

By: Representative Weathersby

To: Local and Private
Legislation

HOUSE BILL NO. 1667

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 FLORENCE, MISSISSIPPI, TO LEVY A TAX THAT SHALL NOT EXCEED THREE
3 PERCENT UPON THE GROSS SALES OF HOTELS AND MOTELS DERIVED FROM
4 ROOM RENTALS AND UPON THE GROSS PROCEEDS OF SALES OF RESTAURANTS
5 FOR THE PURPOSE OF FUNDING THE CITY'S PARKS AND RECREATION
6 DEPARTMENT AS WELL AS FOR ENGAGING IN ECONOMIC DEVELOPMENT; TO
7 REQUIRE AN ELECTION BE HELD ON THE QUESTION OF WHETHER SUCH TAX
8 MAY BE LEVIED; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** As used in this act:

11 (a) "City" means the City of Florence, Mississippi.

12 (b) "Governing authorities" means the Mayor and Board
13 of Aldermen of the City of Florence, Mississippi.

14 (c) "Hotel" or "motel" means any establishment engaged
15 in the business of furnishing or providing rooms intended or
16 designed for dwelling, lodging or sleeping purposes to transient
17 guests, where the establishment consists of six (6) or more guest
18 rooms. The term "hotel" or "motel" does not include any hospital,
19 convalescent or nursing home or sanitarium, or any hotel-like
20 facility operated by or in connection with a hospital or medical



21 clinic providing rooms exclusively for patients and their
22 families.

23 (d) "Restaurant" means all places, including
24 restaurants, cafes, food trucks, delicatessens and similar
25 eateries where prepared food and beverages are sold for
26 consumption, whether such food is sold for consumption on the
27 premises or not. The term "restaurant" does not include any
28 school, hospital, convalescent or nursing home, or any
29 restaurant-like facility operated by or in connection with a
30 school, hospital, medical clinic, convalescent or nursing home
31 providing food for students, patients, visitors or their families.

32 **SECTION 2.** (1) For the purpose of providing funding for the
33 city's parks and recreation department as well as for engaging in
34 economic development, the governing authorities are authorized, in
35 their discretion, to levy and collect from the following persons a
36 tax, which shall be in addition to all of the taxes and
37 assessments imposed. The tax shall be imposed on the following
38 persons:

39 (a) A tax upon every person, firm or corporation
40 operating a motel or hotel in the city, at a rate not to exceed
41 three percent (3%) of the gross proceeds of room rentals for each
42 such hotel or motel.

43 (b) A tax upon every person, firm or corporation
44 operating a restaurant in the city, at a rate not to exceed three
45 percent (3%) of the gross proceeds of the sales of the restaurant.



46 (2) Persons, firms or corporations liable for the levy
47 imposed under subsection (1) of this section shall add the amount
48 of the levy to the sales price of the rooms and products set out
49 in subsection (1) of this section and shall collect, insofar as is
50 practicable, the amount of the tax due by them from the person
51 receiving the services or product at the time of payment therefor.

52 (3) The tax shall be collected by and paid to the Department
53 of Revenue on a form prescribed by the Department of Revenue in
54 the manner that state sales taxes are computed, collected and
55 paid; and full enforcement provisions and all other provisions of
56 Chapter 65, Title 27, Mississippi Code of 1972, shall apply as
57 necessary to the implementation and administration of this act.

58 (4) The proceeds of the tax, less three percent (3%) thereof
59 which shall be retained by the Department of Revenue to defray the
60 cost of collection, shall be paid to the governing authorities on
61 or before the fifteenth day of the month following the month in
62 which collected.

63 (5) The proceeds of the tax shall not be considered by the
64 city as general fund revenues but shall be dedicated to and
65 expended solely for the purposes specified in this section.

66 **SECTION 3.** Before any tax authorized under this act may be
67 imposed, the governing authorities shall adopt a resolution
68 declaring their intention to levy the tax, setting forth the
69 amount of the tax to be imposed, the date upon which the tax shall
70 become effective and calling for an election to be held on the



71 question. Notice of such intention and the election shall be
72 published once each week for at least three (3) consecutive weeks
73 in a newspaper published or having a general circulation in the
74 city, with the first publication of the notice to be made not less
75 than twenty-one (21) days before the date fixed in the resolution
76 for the election and the last publication to be made not more than
77 seven (7) days before the election. At the election, all
78 qualified electors of the city may vote, and the ballots used in
79 the election shall have printed thereon a brief statement of the
80 amount and purposes of the proposed tax levy and the words "FOR
81 THE TAX" and on a separate line, "AGAINST THE TAX" and the voters
82 shall vote by placing a cross (X) or check (✓) opposite their
83 choice on the proposition. When the results of the election shall
84 have been canvassed and certified, the city may levy the tax if
85 sixty percent (60%) of the qualified electors who vote in the
86 election vote in favor of the tax. At least thirty (30) days
87 before the effective date of the tax provided in this section, the
88 governing authorities shall furnish to the Department of Revenue a
89 certified copy of the resolution evidencing the tax.

90 **SECTION 4.** Accounting for receipts and expenditures of the
91 funds herein described shall be made separately from the
92 accounting of receipts and expenditures of the general fund and
93 any other funds of the city. The records reflecting the receipts
94 and expenditures of the funds prescribed in this act shall be
95 audited annually by an independent certified public accountant,



96 and the accountant shall make a written report of his audit to the
97 governing authorities. The audit shall be made and completed as
98 soon as practicable after the close of the fiscal year, and
99 expenses of the audit shall be paid from the funds derived in
100 accordance with this act.

101 **SECTION 5.** This act shall be repealed from and after July 1,
102 2027.

103 **SECTION 6.** This act shall take effect and be in force from
104 and after its passage.

