

1 A bill to be entitled
2 An act relating to the "Florida Entertainment
3 Industry Growth Act"; creating s. 288.125,
4 F.S.; providing a short title; creating s.
5 288.1251, F.S.; providing definitions; creating
6 s. 288.1252, F.S.; creating the Entertainment
7 Florida Council within the Office of Tourism,
8 Trade, and Economic Development of the
9 Executive Office of the Governor; providing
10 purpose, membership, terms, organization,
11 powers, and duties of the council; renumbering
12 and amending s. 288.12285, F.S.; correcting a
13 reference; creating s. 288.1254, F.S.; creating
14 the Office of Entertainment Industry
15 Commissioner; providing procedure for
16 appointment of the Entertainment Industry
17 Commissioner; providing powers and duties of
18 the office; creating s. 288.1255, F.S.;
19 requiring the Office of Tourism, Trade, and
20 Economic Development to adopt rules by which it
21 may make specified expenditures for expenses
22 incurred in connection with the performance of
23 the duties of the Office of the Entertainment
24 Industry Commissioner; requiring approval of
25 such rules by the Comptroller; requiring an
26 annual report; authorizing the solicitation,
27 acceptance, and use of specified goods and
28 services by employees and representatives of
29 the Office of the Entertainment Industry
30 Commissioner; providing certain requirements
31 with respect to claims for expenses; providing

1 a penalty for false or fraudulent claims;
2 providing for civil liability; creating s.
3 288.1256, F.S.; creating s. 288.1258, F.S.;
4 authorizing application for approval by the
5 Office of the Entertainment Industry as a
6 qualified production company for purposes of
7 receiving sales tax exemptions and refunds;
8 providing application procedure; providing for
9 denial and revocation of a certificate of
10 exemption; providing a penalty for
11 falsification or unauthorized use of an
12 application for certificate of exemption;
13 providing categories of qualification for
14 certificate of exemption; providing for renewal
15 of a certificate of exemption; providing for
16 duties of the Department of Revenue with
17 respect to sales tax exemption to qualified
18 production companies; creating the Florida
19 Entertainment Industry Model Permitting Task
20 Force; providing purpose of the task force;
21 providing for appointment of members to the
22 task force; amending s. 14.2015, F.S., revising
23 purposes of the Office of Tourism, Trade, and
24 Economic Development of the Executive Office of
25 the Governor; amending s. 212.031, F.S.,
26 relating to the lease or rental of or license
27 in real property; revising language with
28 respect to property used as an integral part of
29 the performance of qualified production
30 services; amending s. 212.06, F.S., relating to
31 the tax on sales, use, and other transactions;

1 revising language with respect to the exemption
 2 for fabrication labor used in the production of
 3 a qualified motion picture; amending s.
 4 212.0602, F.S., which exempts the purchase or
 5 lease of materials, equipment, and other items
 6 by specified educational entities,
 7 institutions, or organizations from the sales
 8 and use tax under certain limited
 9 circumstances; expanding the exemption to
 10 include real or personal property and support
 11 operations of such educational institutions;
 12 conforming references; amending s. 212.08,
 13 F.S.; revising the partial exemption from the
 14 tax on sales, use, and other transactions for
 15 master tapes, records, films, or video tapes to
 16 include entertainment industry production
 17 equipment within the exemption; revising the
 18 term "amounts paid for the tangible elements";
 19 clarifying definitions; providing definitions;
 20 requiring the Office of Entertainment Industry
 21 Commissioner to keep specified records;
 22 requiring an annual report to the Legislature;
 23 repealing s. 212.08(12), F.S., on October 1,
 24 2008; providing for review by the Legislature
 25 prior to repeal; amending s. 213.053, F.S.,
 26 relating to confidentiality and information
 27 sharing by the Department of Revenue; providing
 28 for the sharing of specified information;
 29 amending ss. 288.108 and 288.90152, F.S.;
 30 correcting cross references; repealing s.
 31 212.08(5)(f), F.S.; repealing the exemption

