

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

Hutchinson Island Marriott Resort

555 NE Ocean Boulevard

Stuart, FL

April 30, 2009 – 9:00 a.m.

CALL TO ORDER

Chair Phipps called the meeting to order at 9:03 a.m.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Brandenburg
Commissioner Bryson, Vice-Chair
Commissioner Buford
Commissioner Fernandez
Commissioner Frudaker
Commissioner Jones
Commissioner Molitor

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tom Barnhart, Board Counsel
Phil Monte, Prosecuting Attorney
Galen Dunton, Board Consultant
Joseph Brown, Florida State Pilots Association
Gretchen Rayborn, Florida State Pilots Association
Allen Thompson, Tampa Bay Pilots Association
Bill Wetzal, Ft. Pierce Pilots Association
Bill Roden, Palm Beach Pilots Association
Bill Leshe, Ocean Towing Corporation
R. J. Leshe, Ocean Towing Corporation

APPROVAL OF THE MINUTES OF THE MEETING

January 30, 2009

Commissioner Frudaker stated that on page 25, the motion should state “port director” rather than “city counsel.”

Chair Phipps stated that on page 27, “time” should be “times”, the minute sign should be added after 30.7 W, and “Sea” should be deleted before buoy #2.

MOTION: Commissioner Fernandez made a motion that the board approve the minutes as amended.

SECOND: Commissioner Frudaker seconded the motion and it passed unanimously.

January 29, 2009 Probable Cause Panel

Chair Phipps stated that the minutes were for the public portion of the meeting.

MOTION: Commissioner Molitor made a motion that the board approve the minutes as submitted.

SECOND: Commissioner Frudaker seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY'S REPORT – PHILIP MONTE

Mr. Monte provided the board with a copy of his report and informed the board that there were 16 confidential cases and three public cases in the legal section. Of the public cases, one case was in negotiations and two were heard on Wednesday.

MOTION: Commissioner Fernandez made a motion that the board authorize Mr. Monte to continue with the year-old cases.

SECOND: Commissioner Buford seconded the motion and it passed unanimously.

REVIEW OF CROSS LICENSE DEPUTY PILOT APPLICATION FOR THE PORT OF PENSACOLA

Francis Wood

Chair Phipps stated that an application had been received from Captain Francis Wood, and she asked Commander Dunton for any comments. Commander Dunton stated that the application was received by the board office, and he will work with the Bureau of Education and Testing and Captain Wood to schedule the examination.

MOTION: Commissioner Frudaker made a motion that the board approve the application of Captain Francis Wood.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

NTSB SB-09-06 RELEASE & NEWSPAPER ARTICLES– CHERYL PHIPPS

Chair Phipps stated that there were several articles provided for informational purposes. She stated that the National Transportation Safety Board was concerned with pilot oversight. The final report had not been issued.

DISCUSSION REGARDING THE RE-EVALUATION OF HANDLE TIME AT FLORIDA PORTS – GALEN DUNTON

Commander Dunton stated that this was discussed at the last meeting. He stated that he is currently using historical data for handle times. Commander Dunton stated that because the size of ships has changed, the data on record is

out-of-date, and it has not changed since he started with the board. He stated that when a rate application is submitted, the association will insert new numbers, and the investigative committee has no way to quantify or qualify these numbers.

Following discussion, it was suggested that Commander Dunton work with the FSPA on this issue. Chair Phipps stated that it would be on the agenda for discussion at the next meeting.

REVIEW OF TAMPA BAY PILOTS ASSOCIATION TRAINING PROGRAM AND TRAINING POLICIES

Captain Thompson, Executive Director for Tampa Bay Pilots Association, was present. He stated that their program and policies had not been changed since April of 1993.

Following discussion, the following action was taken.

MOTION: Commissioner Fernandez made a motion that the board approve the training program for the Tampa Bay Pilots Association as submitted.

SECOND: Commissioner Molitor seconded the motion and it passed unanimously.

REPORTS

Chair's Report – Commissioner Phipps

Letter Received from Board of Veterinary Medicine Regarding Board Member Compensation

Chair Phipps stated that she received this letter requesting that board members forego the \$50 board member compensation for meetings they attend. She stated that this letter was sent to all of the department's board chairs.

Captain Brown stated that the FSPA did not have a problem with the members continuing to receive per diem.

MOTION: Vice-Chair Bryson made a motion that the board not accept the \$50 board member compensation.

Chair Phipps stated that if the decision was not unanimous, she did not feel the board should take any action.

Vice-Chair Bryson withdrew his motion.

No action was taken.

Deputy Pilot Advancement Committee – Commissioner Phipps

February 16, 2009

April 13, 2009

Chair Phipps reported that the committee met as indicated.

Finance Committee Report – Commissioner Bryson

Vice-Chair Bryson reported that the committee met yesterday and the numbers were provided to the members. He reported that based on the numbers, the gross pilotage assessment should be increased beginning July 1, 2009, to 1% and it should be reviewed at the next meeting for maintenance or reduction back to .8%, if funds are sufficient.

Vice-Chair Bryson reported that the committee discussed the funding of the Pilotage Rate Review Board and the concern with language submitted as part of the budget which would eliminate the ability to fund the board for any rate increase. He stated that the inability of the board to specifically meet to discuss rates where the finances are so critical requires that the board take some action to notice the Legislature of their concern. Therefore, a letter was developed and provided to all members expressing concerns. He suggested that the board submit the letter to the Speaker of the House and President of the Senate.

