

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Barreiro offered the following:

Amendment to Amendment (243299) (with title amendment)

On page 104, lines 12 and 13,
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 57. Section 288.125, Florida Statutes, is
created to read:

288.125 Short title.--Sections 288.1251 through
288.1258 shall be known and may be cited as the "Florida
Entertainment Industry Growth Act."

Section 58. Section 288.1251, Florida Statutes, is
created to read:

288.1251 Definitions.--For the purposes of this act,
the term:

(1) "Entertainment industry" means any person engaged
in the operation of motion picture or television studios or
recording studios, or any person engaged in the production of
motion pictures, made-for-TV motion pictures, television
series, commercial advertising, music videos, or sound

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 recordings.

2 (2) "Motion picture or television studio" means a
3 facility in which film or video tape productions or parts of
4 productions are made and which contains the necessary
5 equipment and personnel for this purpose and also means a
6 mobile unit or vehicle that is equipped in much the same
7 manner as a stationary studio and used in the making of film
8 or video tape productions.

9 (3) "Motion picture" means any live-action or animated
10 feature-length or short-subject audiovisual work at any stage
11 of the production, consisting of a series of related images,
12 either on film, tape, or other embodiment, including, but not
13 limited to, all items comprising part of the work and
14 film-related products derived therefrom as well as duplicates
15 and prints thereof and all sound recordings created to
16 accompany a motion picture, which is produced, adapted, or
17 altered for exploitation in, on, or through any medium or
18 device and at any location, primarily for entertainment,
19 commercial, industrial, or educational purposes.

20 (4) "Commercial advertising production" means any
21 film, video, audio, or photographic production that is created
22 to promote statewide, nationally, or internationally specific
23 brands, products, services, retailers, or advocacy positions
24 for commercial purposes.

25 (5) "Recording studio" means a place where, by means
26 of mechanical or electronic devices, voices, music, or other
27 sounds are transmitted to tapes, records, or other devices
28 capable of reproducing sound.

29 (6) "Recording industry" means any person engaged in
30 an occupation or business of making recordings embodying sound
31 for a livelihood or for a profit.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 (7) "Sound recording" means a recording of voices,
2 music, or other sounds by mechanical or electronic
3 transmission to tapes, records, or other devices capable of
4 storing and reproducing sound.

5 (8) "Music video production" means a cohesive
6 compilation of motion pictures with a specific sound recording
7 product for the purpose of broadcasting on a music television
8 network or for commercial distribution.

9 (9) "Production" means any production, or part
10 thereof, of motion pictures, made-for-TV motion pictures,
11 television series, commercial advertising productions, music
12 videos, or sound recordings as defined by this act.

13 (10) "Preproduction activities" means those
14 preliminary activities performed directly in connection with
15 the production of a motion picture, made-for-TV motion
16 picture, television series, commercial advertising production,
17 music video, or sound recording, which include, but are not
18 limited to, obtaining story rights, scriptwriting,
19 storyboarding, budgeting, scheduling, and assembling the
20 financing, producers, director, and prime talent.

21 (11) "Production activities" means those activities
22 performed in direct connection with the production, or any
23 part thereof, of a motion picture, made-for-TV motion picture,
24 television series, commercial advertising production, music
25 video, or sound recording, which include, but are not limited
26 to, location scouting and managing, set construction and
27 acquisition, props acquisition, wardrobe construction and
28 acquisition, hair and makeup design and execution,
29 cinematography, photography, videography, sound recording, and
30 personnel travel and meal acquisition and related activities.

31 (12) "Postproduction activities" means those

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 activities performed directly in connection with transforming
2 the individual images and sounds recorded during production
3 into a cohesive body, which include, but are not limited to,
4 editing, dubbing, creating supplementary sound tracks,
5 automated dialogue replacement, foley stage recording, sound
6 mixing, creating special effects, two-dimensional and
7 three-dimensional graphics and animation, and creating credit
8 titles.

9 (13) "Producer" means any person who causes to be made
10 a motion picture, made-for-TV motion picture, television
11 series, commercial advertising, music video, or sound
12 recording, or any part thereof, primarily for entertainment,
13 commercial, industrial, or educational purposes.

14 (14) "Council" means the Entertainment Florida
15 Council.

16 (15) These terms and the provisions of this act do not
17 include television, cable or radio companies licensed by the
18 Federal Communications Commission in their capacities as
19 broadcast companies, but may include such companies in their
20 capacities as producers of entertainment industry products
21 created primarily for entertainment, commercial, industrial,
22 or educational purposes for statewide, national, or
23 international distribution.

24 Section 59. Section 288.1252, Florida Statutes, is
25 created to read:

26 288.1252 Entertainment Florida Council; creation;
27 purpose; membership; powers and duties.--

28 (1) CREATION.--There is hereby created within the
29 Office of Tourism, Trade, and Economic Development of the
30 Executive Office of the Governor, for administrative purposes
31 only, the Entertainment Florida Council.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 (2) PURPOSE.--The purpose of the council shall be to
2 serve as an advisory body to the Office of Tourism, Trade, and
3 Economic Development and to the Office of the Entertainment
4 Industry Commissioner to provide these offices with industry
5 insight and expertise related to developing, promoting, and
6 providing service to the state's entertainment industry and to
7 provide private sector supplemental financial support to the
8 programs of the Office of the Entertainment Industry
9 Commissioner.

10 (3) MEMBERSHIP.--

11 (a) The council shall consist of 17 members, five to
12 be appointed by the Governor, six to be appointed by the
13 President of the Senate, and six to be appointed by the
14 Speaker of the House of Representatives, with the initial
15 appointments being made no later than July 1, 1998.

16 (b) When making appointments to the council, the
17 Governor, the President of the Senate, and the Speaker of the
18 House of Representatives shall appoint persons who are
19 residents of the state and who are highly knowledgeable of,
20 active in, and recognized leaders in Florida's motion picture,
21 television, video, sound recording or other entertainment
22 industries. These persons shall include, but not be limited
23 to, representatives of local government film commissions,
24 representatives of entertainment associations, and board
25 chairs, presidents, chief executive officers, chief operating
26 officers, or persons of comparable executive position or
27 stature of leading or otherwise important entertainment
28 industry businesses. Council members shall be appointed in
29 such a manner as to equitably represent the broadest spectrum
30 of the entertainment industry and geographic areas of the
31 state.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 (c) Council members shall serve for 4-year terms,
2 except that the initial terms shall be staggered:

3 1. The Governor shall appoint one member for a 1-year
4 term, one member for a 2-year term, one member for a 3-year
5 term, and two members for 4-year terms.

6 2. The President of the Senate shall appoint one
7 member for a 1-year term, two members for 2-year terms, two
8 members for 3-year terms, and one member for a 4-year term.

9 3. The Speaker of the House of Representatives shall
10 appoint one member for a 1-year term, two members for 2-year
11 terms, two members for 3-year terms, and one member for a
12 4-year term.

13 (d) Subsequent appointments shall be made by the
14 official who appointed the council member whose expired term
15 is to be filled.

16 (e) Absence from three consecutive meetings shall
17 result in automatic removal from the council.

18 (f) A vacancy on the council shall be filled for the
19 remainder of the unexpired term by the official who appointed
20 the vacating member.

21 (g) No more than one member of the council may be an
22 employee of any one company, organization, or association.

23 (h) Any member shall be eligible for reappointment but
24 may not serve more than two consecutive terms.

25 (i) The council shall meet no less frequently than
26 once each quarter of the calendar year, but may meet more
27 often as set by the council.

28 (j) The council shall annually elect one member to
29 serve as chair of the council and one member to serve as vice
30 chair. The Office of the Entertainment Industry Commissioner
31 shall provide staff assistance to the council, which shall

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 include, but not be limited to, keeping records of the
2 proceedings and financial activities of the council, and
3 serving as custodian of all books, documents, and papers filed
4 with the council.

5 (k) A majority of the members of the council shall
6 constitute a quorum.

