

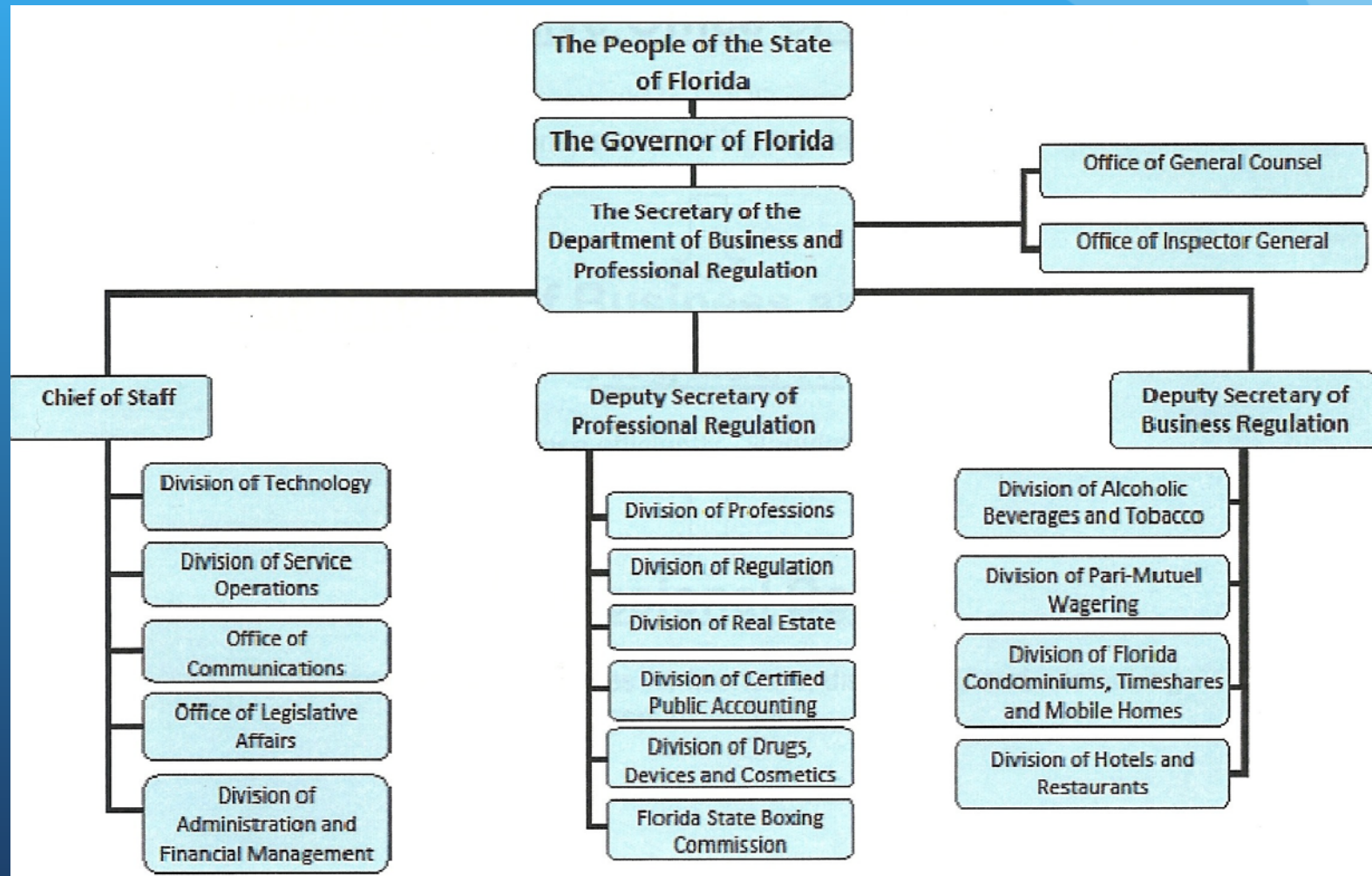
Florida Board of Pilot Commissioners

Carolyn J Kurtz
Tampa Bay Pilots Association
Acting Board Chair

Chapter 310, Florida Statutes

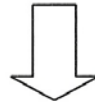
- 310.001 ...it is in the interest of public health, safety, and welfare to provide laws regulating the piloting of vessels...
- 310.0015 Piloting is an essential service of such paramount importance that its continued existence must be secured by the state and may not be left to open market forces.
- 310.011 A board is established within the Division of Professions...to be known as the Board of Pilot Commissioners.

