

1 A bill to be entitled  
2 An act relating to the entertainment industry;  
3 creating s. 288.1259, F.S.; creating the Film,  
4 Television, and Digital Media Targeted Rebate Program  
5 within the Department of Economic Opportunity;  
6 providing definitions; providing the purpose of the  
7 program; providing requirements for rebate  
8 eligibility; authorizing rebates up to a specified  
9 amount; authorizing a bonus rebate amount if certain  
10 requirements are met; requiring a certified project to  
11 make a good faith effort to use providers of  
12 infrastructure and equipment in, and employee  
13 residents of, the state; providing application  
14 periods; providing limits on the amount of rebate  
15 funds that may be earmarked during each application  
16 period; prohibiting the acceptance of applications  
17 when rebate funds are not available; providing that  
18 certain companies may submit program applications  
19 during certain application periods; providing limits  
20 on the amount of applications that may be submitted by  
21 and certified for a company in a fiscal year;  
22 requiring applications to include specified  
23 information; requiring the Commissioner of Film and  
24 Entertainment to review applications and make certain  
25 determinations; requiring the Florida Film and

26 Entertainment Advisory Council to meet when directed  
27 by the commissioner to score applicants based on  
28 specified criteria; providing criteria for such  
29 scoring; requiring the commissioner to make  
30 certification determinations and notify applicants of  
31 such determinations; requiring the department to  
32 earmark and set aside certain rebate funds; requiring  
33 the commissioner to develop a process to verify  
34 qualified expenditures; providing requirements for the  
35 verification process, including a compliance audit  
36 performed by an independent certified public  
37 accountant; providing for the issuance of rebates;  
38 providing for the rollover of unawarded funds at the  
39 end of the fiscal year; requiring a project that  
40 receives rebate funds to include certain marketing  
41 materials; requiring the project to allow a visit to  
42 the production site by certain individuals; requiring  
43 the department to disqualify a certified project from  
44 the program in certain circumstances; providing that  
45 an applicant that submits fraudulent information is  
46 liable for the reimbursement of certain costs and fees  
47 and civil penalties; authorizing the commissioner to  
48 adopt rules and develop policies and procedures to  
49 administer the program; requiring an annual report to  
50 the Governor and the Legislature; providing for

51 expiration of the program and reversion of certain  
 52 funds to the General Revenue Fund; providing an  
 53 effective date.

54  
 55 Be It Enacted by the Legislature of the State of Florida:

56  
 57 Section 1. Section 288.1259, Florida Statutes, is created  
 58 to read:

59 288.1259 Film, Television, and Digital Media Targeted  
 60 Rebate Program.—

61 (1) DEFINITIONS.—As used in this section, unless the  
 62 context otherwise requires, the term:

63 (a) "Certified project" means a qualified project that has  
 64 been scored by the council, determined by the commissioner to  
 65 meet or exceed the desired economic impact and other criteria of  
 66 the program, and has been allocated rebate funds based on the  
 67 project's estimated qualified expenditures.

68 (b) "Commissioner" means the Commissioner of Film and  
 69 Entertainment.

70 (c) "Council" means the Florida Film and Entertainment  
 71 Advisory Council.

72 (d) "Digital media project" means a commercial video game,  
 73 including an educational video game, that includes at least 30  
 74 minutes of game play time. The term does not include a project  
 75 that contains content that is obscene as defined in s. 847.001.

76 (e) "Family friendly" means the content of a project has  
77 cross-generational appeal; is appropriate in theme, content, and  
78 language for a broad family audience; embodies a responsible  
79 resolution of issues; does not contain any act of drunkenness,  
80 illicit drug use, sex, nudity, gratuitous violence, or vulgar or  
81 profane language; and does not portray smoking any substance in  
82 a positive manner.

83 (f) "Film project" means a theatrical, direct-to-video,  
84 television, cable, internet, streaming service, or animated  
85 narrative motion picture that is at least 75 minutes long. The  
86 term does not include a project that contains content that is  
87 obscene as defined in s. 847.001.

88 (g) "Office" means the Office of Film and Entertainment  
89 within the department.

90 (h) "Principal photography" means:

91 1. For a film or television project, the filming of major  
92 or significant components of the project which involve lead  
93 actors.

94 2. For a digital media project, the time period during  
95 which the majority of the crew is dedicated solely to the  
96 qualified project.

97 (i) "Production start date" means:

98 1. For a film or television project, the start date of  
99 principal photography, as listed on the application.

