

EXECUTIVE SUMMARY

Board of Pilot Commissioners

I. General Information

Meeting Type: Finance Committee, Rules Committee, and General Business Meetings
Meeting Date: Thursday, October 1, 2009 and Friday, October 2, 2009
Meeting Location: Tampa Marriott Westshore
1001 North Westshore Boulevard
Tampa, Florida

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Eric Bryson, Vice Chair
Commissioner Harold "Hap" Brandenburg
Commissioner Frances "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
Eric Hurst, Chief Attorney, DBPR
Diane Moore, Assistant General Counsel, DBPR
Michael Flury, Assistant Attorney General, Office of the Attorney General
Galen W. Dunton, Board Consultant
Joe Brown, President, Florida State Pilots Association (FSPA)
Steve Gasecki, Vice President, FSPA
Gretchen Rayborn, Executive Liaison, FSPA
Warren Husband, Attorney for FSPA
Margaret Matthews, Attorney at Law
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association (TBPA)
Kelley Fowler, TBPA
Michael Buffington, TBPA
Jorge Viso, TBPA
Jay Weingart, St. Johns Bar Pilot Association (SJBPA)
John Atchison, SJBPA
John Teems, SJBPA
Mike McGraw, Key West Bar Pilots Association (KWBPA)
Dan Ramsey, Florida Docking Masters
Dianna Garcia, Court Reporter

II. Major Issues/Actions

- Vice Chair Eric Bryson discussed the financial report for the year ending June 30, 2009, and his budgetary handout included in the supplemental agenda. He indicated that based on the projected revenue and expenses, he anticipates that the operating budget deficit should be addressed with the increase of the gross pilotage assessment to one percent, which was effective August 1, 2009. He mentioned that the gross pilotage assessment was going to be decreased to 8/10 of one percent effective November 1, 2009, but out of an abundance of caution, he suggested that the effective date be moved back to January 1, 2010. Ms. Robyn Barineau, Executive Director, advised the board that the financial report for the first quarter of the 2009-2010 fiscal year should be released around November 1, 2009.
- Mr. Michael Flury, Assistant Attorney General, informed the board that the changes to Rule 61G14-15.004, Florida Administrative Code – Boarding and Disembarking, were effective July 9, 2009. Changes were necessary to update the boarding and disembarking locations of pilots for the Ports of Fort Pierce and Panama City.
- Commander Galen Dunton mentioned the issue of turning over the conn of a vessel. He stated that a Memorandum of Understanding and Agreement between the St. Johns Bar Pilot Association (SJBPA) and the Docking Pilots Association of Jacksonville, Florida (DPAJF), is still being utilized in the Port of Jacksonville, and there is some concern that the pilots may be disembarking the vessel early. Captain Jay Weingart, President of the St. Johns Bar Pilot Association (SJBPA), indicated that they are the only Florida port that utilizes docking masters, and the SJBPA disagrees that their pilots are disembarking early. The board agreed that the SJBPA and the DPAJF should address these issues.
- Regarding case number 2007.063534 against Captain Jonathan D. Nitkin, this matter was tabled and will be discussed at a future meeting.
- Ms. Diane Moore, Assistant General Counsel, reported that there were ten pilot cases in the legal department. The board agreed to allow Ms. Moore to continue processing the year-old cases.
- The board approved the request of the Key West Bar Pilots Association (KWBPA) for one Deputy Pilot from the March 2010 examination.
- The board approved the revised Deputy Pilot Training Program for the St. Andrew Bay Pilots Association (SABPA).
- Captain John Teems mentioned that the SJBPA is allowing Deputy Pilots to disembark in-bound vessels early, and he feels the SJBPA Deputy Pilot Training Program should specifically require all Deputy Pilots to remain on-board the vessels until they are docked. Captain Weingart informed the board that Captain Teems' opinion was not the opinion of the SJBPA. The board agreed that this issue should be addressed at a meeting of the SJBPA and if adjustments to their Deputy Pilot Training Program are necessary, they should be brought to the board for review and consideration.
- Vice Chair Bryson withdrew his request for discussion of a change to the current Deputy Pilot selection process.
- Chair Phipps mentioned that she drafted a letter to all the pilot associations regarding a work hour study and necessary definitions for performing such a study. She mentioned that the Pilotage Rate Review Board's (PRRB) investigative committee currently compares historical information against a submitted rate application, and this study will be helpful to the PRRB.

- Chair Phipps drafted a letter to the Chair of the PRRB asking that the PRRB 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 asks to increase the threshold amount for a pilot association’s gross pilotage revenues from the current \$250,000 to \$1 million.
- The Probable Cause Panel closed four cases with no finding of probable cause.
- Ms. Barineau mentioned that Captain Christopher Marlow was the selected Deputy Pilot for the SABPA. His temporary certificate was issued on September 28, 2009.
- Ms. Barineau informed the board that Captain Frank Wood withdrew his request for consideration as a cross-licensed deputy pilot in the Port of Pensacola, and board staff again notified all pilot associations of this opening.
- Ms. Barineau mentioned the email received from Mr. Clyde Mathis, Director of the Port of Pensacola, with respect to the problems they are encountering relating to the loss of business because of no full-time State Pilots being available. Ms. Barineau indicated that she has informed Mr. Mathis of the notice to all the pilot associations for a cross-licensed Deputy Pilot, and she also mailed Mr. Mathis a rate increase application. Commissioner Frudaker indicated that the Port of Pensacola needs to make it enticing for a full-time State Pilot and the port should consider offering them a salary. Vice Chair Bryson added that he has been in contact with Mr. Mathis, and he will relay this information to him.
- Ms. Barineau informed the board of the following future meetings:
 - January 28 and 29, 2010 – Palm Beach
 - April 29 and 20, 2010 - Pensacola

III. Legislation/Rule Promulgation

- Mr. Flury will adjust the effective date of the change to the gross pilotage assessment rule, Rule 61G14-19.001, Florida Administrative Code.

IV. Action Required

- There is no follow-up action necessary.

Robyn Barineau
 Executive Director
 October 5, 2009