7 (l) Members of the council shall serve without
8 compensation, but shall be entitled to reimbursement for per
9 diem and travel expenses in accordance with s. 112.061 while
10 in performance of their duties.

11 (m) Each member of the council shall file full and
12 public disclosure of financial interests at the times and
13 places and in the same manner required of elected
14 constitutional officers under s. 8, Art. II of the State
15 Constitution and any law implementing that provision.

16 (n) The Entertainment Industry Commissioner shall be
17 an ex officio member of the council.

18 (4) POWERS AND DUTIES.--Entertainment Florida Council
19 shall have all the powers necessary or convenient to carry out
20 and effectuate the purposes and provisions of this act,
21 including, but not limited to, the power to:

22 (a) Adopt bylaws for the governance of its affairs and
23 the conduct of its business.

24 (b) Make and execute contracts and other instruments
25 necessary or convenient for the exercise of its powers and
26 functions, including, but not limited to, a contract with a
27 direct-support organization.

28 (c) Create a direct-support organization to raise
29 funds to provide supplemental support for the operation and
30 programs of the Office of the Entertainment Industry
31 Commissioner and serve as the board of directors of such an

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

- 1 organization, which shall:
- 2 1. Be a Florida corporation not for profit,
- 3 incorporated under the provisions of chapter 617 and approved
- 4 by the Department of State.
- 5 2. Be organized and operated exclusively to receive,
- 6 hold, invest, and administer property, to raise funds and
- 7 accept gifts, and to make expenditures to supplement the
- 8 activities, services, functions, and programs of the Office of
- 9 the Entertainment Industry Commissioner.
- 10 3. Be certified annually by the Office of Tourism,
- 11 Trade, and Economic Development as operating in a manner
- 12 consistent with the goals of the approved strategic plan for
- 13 the Office of the Entertainment Industry Commissioner.
- 14 4. Be governed by a board of directors whose
- 15 membership is synonymous with the membership of the
- 16 Entertainment Florida Council.
- 17 5. Make provisions for an annual postaudit of its
- 18 financial accounts to be conducted by an independent certified
- 19 public accountant in accordance with rules promulgated by the
- 20 Auditor General. The annual audit report shall include a
- 21 management letter and shall be submitted to the Auditor
- 22 General and the Office of Tourism, Trade, and Economic
- 23 Development for review. The Office of Tourism, Trade, and
- 24 Economic Development and the Auditor General shall have the
- 25 authority to require and receive from the organization or its
- 26 independent auditor any detail or supplemental data relative
- 27 to the operation of the organization.
- 28 6. Not be considered an agency for the purposes of
- 29 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,
- 30 relating to leasing of buildings; ss. 283.33 and 283.35,
- 31 relating to bids for printing; s. 215.31; and parts I, II, and

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

- 1 IV through VIII of chapter 112.
- 2 (d) Develop a 5-year strategic plan, by no later than
3 June 30, 1999, to guide the activities of the Office of the
4 Entertainment Industry Commissioner. The plan shall:
- 5 1. Be annual in construction and ongoing in nature.
- 6 2. Include recommendations relating to the
7 organizational structure of the Office of the Entertainment
8 Industry Commissioner.
- 9 3. Include an annual budget projection for the Office
10 of the Entertainment Industry Commissioner for each year of
11 the plan.
- 12 4. Include an operational model for the Office of the
13 Entertainment Industry Commissioner to use in implementing
14 programs designed to:
- 15 a. Develop and promote the state's entertainment
16 industry.
- 17 b. Have the office serve as a liaison between the
18 entertainment industry and other state and local governmental
19 agencies and labor organizations.
- 20 c. Gather statistical information related to the
21 state's entertainment industry.
- 22 d. Provide information and service to businesses,
23 communities, organizations and individuals engaged in
24 entertainment industry activities.
- 25 e. Administer field offices.
- 26 5. Include recommendations regarding specific
27 performance standards and measurable outcomes for the
28 programs to be implemented by the Office of the Entertainment
29 Industry Commissioner.
- 30 6. Include an ongoing assessment of, and make
31 recommendations on, the feasibility of creating an alternative

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 public/private partnership for the purpose of contracting with
2 such a partnership for the administration of the state's
3 entertainment industry promotion, development, and industry
4 service programs.

5 (e) Oversee the Entertainment Industry Commissioner's
6 administration of the programs related to the approved
7 strategic plan, and advise the Office of Tourism, Trade, and
8 Economic Development on whether the Commissioner is
9 effectively administering such programs.

10 (f) Appear on its own behalf before boards,
11 commissions, departments, or other agencies of municipal,
12 county, or state government, or the Federal Government.

13 (g) Do any and all things necessary or convenient to
14 carry out the purposes of and exercise the powers granted in
15 this act.

16 (h) Provide financial supplements to the programs of
17 the Office of the Entertainment Industry Commissioner.

18 Section 60. Section 288.12285, Florida Statutes, is
19 renumbered as section 288.1253, Florida Statutes, and amended
20 to read:

21 288.1253 ~~288.12285~~ Promotion and development of
22 entertainment industries; direct-support organization;
23 confidentiality of donor identities.--The identity of a donor
24 or prospective donor to the direct-support organization
25 authorized under s. 288.1252 ~~s. 288.1228~~ who desires to remain
26 anonymous and all information identifying such donor or
27 prospective donor are confidential and exempt from s.
28 119.07(1) and s. 24(a), Art. I of the State Constitution.
29 Such anonymity shall be maintained in audit reports. This
30 section expires October 2, 2001, and is subject to review by
31 the Legislature under the Open Government Sunset Review Act of

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 1995 in accordance with s. 119.15 before that date.
2 Section 61. Section 288.1254, Florida Statutes, is
3 created to read:
4 288.1254 Promotion and development of entertainment
5 industry; Office of the Entertainment Industry Commissioner;
6 creation; purpose; powers and duties.--
7 (1) CREATION.--
8 (a) There is hereby created within the Office of
9 Tourism, Trade, and Economic Development the Office of the
10 Entertainment Industry Commissioner for the purpose of
11 developing, promoting, and providing services to the state's
12 entertainment industry.
13 (b) The Office of Tourism, Trade, and Economic
14 Development shall conduct a national search for a qualified
15 person to fill the position of Entertainment Industry
16 Commissioner, and the Executive Director of the Office of
17 Tourism, Trade, and Economic Development shall appoint the
18 Entertainment Industry Commissioner from a list of the top
19 three candidates recommended by the Entertainment Florida
20 Council.
21 (c) The Office of the Entertainment Industry
22 Commissioner shall consist of no more than 3 state employees
23 in addition to the commissioner.
24 (2) POWERS AND DUTIES.--
25 (a) The Office of the Entertainment Industry
26 Commissioner, in performance of its duties, shall:
27 1. Implement the approved 5-year strategic plan
28 developed by the Entertainment Florida Council for
29 entertainment industry development, promotion, liaison
30 services, field office administration, and information.
31 2. Develop and facilitate a smooth working

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 relationship between state agencies and local governments in
2 cooperation with local film commission offices for
3 out-of-state and indigenous entertainment industry production
4 entities.

5 3. Implement a structured methodology prescribed for
6 coordinating activities of local offices with each other and
7 the commissioner's office.

8 4. Represent the state's indigenous entertainment
9 industry to key decisionmakers within the national and
10 international entertainment industry, and to state and local
11 officials.

12 5. Prepare an inventory of entertainment industry
13 asset information on talent, crew, related businesses, and
14 support services and coordinate with local offices to develop
15 an information tool for common use.

16 6. Represent key decisionmakers within the national
17 and international entertainment industry to the indigenous
18 entertainment industry and to state and local officials.

19 7. Serve as liaison between entertainment industry
20 producers and labor organizations.

21 (b) The Office of the Entertainment Industry
22 Commissioner, in the performance of its duties, may:

23 1. Conduct or contract for specific promotion and
24 marketing functions, including, but not limited to, production
25 of a statewide directory, production and maintenance of an
26 Internet web site, organization of trade show participation,
27 and appropriate cooperative marketing opportunities.