100 2. For a digital media project, the start date of

101 storyboards or a later date, as listed on the application.

102 (j) "Qualified expenditures" means expenditures incurred  
103 in the state and paid to residents or Florida-registered  
104 businesses for preproduction, production, or postproduction of a  
105 qualified project for:

106 1. Goods rented or leased from, or services provided by, a  
107 vendor or supplier in the state which is registered with the  
108 Department of State or the Department of Revenue, has a physical  
109 address in the state, and employs one or more residents on a  
110 full-time basis. When services provided by the vendor or  
111 supplier include personal services or labor, only personal  
112 services or labor provided by residents are qualified  
113 expenditures.

114 2. Payments in the form of salary, wages, or other  
115 compensation, including amounts paid through payroll service  
116 companies, any benefits including pension, health, and welfare  
117 payments for technical and production crews, directors,  
118 producers, and performers, and per diem, up to a maximum of  
119 \$200,000 per resident. The term does not include salary, wages,  
120 or other compensation for executives, legal staff, or other  
121 individuals who are employed by the company producing the  
122 project or its parent or an affiliate company unless such  
123 individuals are employed solely to work on the project.

124 3. The rental of cars, trucks, or trailers if such car,  
125 truck, or trailer is registered with the Department of Highway

126 Safety and Motor Vehicles.

127 4. The purchase of catering meals and on-set craft service  
128 supplies.

129 5. The rental of accommodations for the project's cast and  
130 crew.

131  
132 The term does not include expenditures for airfare; expenditures  
133 made before qualification for the program; expenditures for  
134 items purchased or rented on the Internet; expenditures for  
135 rebilled goods or services provided by an in-state company from  
136 out-of-state vendors or suppliers; or, for a digital media  
137 project, expenditures made more than 9 months after the  
138 project's first qualified expenditure.

139 (k) "Qualified project" means a film, television, or  
140 digital media project that meets all of the following criteria:

141 1. A complete application to the program for the project  
142 has been submitted by a company registered to do business in the  
143 state to the commissioner and been accepted for consideration.

144 2. The project is not a weather or market program, a  
145 sporting event or sporting event broadcast, a gala, an awards  
146 show, a production that solicits funds, a home shopping program,  
147 a political program, a gambling-related project or production, a  
148 concert production, a news or current-events show, a sports or  
149 sports recap show, a pornographic production, or any production  
150 that contains content that is obscene as defined in s. 847.001.

151 (1) "Resident" means a person who has a valid Florida  
152 driver license or Florida identification card issued under s.  
153 322.051 and has signed an affidavit confirming Florida  
154 residency.

155 (m) "Television project" means a 30- to 60-minute  
156 television pilot or television series with at least seven  
157 episodes, except that a reality series must have at least ten  
158 episodes. The term includes a scripted drama, comedy, animation,  
159 or reality series. The term does not include a project that  
160 contains content that is obscene as defined in s. 847.001.

161 (n) "Underutilized area" means any county in Florida,  
162 excluding Broward, Miami-Dade, Orange, and Seminole Counties.

163 (2) CREATION AND PURPOSE OF PROGRAM.—The Film, Television,  
164 and Digital Media Targeted Rebate Program is created within the  
165 department under the supervision of the commissioner. The  
166 purpose of the program is to boost Florida's economic prosperity  
167 by creating high-paying jobs, widening the film industry's  
168 impact on the state by giving a modest bonus for production in  
169 underutilized areas, enhancing tourism by selecting projects  
170 that encourage visiting the state, and encouraging more family-  
171 friendly projects in the state by providing a limited rebate to  
172 projects that provide the greatest return-on-investment and  
173 economic benefit to the state.

174 (3) REBATE ELIGIBILITY.—

175 (a) To be eligible for a rebate, an applicant must:

