

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 1, Section
2 A, Line 5, by inserting after all of said section and line the following:

3
4 "67.453. Sections 67.453 to 67.475 are known and may be cited as the "Neighborhood
5 Improvement District Act", and the following words and terms, as used in sections 67.453 to 67.475
6 mean:

7 (1) "Acquire", the acquisition of property or interests in property by purchase, gift,
8 condemnation or other lawful means and may include the acquisition of existing property and
9 improvements already owned by the city or county;

10 (2) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants,
11 investment bankers and other persons deemed competent to advise and assist the governing body of
12 the city or county in planning and making improvements;

13 (3) "Cost", all costs incurred in connection with an improvement, including, but not limited
14 to, costs incurred for the preparation of preliminary reports, the preparation of plans and
15 specifications, the preparation and publication of notices of hearings, resolutions, ordinances and
16 other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the
17 period of construction, underwriting costs and other costs incurred in connection with the issuance
18 of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of
19 land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any
20 improvement, reasonable construction contingencies, and work done or services performed by the
21 city or county in the administration and supervision of the improvement;

22 (4) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install,
23 equip, extend, or to otherwise perform any work which will provide a new public facility or
24 enhance, extend or restore the value or utility of an existing public facility;

25 (5) "Improvement", any one or more public facilities or improvements which confer a
26 benefit on property within a definable area and may include or consist of a reimprovement of a prior
27 improvement. Improvements include, but are not limited to, the following activities:

28 (a) To acquire property or interests in property when necessary or desirable for any purpose
29 authorized by sections 67.453 to 67.475;

30 (b) To open, widen, extend and otherwise to improve streets, paving and other surfacing,
31 gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental
32 thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;

33 (c) To improve main and lateral storm water drains and sanitary sewer systems, and
34 appurtenances thereto;

35 (d) To improve street lights and street lighting systems;

36 (e) To improve waterworks systems;

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(f) To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;

(g) To improve parks, playgrounds and recreational facilities;

~~[(g)]~~ (h) To improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;

~~[(h)]~~ (i) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;

~~[(i)]~~ (j) To improve vehicle and pedestrian bridges, overpasses and tunnels;

~~[(j)]~~ (k) To improve retaining walls and area walls on public ways or land abutting thereon;

~~[(k)]~~ (l) To improve property for off-street parking facilities including construction and equipment of buildings thereon;

~~[(l)]~~ (m) To acquire or improve any other public facilities or improvements deemed necessary by the governing body of the city or county; and

~~[(m)]~~ (n) To improve public safety;

(6) "Neighborhood improvement district", an area of a city or county with defined limits and boundaries which is created by vote or by petition under sections 67.453 to 67.475 and which is benefitted by an improvement and subject to special assessments against the real property therein for the cost of the improvement.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or

1 taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of
 2 section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may
 3 voluntarily participate in the provisions of sections 67.1401 to 67.1571;

4 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401
 5 to 67.1571;

6 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

7 (a) The district's real property, except for public rights-of-way for utilities;

8 (b) The district's personal property, except in a city not within a county; or

9 (c) Any of the district's interests in such real or personal property, except for public rights-
 10 of-way for utilities;

11 (12) To borrow money from any public or private source and issue obligations and provide
 12 security for the repayment of the same as provided in sections 67.1401 to 67.1571;

13 (13) To loan money as provided in sections 67.1401 to 67.1571;

14 (14) To make expenditures, create reserve funds, and use its revenues as necessary to carry
 15 out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

16 (15) To enter into one or more agreements with the municipality for the purpose of abating
 17 any public nuisance within the boundaries of the district including, but not limited to, the
 18 stabilization, repair or maintenance or demolition and removal of buildings or structures, provided
 19 that the municipality has declared the existence of a public nuisance;

20 (16) Within its boundaries, to provide assistance to or to construct, reconstruct, install,
 21 repair, maintain, and equip any of the following public improvements:

22 (a) Pedestrian or shopping malls and plazas;

23 (b) Parks, lawns, trees, and any other landscape;

24 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

25 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
 26 signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

27 (e) Parking lots, garages, or other facilities;

28 (f) Lakes, dams, and waterways;

29 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
 30 awnings, canopies, walls, and barriers;

31 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

32 (i) Paintings, murals, display cases, sculptures, and fountains;

33 (j) Music, news, and child-care facilities; and

34 (k) Any other useful, necessary, or desired improvement;

35 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
 36 parks, and other real property and improvements located within its boundaries for public use;

37 (18) Within its boundaries and with the municipality's consent, to prohibit or restrict
 38 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and
 39 tunnels and to provide the means for access by emergency vehicles to or in such areas;

40 (19) Within its boundaries, to operate or to contract for the provision of music, news, child-
 41 care, or parking facilities, and buses, minibuses, or other modes of transportation;

42 (20) Within its boundaries, to lease space for sidewalk café tables and chairs;

