

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB NRPL 17-01 Vessels
SPONSOR(S): Natural Resources & Public Lands Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Natural Resources & Public Lands Subcommittee		Moore	Shugar

SUMMARY ANALYSIS

In 2009, the Legislature required the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to explore potential policy options for regulating the anchoring and mooring of vessels outside public mooring fields, including the authority that should be granted to local governments to regulate such activities (pilot program). With the exception of those participating in the pilot program, local governments are prohibited from enacting or enforcing regulations on the anchoring or mooring of vessels, other than a live-aboard vessel, outside the marked boundaries of mooring fields.

FWC was required to submit a report of its findings and recommendations on the pilot program to the Legislature by January 1, 2017. The pilot program and the ordinances adopted by the pilot program participants under the pilot program will expire on July 1, 2017, unless reenacted by the Legislature.

The bill incorporates many of the findings and recommendations from the pilot program. The bill:

- Revises the definition of “live-aboard vessel” and defines “effective means of propulsion for safe navigation”;
- Provides that a vessel is at risk of becoming derelict if an owner or operator of the vessel cannot demonstrate, after 72 hours of notification by a law enforcement officer, that the vessel has an effective means of propulsion for safe navigation;
- Removes the expiration of anchoring limitation areas;
- Prohibits a vessel or floating structure from anchoring or mooring within 150 feet of any marina, boat ramp, or other vessel launching or loading facility to protect maritime infrastructure, or within 300 feet of mooring field boundaries to protect legally moored vessels. Provides time-limited exemptions for mechanical failure and for imminent and existing weather conditions. Provides blanket exemptions for government owned or operated vessels, construction or dredging vessels on an active job site, and vessels actively engaged in commercial or recreational fishing. Provides the following penalties:
 - For a first violation, a noncriminal infraction; and
 - For a second or subsequent violation, a misdemeanor of the second degree.
- Prohibits a vessel or floating structure from anchoring, mooring, tying, or otherwise affixing to an unpermitted or unauthorized object that is on or affixed to the bottom of waters of the state and provides the following penalties:
 - For a first violation, a noncriminal infraction; and
 - For a second or subsequent violation, a misdemeanor of the second degree.
- Authorizes local governments to enact and enforce regulations that require owners or operators of vessels or floating structures subject to marine sanitation requirements to provide proof of proper sewage disposal within marked boundaries of a permitted mooring field or federally designated no discharge zones, provided the local government has adequate pumpout services and FWC has verified such before any ordinance is effective.
- Clarifies that local governments may enact and enforce pumpout requirements for live-aboard vessels.
- Elevates the penalty for a vessel with an expired registration of more than 6 months, upon a second or subsequent offense, from a noncriminal infraction to a misdemeanor of the second degree.

The bill may have an indeterminate fiscal impact on state and local governments and the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Fish and Wildlife Conservation Commission Anchoring and Mooring Pilot Program

Present Situation

In 2009, the Legislature required the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to explore potential policy options for regulating the anchoring and mooring of vessels¹ outside public mooring fields, including the authority that should be granted to local governments to regulate such activities (pilot program).² With the exception of those participating in the pilot program, local governments are prohibited from enacting or enforcing regulations on the anchoring or mooring of vessels, other than live-aboard vessels,³ outside the marked boundaries of mooring fields.⁴

The goals of the pilot program are to encourage the establishment of additional mooring fields and to develop and test policies and regulatory regimes that:

- Promote the establishment and use of public mooring fields;
- Promote access to the waters of the state;
- Enhance navigational safety;
- Protect maritime infrastructure;
- Protect marine environment; and
- Deter improperly stored, abandoned, or derelict vessels.⁵

Each location selected for inclusion in the pilot program was required to have a properly permitted mooring field.⁶ FWC, in consultation with DEP, selected two locations off the east coast, two locations off the west coast, and one location within Monroe County. The locations had to be geographically diverse and take into consideration various users and means of using the waters of the state.⁷ The pilot program participants include:

- The City of St. Augustine;⁸
- The City of St. Petersburg;⁹
- The City of Sarasota;¹⁰
- Martin County in partnership with the City of Stuart;¹¹ and
- Monroe County in partnership with the cities of Marathon and Key West.¹²

¹ A “vessel” is synonymous with a boat as referenced in article VII, section 1(b) of the Florida Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water; s. 327.02(43), F.S.

² Ch. 2009-86, Laws of Fla.; s. 327.4105, F.S.