28 2. Conduct its affairs, carry on its operations,
29 establish offices, and exercise the powers granted by this act
30 in any state, territory, district, or possession of the United
31 States.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 3. Carry out any program of information, special
2 events, or publicity designed to attract entertainment
3 industry to Florida.

4 4. Encourage and cooperate with other public and
5 private organizations or groups in their efforts to publicize
6 to the entertainment industry in this state, other states, and
7 other countries the depth of Florida's entertainment industry
8 talent, crew, production companies, production equipment
9 resources, related businesses, and support services, including
10 the establishment of and expenditure for a program of
11 cooperative advertising with these public and private
12 organizations and groups in accordance with the provisions of
13 chapter 120.

14 5. Provide and arrange for reasonable and necessary
15 promotional items and services for such persons as the office
16 deems proper in connection with the performance of the
17 promotional and other duties of the office.

18 Section 62. Section 288.1255, Florida Statutes, is
19 created to read:

20 288.1255 Travel and entertainment expenses.--

21 (1) As used in this section:

22 (a) "Business client" means any person, other than a
23 state official or state employee, who receives the services
24 of, or is the subject of solicitation by, representatives of
25 the Office of the Entertainment Industry Commissioner in
26 connection with the performance of its statutory duties,
27 including persons or representatives of entertainment industry
28 companies considering or being solicited for location,
29 relocation, or expansion of an entertainment industry business
30 within the state.

31 (b) "Entertainment expenses" means the actual,

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 necessary, and reasonable costs of providing hospitality for
2 business clients or guests, which costs are defined and
3 prescribed by rules adopted by the Office of Tourism, Trade,
4 and Economic Development, subject to approval by the
5 Comptroller.

6 (c) "Guest" means a person, other than a state
7 official or state employee, authorized by the Office of
8 Tourism, Trade, and Economic Development to receive the
9 hospitality of the Office of the Entertainment Industry
10 Commissioner in connection with the performance of its
11 statutory duties.

12 (d) "Travel expenses" means the actual, necessary, and
13 reasonable costs of transportation, meals, lodging, and
14 incidental expenses normally incurred by a traveler, which
15 costs are defined and prescribed by rules adopted by the
16 Office of Tourism, Trade, and Economic Development, subject to
17 approval by the Comptroller.

18 (2) Notwithstanding the provisions of s. 112.061, the
19 Office of Tourism, Trade, and Economic Development shall adopt
20 rules by which it may make expenditures by advancement or
21 reimbursement, or a combination thereof, to:

22 (a) State officers and state employees for travel
23 expenses or entertainment expenses incurred by such officers
24 and employees in connection with the performance of the
25 statutory duties of the Office of the Entertainment Industry
26 Commissioner.

27 (b) State officers and state employees for travel
28 expenses or entertainment expenses incurred by such officers
29 and employees on behalf of guests, business clients, or
30 authorized persons as defined in s. 112.061(2)(e) in
31 connection with the performance of the statutory duties of the

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 Office of the Entertainment Industry Commissioner.

2 (c) Third party vendors for the travel or
3 entertainment expenses of guests, business clients, or
4 authorized persons as defined in s. 112.061(2)(e) incurred
5 while such persons are participating in activities or events
6 carried out by the Office of the Entertainment Industry
7 Commissioner in connection with that office's statutory
8 duties.

9
10 The rules shall be subject to approval by the Comptroller
11 prior to promulgation. The rules shall require the submission
12 of paid receipts, or other proof of expenditure prescribed by
13 the Comptroller, with any claim for reimbursement and shall
14 require, as a condition for any advancement of funds, an
15 agreement to submit paid receipts or other proof of
16 expenditure and to refund any unused portion of the
17 advancement within 15 days after the expense is incurred or,
18 if the advancement is made in connection with travel, within
19 10 working days after the traveler's return to headquarters.
20 However, with respect to an advancement of funds made solely
21 for travel expenses, the rules may allow paid receipts or
22 other proof of expenditure to be submitted, and any unused
23 portion of the advancement to be refunded, within 10 working
24 days after the traveler's return to headquarters. Operational
25 or promotional advancements, as defined in s. 288.35(4),
26 obtained pursuant to this section shall not be commingled with
27 any other state funds.

28 (3) The Office of Tourism, Trade, and Economic
29 Development shall prepare an annual report of the expenditures
30 of the Office of the Entertainment Industry Commissioner and
31 provide such report to the Legislature no later than December

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 30 of each year for the expenditures of the previous fiscal
2 year. The report shall consist of a summary of all travel,
3 entertainment, and incidental expenses incurred within the
4 United States and all travel, entertainment, and incidental
5 expenses incurred outside the United States.

6 (4) The Office of the Entertainment Industry
7 Commissioner and its employees and representatives, when
8 authorized, may accept, and use complimentary travel,
9 accommodations, meeting space, meals, equipment,
10 transportation, and any other goods or services necessary for
11 or beneficial to the performance of the office's duties and
12 purposes, so long as such acceptance, or use is not in
13 conflict with part III of chapter 112. The Office of Tourism,
14 Trade, and Economic Development shall, by rule, develop
15 internal controls to ensure that such goods or services
16 accepted, or used pursuant to this subsection are limited to
17 those which will assist in the furtherance of the office's
18 goals and are in compliance with part III of chapter 112.

19 (5) Any claim submitted under this section shall not
20 be required to be sworn to before a notary public or other
21 officer authorized to administer oaths, but any claim
22 authorized or required to be made under any provision of this
23 section shall contain a statement that the expenses were
24 actually incurred as necessary travel or entertainment
25 expenses in the performance of official duties of the Office
26 of the Entertainment Industry Commissioner and shall be
27 verified by written declaration that it is true and correct as
28 to every material matter. Any person who willfully makes and
29 subscribes to any claim which he or she does not believe to be
30 true and correct as to every material matter or who willfully
31 aids or assists in, procures, or counsels or advises with

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 respect to, the preparation or presentation of a claim
2 pursuant to this section that is fraudulent or false as to any
3 material matter, whether or not such falsity or fraud is with
4 the knowledge or consent of the person authorized or required
5 to present the claim, is guilty of a misdemeanor of the second
6 degree, punishable as provided in s. 775.082 or s. 775.083.
7 Whoever receives an advancement or reimbursement by means of a
8 false claim is civilly liable, in the amount of the
9 overpayment, for the reimbursement of the public fund from
10 which the claim was paid.

11 Section 63. Section 288.1258, Florida Statutes, is
12 created to read:

13 288.1258 Entertainment industry qualified production
14 companies; application procedure; categories; duties of the
15 Department of Revenue.--

16 (1)(a) Any production company engaged in this state in
17 the production of motion pictures, made-for-TV motion
18 pictures, television series, commercial advertising, music
19 videos, or music recordings, as they are defined in this act,
20 may submit an application to the Office of the Entertainment
21 Industry Commissioner to be approved as a qualified production
22 company for the purpose of receiving a sales and use tax
23 certificate of exemption from the Department of Revenue.

24 (b) For the purposes of this section, the term
25 "qualified production company" means any production company
26 that has submitted a properly completed application to the
27 Office of the Entertainment Industry Commissioner and is
28 subsequently qualified by that office.

29 (2) APPLICATION PROCEDURE.--

30 (a)1. The Office of the Entertainment Industry
31 Commissioner shall establish a process by which an

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 entertainment industry production company may be approved by
2 the office as a qualified production company and may receive a
3 certificate of exemption from the Department of Revenue for
4 the sales and use tax exemptions under ss. 212.031(1)(a)9.,
5 212.06(1)(b) and 212.08(12)(a).

6 2. Upon determination by the Office of the
7 Entertainment Industry Commissioner that a production company
8 meets the established approval criteria and qualifies for
9 exemption, the Office of the Entertainment Industry
10 Commissioner shall forward the approved application or
11 application renewal or extension to the Department of Revenue,
12 which shall issue a certificate of exemption.