176        1. Be producing a project that:  
 177        a. Has projected qualified expenditures of:  
 178        (I) For a film project, at least \$1.5 million.  
 179        (II) For a television project, including a television  
 180 pilot, at least \$500,000 per episode.  
 181        (III) For a digital media project, at least \$1,500,000.  
 182        b. Has a projected crew, including cast and stand-ins, but  
 183 excluding extras or background performers, that is comprised of  
 184 at least 60 percent residents and one military veteran.  
 185        c. Is projected to spend 70 percent of its total  
 186 production days in the state.  
 187        2. Not use the sales and use tax certificate of exemption  
 188 authorized under s. 288.1258 for the project.  
 189        (b) An applicant may receive a rebate in an amount up to  
 190 20 percent or, if eligible for a bonus, 23 percent of its  
 191 verified qualified expenditures for a certified project, up to a  
 192 maximum of \$2,000,000. An applicant is eligible for a bonus in  
 193 the amount of 3 percent of its verified qualified expenditures  
 194 if:  
 195        1. Seventy-five percent of its production takes place in  
 196 an underutilized area; or  
 197        2. Its content is family friendly.  
 198        (c) A certified project must make a good faith effort to  
 199 use existing providers of infrastructure or equipment in the  
 200 state, when available, including providers of camera gear, grip



201 and lighting equipment, vehicles, and postproduction services,  
202 and to employ cast and crew who are residents.

203 (4) APPLICATION PERIODS.—

204 (a) The commissioner may only accept applications for the  
205 rebate program during application periods. There shall be two  
206 application periods each fiscal year. The start date of each  
207 application period shall be determined by the commissioner,  
208 within the following constraints:

209 1. The first application period may begin before the start  
210 of the fiscal year and shall end by the fifth business day after  
211 July 1.

212 2. The second application period shall end by the fifth  
213 business day after December 1.

214 (b) The department may not earmark or set aside more than  
215 60 percent of any appropriated or rolled-over rebate funds  
216 during the first application period of each fiscal year.  
217 Remaining funds may be earmarked and set aside during the second  
218 application period of each fiscal year.

219 (c) If all rebate funds are earmarked and set aside for  
220 certified projects, applications may not be accepted in any  
221 application period until additional funds become available for  
222 the program.

223 (5) APPLICATION PROCESS.—

224 (a) A company that plans to produce a film, television, or  
225 digital project in the state may submit an application for the

226 program to the commissioner during an application period as  
227 follows:

228 1. For a project with a production start date that is  
229 within 6 months after July 1, the company may submit an  
230 application during the first application period.

231 2. For a project with a production start date that is  
232 within 6 months after January 1, the company may submit an  
233 application during the second application period.

234 (b) A company, including its parent company, may submit  
235 applications for up to five projects in a fiscal year but only  
236 one project may be certified, except that a television pilot and  
237 a television series based on such pilot may both be certified in  
238 the same fiscal year.

239 (c) The application must include, at a minimum, the  
240 following:

241 1. Proof of funding.

242 2. Project-related employment information, including  
243 information on the total number of residents to be employed.

244 3. A full line-item budget and detailed budget of planned  
245 qualified expenditures, including:

246 a. The expected total resident-wage qualified  
247 expenditures.

248 b. The expected total state nonwage qualified  
249 expenditures.

250 c. The expected total state nonqualified expenditures.

251 4. A detailed distribution plan for use in determining the  
252 potential economic impact of the project on the state.

253 5.a. For a film or television project, the latest script,  
254 a production schedule that includes the production start date, a  
255 day out of days report, and a list of expected shooting  
256 locations.

257 b. For a digital media project, a detailed game design  
258 document, including a production schedule that includes the  
259 production start date.

260 6. The applicant's signed affirmation that the information  
261 on the application is correct.

262 7. The company's Florida tax identification number.

263 (d) Within a reasonable period of time after the last  
264 business day of each application period, the commissioner shall  
265 review all applications submitted during the application period  
266 and, for each applicant:

267 1. Determine if the applicant is eligible for the program.

268 2. Determine the expected qualified expenditures.

269 3. Determine the maximum rebate amount for which the  
270 applicant may be eligible.

271 4. Determine if the applicant's project is family  
272 friendly.

273 5. Determine what percentage of the applicant's project is  
274 proposed to occur in an underutilized area.

275 6. Determine if the applicant is a Florida registered

276 corporation.

277 7. Contact the applicant with any questions that the  
278 commissioner determines are necessary.

279 8. Gather any additional information needed to address the  
280 criteria specified in subsection (6).

281 (e) The commissioner shall assemble a project package  
282 containing the details of each eligible application for each  
283 council member.

284 (f) The commissioner shall set, and provide notice to the  
285 council of, the date and time of a council meeting for the  
286 purpose of assessing each qualified project. The council may  
287 meet in person or by conference call and shall use the criteria  
288 specified in subsection (6) to determine a score for each  
289 applicant, with the highest scores going to projects determined  
290 to provide the greatest economic impact and return-on-investment  
291 to the state.