³ A “live-aboard vessel” is a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed pursuant to section 222.17, F.S. The term expressly excludes commercial fishing boats; s. 327.02(19), F.S.

⁴ ss. 327.60(2)(f) and 327.60(3), F.S.

⁵ s. 327.4105(1)(a)-(f), F.S.

⁶ DEP provides a general permit for local governments to develop and operated mooring fields, which can hold up to 100 vessels, including associated docks and parking facilities; s. 373.118(4), F.S.; r. 62-330.420, F.A.C.

⁷ s. 327.4105(2), F.S.

⁸ The City of St. Augustine ordinance, http://www.citystaug.com/document_center/Marina/Ord2011-10-2.pdf (last visited Feb. 14, 2017).

⁹ The City of St. Petersburg ordinance, <http://myfwc.com/media/2221101/StPeteOrdinance.pdf> (last visited Feb. 14, 2017).

¹⁰ The City of Sarasota ordinance, <http://myfwc.com/media/2405171/Sarasota-final-Ord-12-5003.pdf> (last visited Feb. 14, 2017).

¹¹ Martin County ordinance, <https://www.martin.fl.us/sites/default/files/151-538.pdf> (last visited Feb. 14, 2017).

¹² Monroe County anchoring and mooring ordinance, <https://fl-monroecounty.civicplus.com/Documentview.aspx?DID=4039> (last visited Feb. 14, 2017).

Any ordinance enacted under the pilot program could not take effect or become enforceable until approved by FWC. FWC could not approve an ordinance that was inconsistent with the goals of the pilot program.¹³ FWC was required to:

- Provide consultation and technical assistance to each pilot program participant to facilitate accomplishment of the pilot program's goals;
- Coordinate the review of any proposed ordinance with DEP; the United States Coast Guard; the Florida Inland Navigation District or the West Coast Inland Navigation District, as appropriate; and associations or other organizations representing vessel owners or operators; and
- Monitor and evaluate at least annually each pilot program participant and make modifications necessary to accomplish the goals of the pilot program.¹⁴

FWC was required to submit a report of its findings and recommendations of the pilot program to the Legislature by January 1, 2014.¹⁵ At that time, FWC recommended an extension of the pilot program for an additional three years to allow a more thorough and complete assessment of the implementation of ordinances adopted by the pilot program participants.¹⁶ The pilot program was extended by the Legislature, and FWC was required to submit an updated report by January 1, 2017.¹⁷

The pilot program and the ordinances adopted by the pilot program participants under the pilot program will expire on July 1, 2017, unless reenacted by the Legislature.¹⁸

FWC's Anchoring and Mooring Pilot Program Findings and Recommendations

On December 31, 2016, FWC submitted its report and made the following recommendations categorized by pilot program goals:

- For promoting the establishment and use of public mooring fields:
 - Provide additional safety precautions in the immediate vicinity of public mooring fields by establishing a 300 foot buffer outside the boundaries of public mooring fields within which no anchoring is allowed;
 - Retain regulatory authority for anchoring of vessels outside of mooring fields to the state, but if authority is granted to local governments, then authority should be granted to counties only and with certain stipulations;
 - Conduct research to quantify the economic benefits of mooring fields; and
 - Conduct research on the environmental benefits of mooring fields.
- For promoting access to the waters of the state, enhancing navigational safety, and protecting maritime infrastructure:
 - Create a statewide anchoring limited area whereby anchoring would be prohibited within 150 feet of marinas, boat ramps, or other vessel launching and loading facilities; and
 - Provide exceptions for when there is an unreasonable risk of harm due to weather conditions, vessels owned by government entities, construction and dredging vessels on an active job site, and vessels engaged in commercial or recreational fishing.
- For the prevention of derelict vessels:¹⁹
 - Place a "hold" on titles of vessels that have been deemed derelict. Provide that such would be released upon court order or when a responsible party comes forward to take possession of the vessel and remove it from the waters of the state;
 - Limit who may renew a vessel registration to the owner or person with power of attorney;
 - Increase the penalty for a repeat violation of an expired vessel registration that is expired by more than 6 months to mirror that in current motor vehicle law.²⁰ This would elevate

¹³ s. 327.4105(3), F.S.

¹⁴ s. 327.4105(4), F.S.

¹⁵ s. 327.4105(5), F.S.

¹⁶ FWC, *Anchoring and Mooring Pilot Program Report of Findings and Recommendations* (Dec. 31, 2013), <http://myfwc.com/media/2704721/FindingsRecommendations.pdf> (last visited Feb. 14, 2017).