43 (21) Within its boundaries, to provide or contract for the provision of security personnel,
 44 equipment, or facilities for the protection of property and persons;

45 (22) Within its boundaries, to provide or contract for cleaning, maintenance, and other
 46 services to public and private property;

47 (23) To produce and promote any tourism, recreational or cultural activity or special event
 48 in the district by, but not limited to, advertising, decoration of any public place in the district,
 49 promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1842. 1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:

(1) Unlawfully discriminate among public utility right-of-way users;

(2) Grant a preference to any public utility right-of-way user;

(3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;

(4) Require a telecommunications company to obtain a franchise or written agreement, other than a permit, or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846;

1 (5) Enter into a contract or any other agreement for providing for an exclusive use,
2 occupancy or access to any public right-of-way; or

3 (6) Require any public utility that has legally been granted access to the political
4 subdivision's right-of-way to enter into an agreement or obtain a permit for general access to or the
5 right to remain in the right-of-way of the political subdivision.

6 2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way
7 permits for projects commenced prior to August 28, 2001, requiring excavation within the public
8 right-of-way, for which the user has obtained the required consent of the political subdivision, or
9 that are otherwise lawfully occupying or performing work within the public right-of-way. The
10 public utility right-of-way user may be required to obtain right-of-way permits prior to any
11 excavation work performed within the public right-of-way after August 28, 2001.

12 3. A political subdivision shall not collect a fee imposed pursuant to section 67.1840
13 through the provision of in-kind services by a public utility right-of-way user, nor require the
14 provision of in-kind services as a condition of consent to use the political subdivision's public right-
15 of-way; however, nothing in this subsection shall preclude requiring services of a cable television
16 operator, open video system provider or other video programming provider as permitted by federal
17 law.

18 67.1846. 1. Nothing in sections 67.1830 to 67.1846 relieves the political subdivision of any
19 obligations under an existing franchise agreement in effect on May 1, 2001. Nothing in sections
20 67.1830 to 67.1846 will apply to that portion of any ordinance passed prior to May 1, 2001, which
21 establishes a street degradation fee. Nothing in sections 67.1830 to 67.1846 shall be construed as
22 limiting the authority of county highway engineers or relieving public utility right-of-way users
23 from any obligations set forth in chapters 229 to 231. Nothing in sections 67.1830 to 67.1846 shall
24 be deemed to relieve a public utility right-of-way user of the provisions of an existing franchise,
25 franchise fees, license or other agreement or permit in effect on May 1, 2001. Nothing in sections
26 67.1830 to 67.1846 shall prohibit a political subdivision or public utility right-of-way user from
27 renewing or entering into a new or existing franchise, upon mutual agreement, as long as all other
28 public utility right-of-way users have use of the public right-of-way on a nondiscriminatory basis.
29 Nothing in sections 67.1830 to 67.1846 shall prevent a grandfathered political subdivision from
30 enacting new ordinances, including amendments of existing ordinances, charging a public utility
31 right-of-way user a fair and reasonable linear foot fee or antenna fee or from enforcing or renewing
32 existing linear foot ordinances for use of the right-of-way, provided that the public utility right-of-
33 way user either:

34 (1) Is entitled under the ordinance to a credit for any amounts paid as business license taxes,
35 payments in lieu of taxes, or gross receipts taxes; or

36 (2) Is not required by the political subdivision to pay the linear foot fee or antenna fee if the
37 public utility right-of-way user is paying gross receipts taxes, business license fees, or business
38 license taxes that are not nominal and that are imposed specifically on communications-related
39 revenue, services, or equipment.

40
41 For purposes of this section, a "grandfathered political subdivision" is any political subdivision
42 which has, prior to May 1, 2001, enacted one or more ordinances reflecting a policy of imposing any
43 linear foot fees on any public utility right-of-way user, including ordinances which were specific to
44 particular public right-of-way users. Any existing ordinance or new ordinance passed by a
45 grandfathered political subdivision providing for payment of the greater of a linear foot fee or a
46 gross receipts tax shall be enforceable only with respect to the linear foot fee.

47 2. A grandfathered political subdivision shall not charge a linear foot fee for use of its right-
48 of-way to a small local exchange telecommunications company that is qualified as of December 31,
49 2019, as a small local exchange telecommunications company, as defined in section 386.020,

1 provided that the small local exchange telecommunications company is providing internet access to
2 customers in a grandfathered political subdivision.

3 3. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from
4 enacting, renewing or enforcing provisions of an ordinance to require a business license tax, sales
5 tax, occupation tax, franchise tax or franchise fee, property tax or other similar tax, to the extent
6 consistent with federal law. Nothing in sections 67.1830 to 67.1846 shall prohibit a political
7 subdivision from enacting, enforcing or renewing provisions of an ordinance to require a gross
8 receipts tax pursuant to chapter 66, chapter 92, or chapter 94. For purposes of this subsection, the
9 term "franchise fee" shall mean "franchise tax".; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.