1 from the tax on sales use and other
2 transactions for specified motion picture or
3 video equipment, and specified sound recording
4 equipment, effective January 1, 1999; repealing
5 s. 288.051, F.S., which provides a short title;
6 repealing s. 288.052, F.S., relating to
7 legislative findings and intent with respect to
8 the "Florida Film and Television Investment
9 Act"; repealing s. 288.053, F.S., relating to
10 the Florida Film and Television Investment
11 Board; repealing s. 288.054, F.S., relating to
12 the administration and powers of the Florida
13 Film and Television Investment Board;
14 repealing s. 288.056, F.S., relating to
15 conditions for film and television investment
16 by the board; repealing s. 288.057, F.S., which
17 requires an annual report by the board;
18 repealing s. 288.1228, F.S., relating to the
19 direct-support organization authorized by the
20 Office of Tourism, Trade, and Economic
21 Development to assist in the promotion and
22 development of the entertainment industry;
23 repealing s. 288.12285, F.S., relating to
24 confidentiality of identities of donors to the
25 direct-support organization; providing
26 effective dates.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 288.125, Florida Statutes, is
31 created to read:

1 288.125 Short title.--Sections 288.1251 through
2 288.1258 shall be known and may be cited as the "Florida
3 Entertainment Industry Growth Act."

4 Section 2. Section 288.1251, Florida Statutes, is
5 created to read:

6 288.1251 Definitions.--For the purposes of this act,
7 the term:

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

14 (2) "Motion picture or television studio" means a
15 facility in which film or video tape productions or parts of
16 productions are made and which contains the necessary
17 equipment and personnel for this purpose and also means a
18 mobile unit or vehicle that is equipped in much the same
19 manner as a stationary studio and used in the making of film
20 or video tape productions.

21 (3) "Motion picture" means any live-action or animated
22 feature-length or short-subject audiovisual work at any stage
23 of the production, consisting of a series of related images,
24 either on film, tape, or other embodiment, including, but not
25 limited to, all items comprising part of the work and
26 film-related products derived therefrom as well as duplicates
27 and prints thereof and all sound recordings created to
28 accompany a motion picture, which is produced, adapted, or
29 altered for exploitation in, on, or through any medium or
30 device and at any location, primarily for entertainment,
31 commercial, industrial, or educational purposes.

1 (4) "Commercial advertising production" means any
2 film, video, audio, or photographic production that is created
3 to promote statewide, nationally, or internationally specific
4 brands, products, services, retailers, or advocacy positions
5 for commercial purposes.

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

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

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

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

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

25 (10) "Preproduction activities" means those
26 preliminary activities performed directly in connection with
27 the production of a motion picture, made-for-TV motion
28 picture, television series, commercial advertising production,
29 music video, or sound recording, which include, but are not
30 limited to, obtaining story rights, scriptwriting,

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1 storyboarding, budgeting, scheduling, and assembling the
2 financing, producers, director, and prime talent.

3 (11) "Production activities" means those activities
4 performed in direct connection with the production, or any
5 part thereof, of a motion picture, made-for-TV motion picture,
6 television series, commercial advertising production, music
7 video, or sound recording, which include, but are not limited
8 to, location scouting and managing, set construction and
9 acquisition, props acquisition, wardrobe construction and
10 acquisition, hair and makeup design and execution,
11 cinematography, photography, videography, sound recording, and
12 personnel travel and meal acquisition and related activities.

13 (12) "Postproduction activities" means those
14 activities performed directly in connection with transforming
15 the individual images and sounds recorded during production
16 into a cohesive body, which include, but are not limited to,
17 editing, dubbing, creating supplementary sound tracks,
18 automated dialogue replacement, foley stage recording, sound
19 mixing, creating special effects, two-dimensional and
20 three-dimensional graphics and animation, and creating credit
21 titles.

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

27 (14) "Council" means the Entertainment Florida
28 Council.