¹⁷ Ch. 2014-136, Laws of Fla.; s. 327.4105(5), F.S.

¹⁸ s. 327.4105(6), F.S.

¹⁹ A "derelict vessel" is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in this state without the consent of the agency having jurisdiction thereof; or docked, grounded, or beached upon the property of another without the consent of the property owner; s. 823.11(1)(b), F.S.

the penalty for a second and any subsequent time a vessel owner is cited for having a registration expired for more than 6 months from a non-criminal infraction²¹ to a second degree misdemeanor;²²

- Waive the certified mailing requirement for abandoned or lost property²³ in instances where the owner of a derelict vessel has been notified by law enforcement through a written citation. Provide a 60 day exception for a vessel that has become derelict as a result of a declared natural disaster or state of emergency.
- Provide that a vessel may be determined to be at risk of becoming a derelict vessel if a vessel owner or operator cannot demonstrate, after 72 hours of notification by a law enforcement officer, that the vessel has an effective means of propulsion for the purpose of safe navigation. For purposes of this provision, an effective means of propulsion for the purpose of safe navigation for a sailing vessel would mean there is a steering system, rigging, and sail(s) in working order and is equipped with a functioning motor, and for all other vessels would mean there is a functioning motor, controls, and steering system.
- For protecting the marine environment:
 - Prohibit a vessel or floating structure²⁴ from being moored to unauthorized moorings. Provide an exception for private moorings on privately owned bottomland. Provide penalties for such violation as follows:
 - For a first violation, the penalty would be a noncriminal infraction; and
 - For a second and subsequent violation, the penalty would be a second degree misdemeanor.²⁵

²⁰ s. 320.07(3), F.S.

²¹ s. 328.72(13), F.S.; Provides that a person cited for a violation of certain vessel laws of the state is charged with a noncriminal infraction, will be cited for the infraction, and ordered to appear in county court. The civil penalty for an infraction is \$50, except as otherwise provided by law. A person who fails to appear or otherwise properly respond to the citation will, in addition to the civil penalty, be charged with failing to respond to the citation and upon conviction will be guilty of a misdemeanor of the second degree.

²² ss. 775.082 and 775.083, F.S.; Provides that a person who has been convicted of a misdemeanor of the second degree may be sentenced by a definite term of imprisonment not exceeding 60 days and may be sentenced to pay a fine which must not exceed \$500.

²³ s. 705.103, F.S.

²⁴ A “floating structure” is a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term “vessel.” Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure; s. 327.02(11), F.S.

²⁵ FWC, *Anchoring and Mooring Pilot Program Proposed Report of Findings and Recommendations* (Dec. 21, 2016),

<http://myfwc.com/media/4126646/anchoringandmooringpilotprogramreport122116.pdf> (last visited Feb. 14, 2017).

Though the pilot program and pilot program participants tried to address issues associated with stored vessels, inoperable vessels being used as residences, marine sanitation concerns, and setbacks from shorelines or private docks these issues remained unresolved. FWC provided the following discussion on these unresolved issues as follows:

- Stored vessels:
 - Ordinances created by the city of St. Petersburg and Monroe County in partnership with the cities of Marathon and Key West prohibited vessels from remaining on the water if conditions existed that indicated the vessel could not effectively navigate. The city of St. Augustine's ordinance required vessels to demonstrate operability twice annually by navigating to the city's marina to receive a decal which served to verify operability. The ordinance enacted by Martin County in partnership with the City of Stuart required that a vessel demonstrate operability if it remained in certain areas for more than 10 consecutive days.
 - Enacting a statewide law regarding stored vessels would be very challenging to implement. Instead, FWC believes that implementing some of its recommendations would serve to remedy many of the problems associated with long-term storage of vessels, particularly:
 - Establishing a statewide 300 foot no anchoring buffer outside the permitted boundaries of public mooring fields;
 - Establishing a statewide prohibition on anchoring within 150 feet of any marina, boat ramp, or other vessel launching or loading facility;
 - Increasing the penalty for repeat violations of an expired vessel registration that is expired for more than 6 months, mirroring motor vehicle law;
 - Providing that a vessel may be determined to be at risk of becoming derelict if, after 72 hours of notification by law enforcement, the owner or operator of the vessel cannot demonstrate that the vessel has an effective means of propulsion for the purpose of safe navigation; and
 - Prohibiting a vessel or floating structure from mooring to unauthorized moorings.
- Inoperable vessels being used as residences:
 - Clarification to the definition of live-aboard vessel may help local governments in their efforts to regulate live-aboard vessels that are inoperable.
- Marine sanitation issues:
 - Clarification relating to whether local governments are authorized to regulate the use of a marine sanitation device²⁶ on a live-aboard vessel would be helpful.
 - Under the pilot program, ordinances created by Martin County in partnership with the City of Stuart, and Monroe County in partnership with the cities of Marathon and Key West require a proof of pump-out for vessels subject to marine sanitation requirements.²⁷
 - Many marinas on Florida's waterways offer pump-out services, but there are considerable expanses of state waters where these services are limited that make it difficult to create a statewide program.
 - Attempting to enact a statewide pump-out program would be costly and extremely difficult to implement.
 - The topic warrants further consideration, perhaps resulting in enhancements to marine sanitation laws and/or expansion of pump-out services around the state.
- Setbacks from shorelines and private docks:
 - Much discussion has occurred throughout the timeframe of the pilot program regarding the establishment of setbacks where anchoring is limited from private property along the shoreline of waters of the state. Current law does not have such restrictions.
 - The cities of Sarasota and St. Augustine authorized a setback from either the shoreline or private docks, but these efforts did not yield a clear resolution.