Where does the Board fit in?



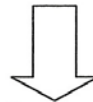
Information Flow

The People of the State of Florida



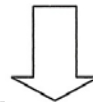
The Executive Office of the Governor

Provides direction and oversight to DBPR regarding policies, performance expectations, and reducing regulatory burdens.



Department of Business and Professional Regulation

License efficiently. Regulate fairly.



Professional Boards

To serve as quasi-judicial bodies for licensure, disciplinary and rulemaking responsibilities

Florida Board of Pilot Commissioners
was created to assist in regulating the
piloting profession with regards to:

- Examination and licensing of deputies and pilots
- Training
- Disciplinary action
- Assessment of fees
- Pilotage Rates
- Rulemaking

Composition of BOPC

Ten members, appointed by the Governor:

- Five members are active licensed pilots, one from each of four defined regions plus one at large.
- Two members are actively involved in the maritime industry. (cruise, cargo, etc.)
- One member must be a CPA with at least 5 years experience in financial management.
- Two members are citizens of the state.
- The latter three members **MUST NOT** have any financial interest in the piloting, maritime, shipping, or passenger cruise industry.

Duties and Responsibilities

- Board SHALL meet at least once per year, usually quarterly.
- Chair and Vice Chair are to be elected annually.
- Members are appointed for a term of 4 years.
- A majority of the members constitutes a quorum.
- All members MUST vote on each decision made at a meeting except where there is an ethical conflict or member served on probable cause panel and final decision comes before the board.

Board members shall:

- Apply the statutes, rules and regulations of the profession in an unbiased and fair manner.
- Be familiar with said statutes and rules.
- Not create unreasonably strict or extraordinary standards that would deter qualified persons from entering the profession.
- Participate in approving/denying applicants for licensure.
- Serve on committees that make recommendations to the full board.

Committees:

- Legislative committee is a committee of the whole board.
- Deputy Pilot Advancement—1 member (310.075)
- Rules—whole board
- Finance-whole board
- Rate Review committee is a committee of the 5 non-pilot members plus 2 pilots (310.151).
- Probable Cause is made up of 3 members and works with the Consultant. (310.101)

Accountability and Liability

- Members are accountable to the Governor for the performance of their duties.
- Member may be suspended or removed from the Board for misconduct.
- By statute, a member with three consecutive unexcused absences or who is absent during half of the meetings scheduled within one year shall be removed from the Board.
- Member serving/having served on Probable Cause Panel is exempt from civil liability for any act or omission when acting in his/her official capacity. DBPR or Attorney General's Office is authorized to defend the Board or Member in any lawsuit arising from any such act or omission.

Support Staff 310.051

- Executive Director--DBPR employee—serves as single point of contact between the board and the Department. Arrange meetings, prepare agenda, generate minutes, assist board members as needed.
- Assistant Director--DBPR employee--helps with all of the above
- Pilot Consultant—appointed by the Department, knowledgeable and experienced in matters related to piloting. Conducts examinations, investigations (marine incidents), and aids in the selection of Admiralty attorney, as needed.
- Legal counsel supplied by the Office of Attorney General—advises members on administrative law/procedure as it may apply to Board actions.

Pilot Consultant:

- Examines applicants for licensure using specific criteria set out in Chapter 310. The Board then votes to approve (or not) applicant to test, based upon the recommendations of the investigator.
- Works closely with Deputy Pilot committee and training representatives from each port to advance deputies through the training program. The Board must approve the training plan and any subsequent changes for every Port.
- Annual review by full Board to retain.

The Sunshine Law

- Meetings must be publicly noticed 30 days in advance.
- All actions must be carried out in public view, including informal discussion amongst Board members during meetings.
- Board members may not discuss board business with other board members outside of noticed meetings.
- Violating the Sunshine Law may result in a fine and/or imprisonment.

Funding

Chapter 310.131

- The DBPR shall assess the licensed state pilots in the respective ports of the state a percentage of the gross amount of pilotage earned by such pilots during each year...not to exceed 2%.
- Finance committee reviews the budget and makes recommendation of annual % to the full Board.

Rulemaking

- The Board has authority to adopt rules to implement provisions of Chapter 310 (310.185).
- Rule 61G14 of the Florida Administrative Code contains the rules pertaining to the BOPC and piloting.
- Rulemaking is a less cumbersome method of enhancing the existing statute, as changes to the statute require legislative action.
- Proposed rulemaking is subject to review to ensure that the Board has not exceeded its authority.

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