29 (15) These terms and the provisions of this act do not
30 include television, cable or radio companies licensed by the
31 Federal Communications Commission in their capacities as

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

6 Section 3. Section 288.1252, Florida Statutes, is
7 created to read:

8 288.1252 Entertainment Florida Council; creation;
9 purpose; membership; powers and duties.--

10 (1) CREATION.--There is hereby created within the
11 Office of Tourism, Trade, and Economic Development of the
12 Executive Office of the Governor, for administrative purposes
13 only, the Entertainment Florida Council.

14 (2) PURPOSE.--The purpose of the council shall be to
15 serve as an advisory body to the Office of Tourism, Trade, and
16 Economic Development and to the Office of the Entertainment
17 Industry Commissioner to provide these offices with industry
18 insight and expertise related to developing, promoting, and
19 providing service to the state's entertainment industry and to
20 provide private sector supplemental financial support to the
21 programs of the Office of the Entertainment Industry
22 Commissioner.

23 (3) MEMBERSHIP.--

24 (a) The council shall consist of 17 members, five to
25 be appointed by the Governor, six to be appointed by the
26 President of the Senate, and six to be appointed by the
27 Speaker of the House of Representatives, with the initial
28 appointments being made no later than July 1, 1998.

29 (b) When making appointments to the council, the
30 Governor, the President of the Senate, and the Speaker of the
31 House of Representatives shall appoint persons who are

1 residents of the state and who are highly knowledgeable of,
2 active in, and recognized leaders in Florida's motion picture,
3 television, video, sound recording or other entertainment
4 industries. These persons shall include, but not be limited
5 to, representatives of local government film commissions,
6 representatives of entertainment associations, and board
7 chairs, presidents, chief executive officers, chief operating
8 officers, or persons of comparable executive position or
9 stature of leading or otherwise important entertainment
10 industry businesses. Council members shall be appointed in
11 such a manner as to equitably represent the broadest spectrum
12 of the entertainment industry and geographic areas of the
13 state.

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

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

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

22 3. The Speaker of the House of Representatives shall
23 appoint one member for a 1-year term, two members for 2-year
24 terms, two members for 3-year terms, and one member for a
25 4-year term.

26 (d) Subsequent appointments shall be made by the
27 official who appointed the council member whose expired term
28 is to be filled.

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

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1 (f) A vacancy on the council shall be filled for the
2 remainder of the unexpired term by the official who appointed
3 the vacating member.

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

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

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

11 (j) The council shall annually elect one member to
12 serve as chair of the council and one member to serve as vice
13 chair. The Office of the Entertainment Industry Commissioner
14 shall provide staff assistance to the council, which shall
15 include, but not be limited to, keeping records of the
16 proceedings and financial activities of the council, and
17 servng as custodian of all books, documents, and papers filed
18 with the council.

19 (k) A majority of the members of the council shall
20 constitute a quorum.

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

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

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

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

5 (a) Adopt bylaws for the governance of its affairs and
6 the conduct of its business.

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

11 (c) Create a direct-support organization to raise
12 funds to provide supplemental support for the operation and
13 programs of the Office of the Entertainment Industry
14 Commissioner and serve as the board of directors of such an
15 organization, which shall:

16 1. Be a Florida corporation not for profit,
17 incorporated under the provisions of chapter 617 and approved
18 by the Department of State.

19 2. Be organized and operated exclusively to receive,
20 hold, invest, and administer property, to raise funds and
21 accept gifts, and to make expenditures to supplement the
22 activities, services, functions, and programs of the Office of
23 the Entertainment Industry Commissioner.

24 3. Be certified annually by the Office of Tourism,
25 Trade, and Economic Development as operating in a manner
26 consistent with the goals of the approved strategic plan for
27 the Office of the Entertainment Industry Commissioner.

28 4. Be governed by a board of directors whose
29 membership is synonymous with the membership of the
30 Entertainment Florida Council.