²⁶ A "marine sanitation device" is equipment, other than a toilet, for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III are defined as provided in 33 C.F.R. § 159; s. 327.02(23), F.S.

²⁷ s. 327.53, F.S.

- A consensus on a statewide setback has not been identified that would be practical throughout the state.²⁸

Effect of Proposed Changes

The bill amends s. 327.02, F.S., regarding definitions, amending the definition of “live-aboard vessel” to include a vessel which does not have an effective means of propulsion for safe navigation, whether that vessel is used solely as a residence and not for navigation, or whether the vessel is represented as a place of business or a professional or other commercial enterprise. The bill defines “effective means of propulsion for safe navigation” to mean the vessel is equipped with:

- A functioning motor, controls, and steering system; or
- Rigging and sail(s) that are present and in good working order, and a functioning steering system.

The bill makes conforming renumbering changes to s. 327.02, F.S., resulting from the addition of the definition of “effective means of propulsion for safe navigation” and amends s. 327.391, F.S., to conform a cross reference.

The bill amends s. 327.4107(2), F.S., regarding vessels at risk of becoming derelict on waters of the state, to include that a vessel is at risk of becoming derelict if the owner or operator of the vessel receives notice from a law enforcement officer that the vessel does not have an effective means of propulsion for safe navigation and after 72 hours of notification by the officer, the vessel still does not have an effective means of propulsion for safe navigation.

The bill amends s. 327.4108, F.S., regarding the anchoring of vessels in anchoring limitation areas, to save the section from expiring upon the Legislature’s adoption of the pilot program recommendations.

The bill creates s. 327.4109, F.S., prohibiting anchoring or mooring in certain areas, providing exceptions and penalties, as follows:

- A vessel or floating structure may not anchor or moor:
 - Within 150 feet of any marina, boat ramp, or other vessel launching or loading facility; or
 - Within 300 feet of public mooring field boundaries.
- However, an owner or operator of a vessel may anchor or moor within 150 feet of any marina, boat ramp, or other vessel launching or loading facility or within 300 feet of public mooring field’s boundaries:
 - If the vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors or moors. The vessel may anchor or moor for 3 business days or until the vessel is repaired, whichever occurs first; or
 - If imminent or existing weather in the vicinity of the vessel poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors or moors. The vessel may anchor or moor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.
- The anchoring or mooring prohibitions described above do not apply to:
 - Vessels owned or operated by a governmental entity;
 - Construction or dredging vessels on an active job site;
 - Vessels actively engaged in commercial fishing; and
 - Vessels engaged in recreational fishing and the persons onboard are actively tending hook and line fishing gear or nets.
- A vessel or floating structure may not anchor, moor, tie, or otherwise affix to an unpermitted, unauthorized, or otherwise unlawful object that is on or affixed to the bottom of waters of the

²⁸ FWC, *Anchoring and Mooring Pilot Program Proposed Report of Findings and Recommendations* (Dec. 21, 2016), <http://myfwc.com/media/4126646/anchoringandmooringpilotprogramreport122116.pdf> (last visited Feb. 14, 2017).

state. The requirement does not apply to a private mooring lawfully owned on private submerged lands.