Ms. Barineau stated that if the letter was to go on board letterhead then it will have to be reviewed by the department before it is mailed. If not on letterhead, it does not have to be reviewed by the department.

MOTION: Commissioner Molitor made a motion that a copy of the letter be sent with no letterhead, a second copy be sent on letterhead, with or without approval of the department, and the copy be e-mailed to each commissioner so they can send it to their legislative delegates.

SECOND: Commissioner Brandenburg seconded the motion and it passed unanimously.

MOTION: Vice-Chair Bryson made a motion that the actions of the Finance Committee be approved to change the gross pilotage assessment to 1% as of July 1, 2009.

SECOND: Commissioner Bohnsack seconded the motion and it passed unanimously.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the committee met yesterday and noted changes to the January minutes and approved a Notice of Change to Rule 61G14-15.009, Florida Administrative Code, for minor changes. Mr. Barnhart stated that he was not sure of the status of the rule but would discuss the change with Mr. Flury.

MOTION: Commissioner Molitor made a motion that the board approve the Notice of Change to Rule 61G14-15.009, FAC.

SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

Commissioner Frudaker reported that the committee received a recommendation from the Finance Committee to increase the gross pilotage assessment to 1% effective July 1, 2009.

MOTION: Commissioner Molitor made a motion that the board approve the recommendation to change the gross pilotage assessment to 1% effective July 1, 2009.

SECOND: Vice-Chair Bryson seconded the motion and it passed unanimously.

Commissioner Frudaker informed the board that Ms. Barineau had completed a Statement of Estimated Regulatory Cost (SERC) for the proposed rule change.

MOTION: Commissioner Molitor made a motion that the board approve the SERC as provided.

SECOND: Commissioner Buford seconded the motion and it passed unanimously.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the panel met yesterday. They dismissed one case, an administrative complaint was approved with changes for one case, a letter of guidance was to be issued in one case, and five cases were closed with a finding of no probable cause.

Board Counsel’s Report – Tom Barnhart

Mr. Barnhart did not have a report to give at this time.

Executive Director’s Report – Robyn Barineau

Senate Bill 2598

Ms. Barineau informed the board that she provided them with a copy of legislation that was proposed which impacted the department.

Port Security – Commissioner Molitor

Commissioner Molitor did not have a report to give at this time.

CORRESPONDENCE

Letter From Eric Bryson to Clyde Mathis, Port of Pensacola, Regarding Cross-Licensing

Copy of the E-Mail Sent To Request a Cross-Licensed Deputy for the Port of Pensacola

E-Mail from Captain Brian McGee Regarding His Returning to Sea

Vice-Chair Bryson stated that he wrote the letter to Mr. Mathis in Pensacola as directed by the board. He received a call from Mr. Mathis that he understands the content of the letter and his rights.

Commissioner Frudaker asked if he received any feedback as to where they think they are headed. Vice-Chair Bryson responded that he did not discuss projections or board business with him.

Chair Phipps stated that Captain McGee has gone back to sea. Ms. Barineau informed the board that Captain Knowles is helping when he can.

Commissioner Frudaker commented that there was a ship that was rescheduled and will be handled when Captain McGee returns. He stated that Captain Knowles brought in a ship recently, and he fills in the best he can.

PUBLIC COMMENTS

Captain Brown provided the board with an update on the legislation. He stated that there is an amendment to provide for a study on Chapter 310, Florida Statutes, through the Office of Program Policy Analysis and Government Accountability.

Captain Brown stated that he is concerned with the difficulties deputy pilots are having with obtaining the endorsements from the U. S. Coast Guard. He stated that the medical review process is taking time. He stated that the process is currently taking four months if there are no problems.

Commander Dunton informed the board that the U. S. Coast Guard was reorganizing their entire licensing structure, and he believed they had completed the transfer of files, and they are revamping the medical standards. Commander Dunton stated that he would try and find a contact person and will forward the information to the FSPA. He stated that he would also invite the U. S. Coast Guard to attend the next meeting of the board to discuss their concerns.

Commissioner Fernandez suggested that a letter be sent to Admiral Allen outlining the problems. Captain Thompson stated that he thought a letter would be appropriate.

Captain Brown stated that the pilots are also concerned with the shortage of applicants to sit for the deputy pilot exams. He stated that they were compiling data and there is a dramatic decrease in the number of applicants that finish the examination. He suggested that the board look at how to attract and maintain qualified applicants.

Commissioner Molitor suggested that the FSPA develop criteria for specific actions. Vice-Chair Bryson stated that he will work with Captain Brown on this project.

Mr. Bob Leshe, President of Ocean Towing, addressed the board. He stated that he operated out of Pensacola and previously out of Ft. Pierce. During his comments, he stated that there should be a mandatory retirement age for all pilots.

The board thanked Mr. Leshe for attending the meeting.

NEW BUSINESS

The was no new business to come before the board at this time.

OLD BUSINESS

Ms. Barineau reminded the board that the next meeting would be held July 23 & 24 in Fernandina and then October 1 & 2 Tampa.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 10:51 p.m.