion from that certified public accountant. The board would like to ask the PRRB to increase the threshold amount for a pilot association's gross pilotage revenues from the current \$250,000 to \$1 million.
- The board unanimously elected Captain Cheryl Phipps and Captain Eric Bryson as Chair and Vice Chair, respectively, of the Board of Pilot Commissioners.
- Ms. Barineau informed the board that the next meeting is scheduled for October 1 and 2, 2009, in Tampa. She will forward the dates and locations of future meetings to board members by email.

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 need to open Rule 61G14-16.001, Florida Administrative Code – Vessel Movements Requiring a State Pilot, for discussion at the next meeting.

IV. Action Required

- The board will further discuss the issue of turning over the conn of a vessel at the next meeting.
- Chair Phipps will draft a letter to the FSPA requesting their assistance with definitions for piloting duties.
- Commander Dunton will continue to attempt to contact the USCG and ask that a representative be present at a future board meeting to entertain questions from the board.
- Staff will notify all pilot associations of the opening for a cross-licensed deputy pilot in the Port of Pensacola.
- Chair Phipps will provide to staff the final report from the NTSB for inclusion in the next agenda.
- Ms. Barineau will forward the dates and locations of future meetings to all members by email.

Robyn Barineau
Executive Director
July 28, 2009