292 (6) CRITERIA FOR DETERMINING PROJECT SCORES.—

293 (a) The priority order and scoring system of the criteria  
294 specified in paragraph (b) must be determined by the  
295 commissioner, with assistance from the council, before the first  
296 application period for the program.

297 (b) The criteria used by the council to determine the  
298 score for each applicant shall include, at a minimum, the  
299 following:

300 1. The amount of the project's overall expected qualified

- 301 expenditures.
- 302 2. The amount of wages expected to be paid to residents.
- 303 3. The number of full-time equivalent jobs that will be
- 304 created.
- 305 4. Whether the project will provide its resident workforce
- 306 with pension, health, and welfare benefits.
- 307 5. The estimated direct and indirect tourism benefits of
- 308 the project, based on submitted distribution plans.
- 309 6. The expected duration of the resident employment.
- 310 7. What percentage of the project will be produced in an
- 311 underutilized area.
- 312 8. Whether the project is family friendly.
- 313 9. Whether the project has a resident writer, producer, or
- 314 star.
- 315 10. Whether a film, television, or digital media school in
- 316 the state will assist with production of the project.
- 317 11. Whether the leadership team of the project has a
- 318 successful project history.
- 319 12. The number of resident veterans who will be hired.
- 320 13. The number of graduates of a film school in the state
- 321 who will be hired as crew or cast.
- 322 (7) NOTIFICATION OF DECISION.—
- 323 (a) After the council delivers its final scores to the
- 324 commissioner, the commissioner shall, in a timely manner:
- 325 1. Make a final determination on whether to certify each

326 qualified project, giving consideration to the score determined  
327 by the council.

328 2. Provide to the department a list of the certified  
329 projects and the rebate amount that each respective applicant  
330 may receive.

331 3. Notify each applicant with a project that has been  
332 certified of the specified percentage of its qualified  
333 expenditures for which it is eligible to receive a rebate and  
334 the maximum rebate amount that it may receive.

335 4. Provide a notice of rejection to each rejected  
336 applicant. Failure to notify an applicant of its rejection does  
337 not deem the applicant's project a certified project.

338 (b) Based on the final determinations of the commissioner,  
339 the department shall earmark and set aside the amount necessary  
340 to fund the total maximum that may be awarded for the certified  
341 projects, if funds are available.

342 (8) VERIFICATION PROCESS; REBATE ISSUANCE.—

343 (a) The commissioner shall develop a process to verify the  
344 actual qualified expenditures of a certified project after the  
345 project's work in the state is complete. The verification  
346 process shall require all of the following:

347 1. A certified project must submit to the commissioner,  
348 electronically or as hard copies, all of the following:

349 a. Data substantiating each qualified expenditure which  
350 has been audited by an independent certified public accountant

351 licensed in the state in accordance with subparagraph 4.

352 b. Copies of documents verifying residency of residents

353 hired by the project.

354 c. The final script.

355 d. The most recent production board and shooting schedule.

356 e. The most recent credit list showing where the credits

357 required under subsection (9) will appear.

358 f. Final cast and crew lists with contact information.

359 g. For each veteran employed by the project, a copy of the

360 veteran's DD form 214 as issued by the United States Department

361 of Defense or another acceptable form of identification as

362 specified by the Department of Veterans Affairs.

363 h. Any additional information determined to be necessary

364 by the commissioner.

365 2. The lead producer or studio executive in charge of the

366 certified project must sign and submit to the commissioner a

367 written declaration under penalty of perjury as provided in s.

368 92.525 stating that all salaries, wages, and other compensation

369 submitted as qualified expenditures are in compliance with this

370 section.

371 3. The information and written declaration required by

372 subparagraphs 1. and 2. must be received by the commissioner

373 within 120 days after the certified project has made its last

374 qualified expenditure, but no later than 1 year after its

375 production start date. Under rules adopted by the department,

376 the commissioner may, upon a showing of good cause, grant a one-  
 377 time extension of this deadline.

378 4. An independent certified public accountant in the state  
 379 must conduct a compliance audit, at the certified project's  
 380 expense, to substantiate each qualified expenditure and submit  
 381 the results of the audit to the commissioner as a report, along  
 382 with all substantiating data, within a reasonable period of time  
 383 after receipt of records from the certified project.

384 (b) The commissioner must review the accountant's  
 385 submitted report and data within a reasonable period of time  
 386 after receipt and report to the department the final verified  
 387 amount of actual qualified expenditures made by the certified  
 388 project and the rebate amount due to such project.