13 3. The Office of the Entertainment Industry
14 Commissioner shall deny an application or application for
15 renewal or extension from a production company if it
16 determines that the production company does not meet the
17 established approval criteria.

18 (b) The Office of the Entertainment Industry
19 Commissioner shall develop, with the cooperation of the
20 Department of Revenue and local government entertainment
21 industry promotion agencies, a standardized application form
22 for use in approving qualified production companies.

23 1. The application form shall include, but not be
24 limited to, production-related information on employment,
25 proposed budgets, planned purchases of items exempted from
26 sales and use taxes under ss. 212.031(1)(a)9., 212.06(1)(b),
27 and 212.08(12)(a), a signed affirmation from the applicant
28 that any items purchased for which the applicant is seeking a
29 tax exemption are intended for use exclusively as an integral
30 part of entertainment industry preproduction, production or
31 postproduction activities engaged in primarily in this state,

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 and a signed affirmation from the Office of the Entertainment
2 Industry Commissioner that the information on the application
3 form has been verified and is correct. In lieu of information
4 on projected employment, proposed budgets, or planned
5 purchases of exempted items, a production company seeking a
6 1-year certificate of exemption may submit summary historical
7 data on employment, production budgets, and purchases of
8 exempted items related to production activities in this state.
9 Any information gathered from production companies for the
10 purposes of this section shall be considered confidential
11 taxpayer information and shall be disclosed only as provided
12 in s. 213.053.

13 2. The application form may be distributed to
14 applicants by the Office of the Entertainment Industry
15 Commissioner or local government entertainment industry
16 promotion agencies.

17 (c) All applications, renewals, and extensions for
18 designation as a qualified production company shall be
19 processed by the Office of the Entertainment Industry
20 Commissioner.

21 (d) In the event that the Department of Revenue
22 determines that a production company no longer qualifies for,
23 or has otherwise used, a certificate of exemption for purposes
24 other than those authorized by this section and chapter 212,
25 the Department of Revenue shall revoke the certificate of
26 exemption of that production company, and any sales or use
27 taxes exempted on items purchased or leased by the production
28 company during the time such company did not qualify for a
29 certificate of exemption or improperly used a certificate of
30 exemption, shall become immediately due to the Department of
31 Revenue, along with interest and penalty as provided by

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 section 212.12. In addition to the other penalties imposed by
2 this part, any person who knowingly and willfully falsifies an
3 application, or uses a certificate of exemption for purposes
4 other than those authorized by this section and chapter 212,
5 commits a felony of the third degree, punishable as provided
6 in s. 775.082, s. 775.083, and s. 775.084.

7 (e) The Office of the Entertainment Industry
8 Commissioner shall develop and periodically update, in
9 cooperation with local government entertainment industry
10 promotion agencies, entertainment industry representatives,
11 and program directors of public postsecondary institutions
12 which house and operate entertainment industry production
13 facilities, a list of products and services commonly used by
14 entertainment industry producers in connection with
15 preproduction, production, and postproduction activities
16 described in this act and in s. 212.08(12)(b), which shall be
17 made available to production companies applying for
18 designation as a qualified production company.

19 (3) CATEGORIES.--

20 (a)1. A production company may be qualified for
21 designation as a qualified production company for a period of
22 1 year if the company has operated a business in Florida at a
23 permanent address for a period of 12 consecutive months. Such
24 a qualified production company shall receive a single 1-year
25 certificate of exemption from the Department of Revenue for
26 the sales and use tax exemptions under ss. 212.031(1)(a)9.,
27 212.06(1)(b), and 212.08(12)(a), which certificate shall
28 expire 1 year after issuance or upon the cessation of business
29 operations in the state, at which time the certificate shall
30 be surrendered to the Department of Revenue.

31 2. The Office of the Entertainment Industry

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 Commissioner shall develop a method by which a qualified
2 production company may annually renew a 1-year certificate of
3 exemption for a period of up to 5 years without requiring the
4 production company to resubmit a new application during that
5 5-year period.

6 3. Any qualified production company may submit a new
7 application for a 1-year certificate of exemption upon the
8 expiration of that company's certificate of exemption.

9 (b)1. A production company may be qualified for
10 designation as a qualified production company for a period of
11 90-days. Such production company shall receive a single 90-day
12 certificate of exemption from the Department of Revenue for
13 the sales and use tax exemptions under ss. 212.031(1)(a)9.,
14 212.06(1)(b), and 212.08(12)(a), which certificate shall
15 expire 90 days after issuance, with extensions contingent upon
16 approval of the Office of the Entertainment Industry
17 Commissioner. The certificate shall be surrendered to the
18 Department of Revenue upon its expiration.

19 2. Any production company may submit a new application
20 for a 90-day certificate of exemption upon the expiration of
21 that company's certificate of exemption.

22 (4) DUTIES OF THE DEPARTMENT OF REVENUE.--

23 (a) The Department of Revenue shall issue a numbered
24 certificate of exemption to a qualified production company
25 within 5 working days of the receipt of a properly completed
26 and approved application, application renewal, or application
27 extension from the Office of the Entertainment Industry
28 Commissioner.

29 (b) The Department of Revenue may promulgate such
30 rules and shall prescribe and publish such forms as may be
31 necessary to effectuate the purposes of this act or any of the

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 sales tax exemptions which are reasonably related to the
2 provisions of this act.

3 (c) The Department of Revenue is authorized to
4 establish audit procedures in accordance with the provisions
5 of ss. 212.12 and 212.13 which relate to the sales tax
6 exemption provisions of this act.

7 Section 64. Florida Entertainment Industry Model
8 Permitting Task Force; creation; membership; powers and
9 duties; report.--There is created within the Office of the
10 Entertainment Industry Commissioner, for a period of one year,
11 a task force for the purpose of developing a model for uniform
12 permits for use by state agencies and county and municipal
13 governments.

14 (1) Members of the task force shall be appointed by the
15 Governor no later than July 1, 1998, for a period of 1 year
16 and shall include one representative from each of the
17 following:

18 (a) The Office of Tourism, Trade, and Economic
19 Development.

20 (b) The Department of Environmental Protection.

21 (c) The Division of Recreation and Parks of the
22 Department of Environmental Protection.

23 (d) The Department of Transportation.

24 (e) The Office of the State Fire Marshall.

25 (f) The Board of Regents.

26 (g) The Florida League of Cities.

27 (h) The Florida Association of Counties.

28 (i) The Department of Highway Safety and Motor
29 Vehicles.

30 (j) The Division of Law Enforcement of the Department
31 of Environmental Protection.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

- 1 (k) The Department of Community Affairs.
2 (l) The Department of Corrections.
3 (m) The Florida Film Commissioner's Association.
4 (n) Each of the state's two largest motion-picture
5 production studios.
6 (o) The Florida Motion Picture and Television
7 Association.
8 (p) The recording industry.
9 (q) The commercial advertising industry.
10 (2) The task force shall meet as often as necessary to
11 develop a report which shall be given to the President of the
12 Senate and the Speaker of the House of Representatives no
13 later than June 30, 1999, which shall include:
14 (a) A recommendation for model permits for use by
15 state agencies and county and municipal governments in
16 granting temporary permits to entertainment industry
17 businesses in the process of production activities.
18 (b) Cost recommendations for use of state and local
19 government buildings, property, and personnel.
20 (c) Recommendations for developing a timetable for
21 securing state and local environmental permits during the
22 preproduction and production stages of an entertainment
23 industry project.
24 (3) The task force shall elect a chair who will set
25 the meeting schedules for the task force.
26 (4) The Office of the Entertainment Industry
27 Commissioner may provide staff assistance to the task force
28 for the purpose of recording the minutes of each meeting.
29 (5) Members of the task force shall serve without
30 compensation, but shall be entitled to reimbursement for per
31 diem and travel expenses in accordance with s. 112.061 while

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 in the performance of their duties.