- A violation of these anchoring or mooring prohibitions is as follows:
 - For a first violation, a noncriminal infraction punishable as provided in s. 327.73, F.S.; and
 - For a second or subsequent violation, a misdemeanor of the second degree punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

The bill amends s. 327.60, F.S., regarding local government regulations, to:

- Allow a local government to enact and enforce regulations requiring owners or operators of vessels or floating structures subject to the marine sanitation requirements of s. 327.53, F.S., to provide proof of properly disposed of sewage by means of an approved sewage pumpout service, pumpout facility, or waste reception facility within the following areas:
 - Marked boundaries of a permitted mooring field under the jurisdiction of the local government; or
 - Designated no discharge zones, as provided under 53 F.R. § 1678 (1988) for Destin Harbor, 64 F.R. 46390 (1999) for the City of Key West, and 67 F.R. § 35735 (2002) for the Florida Keys National Marine Sanctuary.²⁹
- Require a local government adopting such ordinance to provide adequate pumpout services and for FWC to review the ordinance to determine the local government provides adequate pumpout services to protect public health and the marine environment before the ordinance may take effect.
- Provide that a local government may enact or enforce such pumpout requirements for live-aboard vessels within any areas of its jurisdiction.

The bill amends s. 327.70, F.S., regarding enforcement, to provide that a noncriminal violation of s. 327.4109, F.S., may be enforced by a uniform boating citation issued to the operator of a vessel unlawfully anchored, moored, tied, or otherwise affixed where such is prohibited.

The bill amends s. 327.73, F.S., regarding noncriminal infractions, to make conforming changes to operating a vessel with an expired registration, and to add s. 327.4109, F.S., relating to anchoring and mooring in a prohibited area.

The bill amends s. 328.72(13), F.S., regarding an expired vessel registration, to provide the following penalty provisions:

- The owner or operator of a vessel with an expired registration of 6 months or less commits a noncriminal infraction, punishable as provided in s. 327.73, F.S.;
- The owner or operator of a vessel with an expired registration of more than 6 months, upon a first offense, commits a noncriminal infraction punishable as provided in s. 327.73, F.S.;
- The owner or operator of a vessel with an expired registration of more than 6 months, upon a second or subsequent offense, commits a misdemeanor of the second degree punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

²⁹ United States Environmental Protection Agency, *No-Discharge Zones by State*, <https://www.epa.gov/vessels-marinas-and-ports/no-discharge-zones-ndzs-state> (last visited Feb. 14, 2017); DEP, *Vessel Discharge*, <http://www.dep.state.fl.us/water/wastewater/vessel.htm> (last visited Feb. 14, 2017).

B. SECTION DIRECTORY:

- Section 1. Amends s. 327.02, F.S., defining “effective means of propulsion for safe navigation” and revising the definition of “live-aboard vessel.”
- Section 2. Amends s. 327.391(1), F.S., conforming a cross reference.
- Section 3. Amends s. 327.4107(2), F.S., regarding vessels at risk of becoming derelict on waters of this state.
- Section 4. Amends s. 327.4108(7), F.S., regarding anchoring of vessels in anchoring limitation areas.
- Section 5. Creates s. 327.4109, F.S., prohibiting anchoring or mooring in certain areas; providing exceptions; penalties.
- Section 6. Amends s. 327.60, F.S., regarding local regulations.
- Section 7. Amends s. 327.70(3), F.S., regarding enforcement.
- Section 8. Amends s. 327.73(1), F.S., regarding noncriminal infractions of vessel laws of the state.
- Section 9. Amends s. 328.72(13), F.S., regarding an expired vessel registration.
- Section 10. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate fiscal impact on state government. While FWC may experience positive fiscal impacts resulting from the issuance of boating citations, it may also experience increased costs due to increased enforcement efforts.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have an indeterminate fiscal impact on local governments. While local governments may experience positive fiscal impacts resulting from the issuance of boating citations, local governments may also experience increased costs due to increased enforcement efforts.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill creates a noncriminal boating infraction for a first offense related to anchoring or mooring in a prohibited area. As such, a violator would be charged with a noncriminal infraction, cited, and ordered to appear in county court. A person who fails to appear or otherwise properly respond to the citation would, in addition to the civil penalty, be charged with failing to respond to the citation and upon

conviction would be guilty of a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days or a fine which must not exceed \$500.

The bill creates a criminal infraction, a misdemeanor of the second degree, for:

- A second and subsequent offense of anchoring or mooring in a prohibited area.
- An owner or operator of a vessel with an expired registration of more than 6 months, upon a second or subsequent offense.

A misdemeanor of the second degree is punishable by a term of imprisonment not exceeding 60 days or a fine which must not exceed \$500.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.