389 (c) After approval by the department of the rebate amount  
 390 due to the certified project, which may not exceed the maximum  
 391 rebate amount specified in the notice required under  
 392 subparagraph (7)(a)3., the rebate shall be issued within a  
 393 reasonable period of time.

394 (d) At the end of the fiscal year, rebate funds that are  
 395 not allocated to a certified project and rebate funds allocated  
 396 but not awarded to a certified project shall roll over to the  
 397 next fiscal year.

398 (9) MARKETING AND TOURISM REQUIREMENT.—

399 (a) The commissioner shall ensure that, as a condition of  
 400 receiving a rebate under this section, marketing materials



401 promoting the state as a tourist destination or film and  
402 entertainment production destination are included in the  
403 certified project. If logos are used in the end credits of the  
404 project, the project must include a "Filmed in Florida" or  
405 "Produced in Florida" logo and, if applicable, the local film  
406 office logo in the end credits. The size and placement of such  
407 logos shall be commensurate to other logos included in the end  
408 credits. If logos are not used, the statement "Filmed in  
409 Florida," "Produced in Florida," or a similar statement approved  
410 by the commissioner must be included in the end credits. A  
411 digital media project must also create and include a 5-second or  
412 longer animated logo with the words "Produced in Florida" or a  
413 similar statement approved by the commissioner and, if  
414 applicable, the name of the local digital media office in a  
415 manner easily seen by a consumer of the digital media project.  
416 The commissioner shall provide the logos required in this  
417 paragraph, except that any local office logo shall be provided  
418 by the applicable local office.

419 (b) The certified project must allow the commissioner, or  
420 his or her designee, and at least two guests to visit the  
421 production site upon the request of the commissioner. Upon such  
422 request, the certified project must provide the commissioner  
423 with reasonable notice of a date and time for such visit. The  
424 commissioner or his or her designee is not required to visit the  
425 production site.

426 (c) A certified project must provide to the commissioner  
427 at least five preapproved photos of the production and free use  
428 of such photos in promoting the state as a film, television, and  
429 digital media location or tourist destination.

430 (10) DISQUALIFICATION.—The department shall disqualify a  
431 certified project from the program and not issue a rebate if the  
432 company producing the project:

433 (a) Does not begin principal photography in the state  
434 within a period beginning 30 days before and ending 90 days  
435 after the project's listed production start date. The  
436 commissioner may, pursuant to department rule, grant a one-time  
437 extension of this period upon a showing of good cause.

438 (b) Does not abide by the verification process policies,  
439 procedures, deadlines, or requirements.

440 (c) Does not notify the commissioner of a change in the  
441 production start date before beginning production.

442 (d) Submits fraudulent information.

443 (e) Uses the sales and use tax certificate of exemption in  
444 violation of the restriction provided in subparagraph (3) (a)2.

445 (11) FRAUD.—An applicant that submits fraudulent  
446 information under this section is liable for reimbursement of  
447 the reasonable costs and fees associated with the review,  
448 processing, investigation, and prosecution of the fraudulent  
449 submission. In addition, an applicant that obtains a rebate  
450 under this section through the submission of fraudulent

451 information is liable for reimbursement of the rebate and a  
452 civil penalty in an amount equal to double the amount of the  
453 grant. Such penalty is in addition to any criminal penalty for  
454 which the applicant is liable for the same acts.

455 (12) RULES; POLICIES; PROCEDURES.—The commissioner may  
456 adopt rules and shall develop policies and procedures to  
457 administer this section, including, but not limited to, rules  
458 specifying requirements for the application and approval  
459 processes and the determination of qualified expenditures.

460 (13) ANNUAL REPORT.—Each November 1, the commissioner  
461 shall provide to the Governor, the President of the Senate, and  
462 the Speaker of the House of Representatives an annual report on  
463 the program for the previous fiscal year which identifies the  
464 rebate program's return on investment and any economic benefits  
465 to the state attributable to the program.

466 (14) EXPIRATION.—The Film, Television, and Digital Media  
467 Targeted Rebate Program expires June 30, 2023, on which date all  
468 remaining appropriated funds not earmarked and set aside for  
469 certified projects shall revert to the General Revenue Fund. Any  
470 appropriated funds remaining after disbursement of rebate  
471 amounts to qualified projects shall revert to the General  
472 Revenue fund no later than October 31, 2024.

473 Section 2. This act shall take effect upon becoming a law.