2 Section 65. Subsections (2) and (7) of section
3 14.2015, Florida Statutes, are amended to read:

4 14.2015 Office of Tourism, Trade, and Economic
5 Development; creation; powers and duties.--

6 (2) The purpose of the Office of Tourism, Trade, and
7 Economic Development is to assist the Governor in working with
8 the Legislature, state agencies, business leaders, and
9 economic development professionals to formulate and implement
10 coherent and consistent policies and strategies designed to
11 provide economic opportunities for all Floridians. To
12 accomplish such purposes, the Office of Tourism, Trade, and
13 Economic Development shall:

14 ~~(a) Contract, notwithstanding the provisions of part I~~
15 ~~of chapter 287, with the direct-support organization created~~
16 ~~under s. 288.1228, or a designated Florida not-for-profit~~
17 ~~corporation whose board members have had prior experience in~~
18 ~~promoting, throughout the state, the economic development of~~
19 ~~the Florida motion picture, television, radio, video,~~
20 ~~recording, and entertainment industries, to guide, stimulate,~~
21 ~~and promote the entertainment industry in the state.~~

22 (a)~~(b)~~ Contract, notwithstanding the provisions of
23 part I of chapter 287, with the direct-support organization
24 created under s. 288.1229 to guide, stimulate, and promote the
25 sports industry in the state.

26 (b)~~(c)~~ Monitor the activities of public-private
27 partnerships and state agencies in order to avoid duplication
28 and promote coordinated and consistent implementation of
29 programs in areas including, but not limited to, tourism;
30 international trade and investment; business recruitment,
31 creation, retention, and expansion; minority and small

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 business development; and rural community development.

2 ~~(c)(d)~~ Facilitate the direct involvement of the
3 Governor and the Lieutenant Governor in economic development
4 projects designed to create, expand, and retain Florida
5 businesses and to recruit worldwide business.

6 ~~(d)(e)~~ Assist the Governor, in cooperation with
7 Enterprise Florida, Inc., and the Florida Commission on
8 Tourism, in preparing an annual report to the Legislature on
9 the state of the business climate in Florida and on the state
10 of economic development in Florida which will include the
11 identification of problems and the recommendation of
12 solutions. This report shall be submitted to the President of
13 the Senate, the Speaker of the House of Representatives, the
14 Senate Minority Leader, and the House Minority Leader by
15 January 1 of each year, and it shall be in addition to the
16 Governor's message to the Legislature under the State
17 Constitution and any other economic reports required by law.

18 ~~(e)(f)~~ Plan and conduct at least three meetings per
19 calendar year of leaders in business, government, and economic
20 development called by the Governor to address the business
21 climate in the state, develop a common vision for the economic
22 future of the state, and identify economic development efforts
23 to fulfill that vision.

24 ~~(f)(g)~~1. Administer the Florida Enterprise Zone Act
25 under ss. 290.001-290.016, the community contribution tax
26 credit program under ss. 220.183 and 624.5105, the tax refund
27 program for qualified target industry businesses under s.
28 288.106, contracts for transportation projects under s.
29 288.063, the sports franchise facility program under s.
30 288.1162, the professional golf hall of fame facility program
31 under s. 288.1168, the Florida Jobs Siting Act under ss.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 403.950-403.972, the Rural Community Development Revolving
2 Loan Fund under s. 288.065, the Regional Rural Development
3 Grants Program under s. 288.018, the Florida State Rural
4 Development Council, and the Rural Economic Development
5 Initiative.

6 2. The office may enter into contracts in connection
7 with the fulfillment of its duties concerning the Florida
8 First Business Bond Pool under chapter 159, tax incentives
9 under chapters 212 and 220, foreign offices under chapter 288,
10 the Enterprise Zone program under chapter 290, the Seaport
11 Employment Training program under chapter 311, the Florida
12 Professional Sports Team License Plates under chapter 320,
13 Spaceport Florida under chapter 331, Job Siting and Expedited
14 Permitting under chapter 403, and in carrying out other
15 functions that are specifically assigned to the office by law.

16 (g)~~(h)~~ Serve as contract administrator for the state
17 with respect to contracts with Enterprise Florida, Inc., the
18 Florida Commission on Tourism, and all direct-support
19 organizations under this act, excluding those relating to
20 tourism. To accomplish the provisions of this act and
21 applicable provisions of chapter 288, and notwithstanding the
22 provisions of part I of chapter 287, the office shall enter
23 into specific contracts with Enterprise Florida, Inc., the
24 Florida Commission on Tourism, and other appropriate
25 direct-support organizations. Such contracts may be multiyear
26 and shall include specific performance measures for each year.
27 The office shall provide the President of the Senate and the
28 Speaker of the House of Representatives with a report by
29 February 1 of each year on the status of these contracts,
30 including the extent to which specific contract performance
31 measures have been met by these contractors.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 (h) Provide administrative oversight for the Office of
2 the Entertainment Industry Commissioner, created under s.
3 288.1254, to develop, promote, and provide services to the
4 state's entertainment industry and to administratively house
5 the Entertainment Florida Council created under s. 288.1252.

6 (i) Prepare and submit as a separate budget entity a
7 unified budget request for tourism, trade, and economic
8 development in accordance with chapter 216 for, and in
9 conjunction with, Enterprise Florida, Inc., and its boards,
10 the Florida Commission on Tourism and its direct-support
11 organization, the Florida Black Business Investment Board, the
12 Office of the Entertainment Industry Commissioner,and the
13 direct-support organization ~~organizations~~ created to promote
14 the ~~entertainment~~ and sports industries.

15 (j) Promulgate rules to carry out its functions in
16 connection with the administration of the Qualified Target
17 Industry program, the Qualified Defense Contractor program,
18 the Enterprise Zone program, and the Florida First Business
19 Bond pool.

20 (7) The Office of Tourism, Trade, and Economic
21 Development shall develop performance measures, standards, and
22 sanctions for each program it administers under this act and,
23 in conjunction with the applicable entity, for each program
24 for which it contracts with another entity under this act.
25 The performance measures, standards, and sanctions shall be
26 developed in consultation with the legislative appropriations
27 committees and the appropriate substantive committees, and are
28 subject to the review and approval process provided in s.
29 216.177. The approved performance measures, standards, and
30 sanctions shall be included and made a part of each strategic
31 plan or contract entered into for delivery of programs

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 authorized by this act.

2 Section 66. Effective January 1, 1999, paragraph (a)
3 of subsection (1) of section 212.031, Florida Statutes, is
4 amended to read:

5 212.031 Lease or rental of or license in real
6 property.--

7 (1)(a) It is declared to be the legislative intent
8 that every person is exercising a taxable privilege who
9 engages in the business of renting, leasing, letting, or
10 granting a license for the use of any real property unless
11 such property is:

12 1. Assessed as agricultural property under s. 193.461.

13 2. Used exclusively as dwelling units.

14 3. Property subject to tax on parking, docking, or
15 storage spaces under s. 212.03(6).

16 4. Recreational property or the common elements of a
17 condominium when subject to a lease between the developer or
18 owner thereof and the condominium association in its own right
19 or as agent for the owners of individual condominium units or
20 the owners of individual condominium units. However, only the
21 lease payments on such property shall be exempt from the tax
22 imposed by this chapter, and any other use made by the owner
23 or the condominium association shall be fully taxable under
24 this chapter.

25 5. A public or private street or right-of-way occupied
26 or used by a utility for utility purposes.

27 6. A public street or road which is used for
28 transportation purposes.

29 7. Property used at an airport exclusively for the
30 purpose of aircraft landing or aircraft taxiing or property
31 used by an airline for the purpose of loading or unloading

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 passengers or property onto or from aircraft or for fueling
2 aircraft.

