

## Notice of Proposed Rule

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Pilotage Rate Review Board**

RULE NO: RULE TITLE

[61E13-2.005](#): Contents of Application by a Pilot

PURPOSE AND EFFECT: The proposed rule change increases the threshold amount of consolidated or combined revenues, from \$250,000 to \$1,000,000, which requires an audited financial statement to be submitted in support of the application for a change of rates of pilotage. The proposed rule change also removes a reference to a Board of Accountancy Rule.

SUMMARY: The proposed rule change increases the threshold amount of consolidated or combined revenues, from \$250,000 to \$1,000,000, which requires an audited financial statement to be submitted in support of the application for a change of rates of pilotage. The proposed rule change also removes a reference to a Board of Accountancy Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [310.151\(1\)\(c\) FS.](#)

LAW IMPLEMENTED: [310.151\(2\)](#), (3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61E13-2.005 Contents of Application by a Pilot.

Applications by a pilot for a change in rates of pilotage in order to be considered complete, shall include:

(1) A consolidated or combined financial statement of the pilot making application prepared in accordance with generally accepted accounting principles as defined in the Board of Accountancy Rule 61H1-20.007, F.A.C. Such financial statements shall be prepared as of the fiscal year ending closest to the date on which the rate change application is filed and shall also include the financial condition and the results of operation for the preceding fiscal year. The financial statements shall include the consolidated or combined financial condition and the results of operations of all the entities owned or partially owned by the pilot which provides pilot-related services. The consolidated or combined financial statements shall be audited by an independent certified public accountant and shall include an unqualified opinion from that certified public accountant except where the consolidated or combined revenues of the applying pilot are less than ~~\$1,000,000~~ ~~250,000~~, in which case, a compiled financial statement prepared in accordance with Statements on Standards for Accounting and Review Services promulgated by the American Institute of Certified Public Accountants ~~and adopted by the Florida Board of Accountancy in Rule 61H1-20.009, F.A.C.~~, shall be accepted. The financial statements shall include a supplemental schedule detailing all operating expenses.

(2) A schedule derived from the financial statements submitted indicating the average net income of pilots in the port area including the value of all benefits derived from service as a pilot. This schedule will also contain a comparison of the average net income using current rates to the projected average net income using the requested rates. The information for this shall be derived from the projected statements defined in subsection (8).

(3) A schedule indicating the pilotage rates in other ports if deemed relevant by the applicant.

(4) A schedule indicating the amount of time the applying pilot spends on actual piloting duty and the amount of time spent on other essential support services.

(5) A schedule of the prevailing compensation available to individuals in other maritime services of comparable professional skills, if deemed relevant by the applicant.

(6) Projected changes in vessel traffic for the next twenty-four months and the methodology used to reach the conclusions.

(7) A narrative explaining special characteristics, dangers, and risks of the particular port.

(8) Projected balances sheets, projected income statements, and projected statements of cash-flows for the next two fiscal years indicating the impact of the requested rates, projected changes in vessel traffic and projected expenses. This statement shall be prepared in accordance with the Guide for Prospective Financial Statements promulgated by the American Institute of Certified Public Accountants ~~and adopted by the Florida Board of Accountancy in Rule 6111-20.0094, F.A.C.~~

(9) The application shall specify the rate change requested.

(10) A narrative statement justifying the requested change.

(11) Fee of \$150.

(12) A statement as to how the requested rate change will result in fair, just and reasonable rates taking into consideration the public interest in promoting and maintaining efficient, reliable and safe piloting services and further taking into consideration the factors set forth in subsection 310.151(5)(b), F.S.

Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151(2), (3) FS. History—New 8-8-95, Amended 10-14-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pilotage Rate Review Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pilotage Rate Review Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009