3 8.a. Property used at a port authority, as defined in
4 s. 315.02(2), exclusively for the purpose of oceangoing
5 vessels or tugs docking, or such vessels mooring on property
6 used by a port authority for the purpose of loading or
7 unloading passengers or cargo onto or from such a vessel, or
8 property used at a port authority for fueling such vessels, or
9 to the extent that the amount paid for the use of any property
10 at the port is based on the charge for the amount of tonnage
11 actually imported or exported through the port by a tenant.

12 b. The amount charged for the use of any property at
13 the port in excess of the amount charged for tonnage actually
14 imported or exported shall remain subject to tax except as
15 provided in sub-subparagraph a.

16 9. Property used as an integral part of the
17 preproduction, production, and postproduction activities by a
18 qualified production company as these terms are defined in s.
19 212.08(12). This exemption will inure to the taxpayer upon
20 presentation of the certificate of exemption issued to the
21 taxpayer under the provisions of s. 288.1258.~~performance of~~
22 ~~qualified production services. As used in this subparagraph,~~
23 ~~the term "qualified production services" means any activity or~~
24 ~~service performed directly in connection with the production~~
25 ~~of a qualified motion picture, as defined in s. 212.06(1)(b),~~
26 ~~and includes:~~

27 ~~a. Photography, sound and recording, casting, location~~
28 ~~managing and scouting, shooting, creation of special and~~
29 ~~optical effects, animation, adaptation (language, media,~~
30 ~~electronic, or otherwise), technological modifications,~~
31 ~~computer graphics, set and stage support (such as~~

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 ~~electricians, lighting designers and operators, greensmen,~~
2 ~~prop managers and assistants, and grips), wardrobe (design,~~
3 ~~preparation, and management), hair and makeup (design,~~
4 ~~production, and application), performing (such as acting,~~
5 ~~dancing, and playing), designing and executing stunts,~~
6 ~~coaching, consulting, writing, scoring, composing,~~
7 ~~choreographing, script supervising, directing, producing,~~
8 ~~transmitting dailies, dubbing, mixing, editing, cutting,~~
9 ~~looping, printing, processing, duplicating, storing, and~~
10 ~~distributing.~~

11 ~~b. The design, planning, engineering, construction,~~
12 ~~alteration, repair, and maintenance of real or personal~~
13 ~~property including stages, sets, props, models, paintings, and~~
14 ~~facilities principally required for the performance of those~~
15 ~~services listed in sub-subparagraph a. and~~

16 ~~c. Property management services directly related to~~
17 ~~property used in connection with the services described in~~
18 ~~sub-subparagraphs a. and b.~~

19 10. Leased, subleased, or rented to a person providing
20 food and drink concessionaire services within the premises of
21 a movie theater, a business operated under a permit issued
22 pursuant to chapter 550, or any publicly owned arena, sports
23 stadium, convention hall, exhibition hall, auditorium, or
24 recreational facility. A person providing retail
25 concessionaire services involving the sale of food and drink
26 or other tangible personal property within the premises of an
27 airport shall be subject to tax on the rental of real property
28 used for that purpose, but shall not be subject to the tax on
29 any license to use the property. For purposes of this
30 subparagraph, the term "sale" shall not include the leasing of
31 tangible personal property.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 11. Property occupied pursuant to an instrument
2 calling for payments which the department has declared, in a
3 Technical Assistance Advisement issued on or before March 15,
4 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
5 Florida Administrative Code; provided that this subparagraph
6 shall only apply to property occupied by the same person
7 before and after the execution of the subject instrument and
8 only to those payments made pursuant to such instrument,
9 exclusive of renewals and extensions thereof occurring after
10 March 15, 1993.

11 Section 67. Effective January 1, 1999, paragraph (b)
12 of subsection (1) of section 212.06, Florida Statutes, is
13 amended to read:

14 212.06 Sales, storage, use tax; collectible from
15 dealers; "dealer" defined; dealers to collect from purchasers;
16 legislative intent as to scope of tax.--

17 (1)

18 (b) Except as otherwise provided, any person who
19 manufactures, produces, compounds, processes, or fabricates in
20 any manner tangible personal property for his or her own use
21 shall pay a tax upon the cost of the product manufactured,
22 produced, compounded, processed, or fabricated without any
23 deduction therefrom on account of the cost of material used,
24 labor or service costs, or transportation charges,
25 notwithstanding the provisions of s. 212.02 defining "cost
26 price." However, the tax levied under this paragraph shall
27 not be imposed upon any person who manufactures or produces
28 electrical power or energy, steam energy, or other energy at a
29 single location, when such power or energy is used directly
30 and exclusively at such location, or at other locations if the
31 energy is transferred through facilities of the owner in the

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 operation of machinery or equipment that is used to
2 manufacture, process, compound, produce, fabricate, or prepare
3 for shipment tangible personal property for sale or to operate
4 pollution control equipment, maintenance equipment, or
5 monitoring or control equipment used in such operations. The
6 manufacture or production of electrical power or energy that
7 is used for space heating, lighting, office equipment, or
8 air-conditioning or any other nonmanufacturing, nonprocessing,
9 noncompounding, nonproducing, nonfabricating, or nonshipping
10 activity is taxable. Electrical power or energy consumed or
11 dissipated in the transmission or distribution of electrical
12 power or energy for resale is also not taxable. Fabrication
13 labor shall not be taxable when a person is using his or her
14 own equipment and personnel, for his or her own account, as an
15 integral part of the preproduction, production, and post
16 production activities by a qualified production company as
17 these terms are defined in s. 212.08(12). This exemption will
18 inure to the taxpayer upon presentation of the certificate of
19 exemption issued to the taxpayer under the provisions of s.
20 288.1258.a producer, subproducer, or coproducer of a
21 qualified motion picture. For purposes of this chapter, the
22 term "qualified motion picture" means all or any part of a
23 series of related images, either on film, tape, or other
24 embodiment, including, but not limited to, all items
25 comprising part of the original work and film-related products
26 derived therefrom as well as duplicates and prints thereof and
27 all sound recordings created to accompany a motion picture,
28 which is produced, adapted, or altered for exploitation in,
29 on, or through any medium or device and at any location,
30 primarily for entertainment, commercial, industrial, or
31 educational purposes.A person who manufactures factory-built

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 buildings for his or her own use in the performance of
2 contracts for the construction or improvement of real property
3 shall pay a tax only upon the person's cost price of items
4 used in the manufacture of such buildings.

5 Section 68. Effective January 1, 1999, section
6 212.0602, Florida Statutes, is amended to read:

7 212.0602 Education; limited exemption.--To facilitate
8 investment in education and job training, there is also exempt
9 from the taxes levied under this chapter, subject to the
10 provisions of this section, the purchase or lease of
11 materials, equipment, real or personal property, and other
12 items by any entity, institution, or organization that is
13 primarily engaged in teaching students to perform any of the
14 activities or services described in s. 212.08(12)(b)
15 ~~212.031(1)(a)9.~~, that conducts classes at a fixed location
16 located in this state, that is licensed under chapter 246, and
17 that has at least 500 enrolled students. Any entity,
18 institution, or organization meeting the requirements of this
19 section shall be deemed to qualify for the exemptions afforded
20 a qualified production company as defined in s. 212.08(12)(b)
21 ~~in ss. 212.031(1)(a)9. and 212.08(5)(f) and (12),~~ and to
22 qualify for an exemption for its purchase or lease of
23 materials, equipment, real or personal property, and other
24 items used for education or demonstration of the school's
25 curriculum including supporting operations. Nothing in this
26 section shall preclude an entity described in this section
27 from qualifying for any other exemption provided for in this
28 chapter.

29 Section 69. Effective January 1, 1999, subsection (12)
30 of section 212.08, Florida Statutes, is amended to read:

31 212.08 Sales, rental, use, consumption, distribution,

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 and storage tax; specified exemptions.--The sale at retail,
2 the rental, the use, the consumption, the distribution, and
3 the storage to be used or consumed in this state of the
4 following are hereby specifically exempt from the tax imposed
5 by this chapter.

6 (12) PARTIAL EXEMPTION; ENTERTAINMENT INDUSTRY
7 PRODUCTION SERVICES, EQUIPMENT, MASTER TAPES, RECORDS, FILMS,
8 OR VIDEO TAPES.--

9 (a) There are exempt from the taxes imposed by this
10 chapter:

11 1. The gross receipts from the sale or lease of, and
12 the storage, use, or other consumption in this state of,
13 master tapes or master records embodying sound, or master
14 films or master video tapes; except that amounts paid to
15 recording studios or motion picture or television studios for
16 the tangible elements of such master tapes, records, films, or
17 video tapes are taxable as otherwise provided in this chapter.
18 This exemption will inure to the taxpayer upon presentation of
19 the certificate of exemption issued to the taxpayer under the
20 provisions of s. 288.1258.

21 2. The gross receipts from the sale or lease of, and
22 the storage, use, or other consumption of motion picture or
23 video and sound recording equipment used as an integral part
24 of production or postproduction activities in this state by a
25 qualified production company as defined in this subsection.
26 This exemption shall inure to the taxpayer upon presentation
27 by the purchaser or lessee to the vendor of the certificate of
28 exemption issued to the taxpayer under the provisions of s.
29 288.1258. For the purpose of the exemption provided in this
30 subparagraph, entertainment industry equipment shall be
31 categorized as belonging to one of the following five groups

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

- 1 and shall be itemized by type on a list annually compiled and
2 published no later than November 1, commencing in the year
3 this act is enacted, by the office of the Entertainment
4 Industry Commissioner created under s. 288.1254:
- 5 a. Production cameras, lenses, and camera accessory
6 equipment.
 - 7 b. Production lighting and grip equipment.
 - 8 c. Production audio or video recording and playback
9 equipment.
 - 10 d. Postproduction editing equipment and special
11 effects programs and digitizing equipment.
 - 12 e. Animation and related computer equipment, computer
13 programs, audio and video recording and playback equipment,
14 and specialized artist workstations.
- 15 (b) For the purposes of this subsection, the term:
- 16 1. "Amounts paid for the tangible elements" does not
17 include any amounts paid for the copyrightable, artistic, or
18 other intangible elements of such master tapes, records,
19 films, or video tapes, whether designated as royalties or
20 otherwise., ~~including, but not limited to, services rendered~~
21 ~~in producing, fabricating, processing, or imprinting tangible~~
22 ~~personal property or any other services or production expenses~~
23 ~~in connection therewith which may otherwise be construed as~~
24 ~~constituting a "sale" under s. 212.02.~~
 - 25 2. "Master films or master video tapes" means films or
26 video tapes utilized by the motion picture and television
27 production industries in making visual images for
28 reproduction.
 - 29 3. "Master tapes or master records embodying sound"
30 means tapes, records, and other devices utilized by the
31 recording industry in making recordings embodying sound.

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 4. "Motion picture or television studio" means a
2 facility in which film or video tape productions or parts of
3 productions are made and which contains the necessary
4 equipment and personnel for this purpose and includes a mobile
5 unit or vehicle that is equipped in much the same manner as a
6 stationary studio and used in the making of film or video tape
7 productions.

8 5. "Recording studio" means a place where, by means of
9 mechanical or electronic devices, voices, music, or other
10 sounds are transmitted to tapes, records, or other devices
11 capable of reproducing sound.

12 6. "Recording industry" means any person engaged in an
13 occupation or business of making recordings embodying sound
14 for a livelihood or for a profit.

15 7. "Sound recording" means a recording of voices,
16 music, or other sounds by mechanical or electronic
17 transmission to tapes, records, or other devices capable of
18 storing and reproducing sound.

19 ~~7. "Motion picture or television production industry"~~
20 ~~means any person engaged in an occupation or business for a~~
21 ~~livelihood or for profit of making visual motion picture or~~
22 ~~television visual images for showing on screen or television~~
23 ~~for theatrical, commercial, advertising, or educational~~
24 ~~purposes.~~

25 8. "Music video production" means a cohesive
26 compilation of motion pictures with a specific sound recording
27 product for the purpose of broadcasting on a music television
28 network or commercial distribution.

29 9. "Motion picture" means any live-action or animated
30 feature-length or short-subject audiovisual work at any stage
31 of the production, consisting of a series of related images,

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 either on film, tape, or other embodiment, including, but not
2 limited to, all items comprising part of the work and
3 film-related products derived therefrom as well as duplicates
4 and prints thereof and all sound recordings created to
5 accompany a motion picture, which is produced, adapted, or
6 altered for exploitation in, on, or through any medium or
7 device and at any location, primarily for entertainment,
8 commercial, industrial, or educational purposes.

9 10. "Commercial advertising production" means any
10 film, video, audio, or photographic production that is created
11 to promote statewide, nationally, or internationally specific
12 brands, products, services, retailers, or advocacy positions
13 for commercial purposes.

14 11. "Production" means any production, or any part
15 thereof, of motion pictures, made-for-TV motion pictures,
16 television series, commercial advertising, music videos, or
17 sound recordings as defined in this subsection.

18 12. "Preproduction activities" means those preliminary
19 activities performed directly in connection with the
20 production, or any part thereof, of a motion picture,
21 made-for-TV motion picture, television series, commercial
22 advertising production, music video, or sound recording, which
23 include, but are not limited to, obtaining story rights,
24 script writing, story boarding, budgeting, scheduling, and
25 assembling the financing, producers, director, and prime
26 talent.

27 13. "Production activities" means those activities
28 performed directly in connection with the production, or any
29 part thereof, of a motion picture, made-for-TV motion picture,
30 television series, commercial advertising production, music
31 video, or sound recording which include, but are not limited

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 to, location scouting and managing, set construction and
2 acquisition, props acquisition, wardrobe construction and
3 acquisition, hair and makeup design and execution,
4 cinematography, photography, videography, sound recording, and
5 personnel travel and meal acquisition and related activities.

6 14. "Postproduction activities" means those activities
7 performed directly in connection with transforming the
8 individual images and sounds recorded during production into a
9 cohesive body, which include, but are not limited to, editing,
10 dubbing, creating supplementary soundtracks, automated
11 dialogue replacement, foley stage recording, sound mixing,
12 creating special effects, two-dimensional and
13 three-dimensional graphics and animation, and creating credit
14 titles.

15 15. "Qualified production company" means any
16 production company that causes to be made a motion picture,
17 made-for-TV motion picture, television series, commercial
18 advertising, music video, or sound recording, or any part
19 thereof, primarily for entertainment, commercial, industrial,
20 or educational purposes and that has submitted a properly
21 completed application to the Office of the Entertainment
22 Industry Commissioner and is subsequently qualified by that
23 office.

24 16. "Entertainment industry" means any person engaged
25 in the operation of motion picture or television studios or
26 recording studios, or any person engaged in the production of
27 motion pictures, made-for-TV motion pictures, television
28 series, commercial advertising, music videos, or sound
29 recordings.

30 17. These terms and the provisions of this act do not
31 include television, cable or radio companies licensed by the

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 Federal Communications Commission in their capacities as
2 broadcast companies, but may include such companies in their
3 capacities as producers of entertainment industry products
4 created primarily for entertainment, commercial, industrial,
5 or educational purposes for statewide, national, or
6 international distribution.

7 (c) The Office of the Entertainment Industry
8 Commissioner shall keep annual records from the information
9 provided on taxpayer applications for tax exemption
10 certificates beginning with the effective date of the tax
11 exemptions provided by this subsection. These records shall
12 reflect a percentage comparison of the annual amount of funds
13 exempted to the estimated amount of funds expended in relation
14 to entertainment industry products, and shall keep data
15 showing annual growth in Florida-based entertainment industry
16 companies and entertainment industry employment and wages.
17 The Office of the Entertainment Industry Commissioner shall
18 report this information to the Legislature by no later than
19 December 1 of each year.

20 (d) This subsection shall be repealed October 1, 2008,
21 subject to a review to be completed by the Legislature prior
22 to the conclusion of the 2008 Regular Session of the
23 Legislature.

24 Section 70. Paragraph (o) is added to subsection (7)
25 of section 213.053, Florida Statutes, to read:

26 213.053 Confidentiality and information sharing.--

27 (7) Notwithstanding any other provision of this
28 section, the department may provide:

29 (o) Information relative to the tax exemptions under
30 ss. 212.031(1)(a)9., 212.06(1)(b), and 212.08(12)(a) to the
31 Office of the Entertainment Industry Commissioner. The

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 Department of Revenue shall provide the Office of the
2 Entertainment Industry Commissioner with information in the
3 aggregate.

4
5 Disclosure of information under this subsection shall be
6 pursuant to a written agreement between the executive director
7 and the agency. Such agencies, governmental or
8 nongovernmental, shall be bound by the same requirements of
9 confidentiality as the Department of Revenue. Breach of
10 confidentiality is a misdemeanor of the first degree,
11 punishable as provided by s. 775.082 or s. 775.083.

12 Section 71. Paragraph (e) of subsection (6) of section
13 288.108, Florida Statutes, is amended to read:

14 288.108 High-impact business.--

15 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT
16 SECTORS.--

17 (e) The study and its findings and recommendations and
18 the recommendations gathered from the sector-business network
19 must be discussed and considered during at least one of the
20 quarterly meetings required in s. 14.2015(2)(g)(h).

21 Section 72. Subsection (7) of section 288.90152,
22 Florida Statutes, is amended to read:

23 288.90152 Pilot matching grant program.--

24 (7) Upon completing all training funded under this
25 pilot program, the Office of Tourism, Trade, and Economic
26 Development shall report on the outputs and outcomes for this
27 program as part of the annual report prepared under s.
28 14.2015(2)(f)(g). Such report must include a recommendation on
29 whether it would be sound public policy to continue or
30 discontinue funding for the program.

31 Section 73. Effective January 1, 1999, paragraph (f)

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 of subsection (5) of section 212.08, Florida Statutes, is
2 repealed.

3 Section 74. Sections 288.051, 288.052, 288.053,
4 288.054, 288.056, 288.057, 288.1228, and 288.12285, Florida
5 Statutes, are repealed.

6 Section 75. For fiscal year 1998-1999, there is hereby
7 appropriated \$200,411 from the Tourism Promotion Trust Fund in
8 the Office of Tourism, Trade, and Economic Development for the
9 Office of the Entertainment Industry Commissioner.

10 Section 76. Except as otherwise provided herein, this
11 act shall take effect July 1 of the year in which enacted.

12
13
14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 112, line 24 of the amendment
17 remove from the title: all of said lines

18
19 and insert in lieu thereof:

20 creating s. 288.125, F.S.; providing a short
21 title; creating s. 288.1251, F.S.; providing
22 definitions; creating s. 288.1252, F.S.;
23 creating the Entertainment Florida Council
24 within the Office of Tourism, Trade, and
25 Economic Development of the Executive Office of
26 the Governor; providing purpose, membership,
27 terms, organization, powers, and duties of the
28 council; renumbering and amending s. 288.12285,
29 F.S.; correcting a reference; creating s.
30 288.1254, F.S.; creating the Office of
31 Entertainment Industry Commissioner; providing

hbd-27

Bill No. CS for CS for SB 2524, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 procedure for appointment of the Entertainment
2 Industry Commissioner; providing powers and
3 duties of the office; creating s. 288.1255,
4 F.S.; requiring the Office of Tourism, Trade,
5 and Economic Development to adopt rules by
6 which it may make specified expenditures for
7 expenses incurred in connection with the
8 performance of the duties of the Office of the
9 Entertainment Industry Commissioner; requiring
10 approval of such rules by the Comptroller;
11 requiring an annual report; authorizing the
12 solicitation, acceptance, and use of specified
13 goods and services by employees and
14 representatives of the Office of the
15 Entertainment Industry Commissioner; providing
16 certain requirements with respect to claims for
17 expenses; providing a penalty for false or
18 fraudulent claims; providing for civil
19 liability; creating s. 288.1256, F.S.; creating
20 s. 288.1258, F.S.; authorizing application for
21 approval by the Office of the Entertainment
22 Industry as a qualified production company for
23 purposes of receiving sales tax exemptions and
24 refunds; providing application procedure;
25 providing for denial and revocation of a
26 certificate of exemption; providing a penalty
27 for falsification or unauthorized use of an
28 application for certificate of exemption;
29 providing categories of qualification for
30 certificate of exemption; providing for renewal
31 of a certificate of exemption; providing for

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 duties of the Department of Revenue with
2 respect to sales tax exemption to qualified
3 production companies; creating the Florida
4 Entertainment Industry Model Permitting Task
5 Force; providing purpose of the task force;
6 providing for appointment of members to the
7 task force; amending s. 14.2015, F.S., revising
8 purposes of the Office of Tourism, Trade, and
9 Economic Development of the Executive Office of
10 the Governor; amending s. 212.031, F.S.,
11 relating to the lease or rental of or license
12 in real property; revising language with
13 respect to property used as an integral part of
14 the performance of qualified production
15 services; amending s. 212.06, F.S., relating to
16 the tax on sales, use, and other transactions;
17 revising language with respect to the exemption
18 for fabrication labor used in the production of
19 a qualified motion picture; amending s.
20 212.0602, F.S., which exempts the purchase or
21 lease of materials, equipment, and other items
22 by specified educational entities,
23 institutions, or organizations from the sales
24 and use tax under certain limited
25 circumstances; expanding the exemption to
26 include real or personal property and support
27 operations of such educational institutions;
28 conforming references; amending s. 212.08,
29 F.S.; revising the partial exemption from the
30 tax on sales, use, and other transactions for
31 master tapes, records, films, or video tapes to

hbd-27

Bill No. CS for CS for SB 2524, 2nd Eng.

Amendment No. ____ (for drafter's use only)

1 include entertainment industry production
2 equipment within the exemption; revising the
3 term "amounts paid for the tangible elements";
4 clarifying definitions; providing definitions;
5 requiring the Office of Entertainment Industry
6 Commissioner to keep specified records;
7 requiring an annual report to the Legislature;
8 repealing s. 212.08(12), F.S., on October 1,
9 2008; providing for review by the Legislature
10 prior to repeal; amending s. 213.053, F.S.,
11 relating to confidentiality and information
12 sharing by the Department of Revenue; providing
13 for the sharing of specified information;
14 amending ss. 288.108 and 288.90152, F.S.;
15 correcting cross references; repealing s.
16 212.08(5)(f), F.S.; repealing the exemption
17 from the tax on sales use and other
18 transactions for specified motion picture or
19 video equipment, and specified sound recording
20 equipment, effective January 1, 1999; repealing
21 s. 288.051, F.S., which provides a short title;
22 repealing s. 288.052, F.S., relating to
23 legislative findings and intent with respect to
24 the "Florida Film and Television Investment
25 Act"; repealing s. 288.053, F.S., relating to
26 the Florida Film and Television Investment
27 Board; repealing s. 288.054, F.S., relating to
28 the administration and powers of the Florida
29 Film and Television Investment Board;
30 repealing s. 288.056, F.S., relating to
31 conditions for film and television investment

hbd-27 Bill No. CS for CS for SB 2524, 2nd Eng.
Amendment No. ____ (for drafter's use only)

1 by the board; repealing s. 288.057, F.S., which
 2 requires an annual report by the board;
 3 repealing s. 288.1228, F.S., relating to the
 4 direct-support organization authorized by the
 5 Office of Tourism, Trade, and Economic
 6 Development to assist in the promotion and
 7 development of the entertainment industry;
 8 repealing s. 288.12285, F.S., relating to
 9 confidentiality of identities of donors to the
 10 direct-support organization; providing
 11 appropriations; providing effective dates.

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