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1 5. Make provisions for an annual postaudit of its
2 financial accounts to be conducted by an independent certified
3 public accountant in accordance with rules promulgated by the
4 Auditor General. The annual audit report shall include a
5 management letter and shall be submitted to the Auditor
6 General and the Office of Tourism, Trade, and Economic
7 Development for review. The Office of Tourism, Trade, and
8 Economic Development and the Auditor General shall have the
9 authority to require and receive from the organization or its
10 independent auditor any detail or supplemental data relative
11 to the operation of the organization.

12 6. Not be considered an agency for the purposes of
13 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,
14 relating to leasing of buildings; ss. 283.33 and 283.35,
15 relating to bids for printing; s. 215.31; and parts I, II, and
16 IV through VIII of chapter 112.

17 (d) Develop a 5-year strategic plan, by no later than
18 June 30, 1999, to guide the activities of the Office of the
19 Entertainment Industry Commissioner. The plan shall:

20 1. Be annual in construction and ongoing in nature.

21 2. Include recommendations relating to the
22 organizational structure of the Office of the Entertainment
23 Industry Commissioner.

24 3. Include an annual budget projection for the Office
25 of the Entertainment Industry Commissioner for each year of
26 the plan.

27 4. Include an operational model for the Office of the
28 Entertainment Industry Commissioner to use in implementing
29 programs designed to:

30 a. Develop and promote the state's entertainment
31 industry.

1 b. Have the office serve as a liaison between the
2 entertainment industry and other state and local governmental
3 agencies and labor organizations.

4 c. Gather statistical information related to the
5 state's entertainment industry.

6 d. Provide information and service to businesses,
7 communities, organizations and individuals engaged in
8 entertainment industry activities.

9 e. Administer field offices.

10 5. Include recommendations regarding specific
11 performance standards and measurable outcomes for the
12 programs to be implemented by the Office of the Entertainment
13 Industry Commissioner.

14 6. Include an ongoing assessment of, and make
15 recommendations on, the feasibility of creating an alternative
16 public/private partnership for the purpose of contracting with
17 such a partnership for the administration of the state's
18 entertainment industry promotion, development, and industry
19 service programs.

20 (e) Oversee the Entertainment Industry Commissioner's
21 administration of the programs related to the approved
22 strategic plan, and advise the Office of Tourism, Trade, and
23 Economic Development on whether the Commissioner is
24 effectively administering such programs.

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

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

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1 (h) Provide financial supplements to the programs of
2 the Office of the Entertainment Industry Commissioner.

3 Section 4. Section 288.12285, Florida Statutes, is
4 renumbered as section 288.1253, Florida Statutes, and amended
5 to read:

6 288.1253 ~~288.12285~~ Promotion and development of
7 entertainment industries; direct-support organization;
8 confidentiality of donor identities.--The identity of a donor
9 or prospective donor to the direct-support organization
10 authorized under s. 288.1252 ~~s. 288.1228~~ who desires to remain
11 anonymous and all information identifying such donor or
12 prospective donor are confidential and exempt from s.

13 119.07(1) and s. 24(a), Art. I of the State Constitution.
14 Such anonymity shall be maintained in audit reports. This
15 section expires October 2, 2001, and is subject to review by
16 the Legislature under the Open Government Sunset Review Act of
17 1995 in accordance with s. 119.15 before that date.

18 Section 5. Section 288.1254, Florida Statutes, is
19 created to read:

20 288.1254 Promotion and development of entertainment
21 industry; Office of the Entertainment Industry Commissioner;
22 creation; purpose; powers and duties.--

23 (1) CREATION.--

24 (a) There is hereby created within the Office of
25 Tourism, Trade, and Economic Development the Office of the
26 Entertainment Industry Commissioner for the purpose of
27 developing, promoting, and providing services to the state's
28 entertainment industry.

29 (b) The Office of Tourism, Trade, and Economic
30 Development shall conduct a national search for a qualified
31 person to fill the position of Entertainment Industry

1 Commissioner, and the Executive Director of the Office of
2 Tourism, Trade, and Economic Development shall appoint the
3 Entertainment Industry Commissioner from a list of the top
4 three candidates recommended by the Entertainment Florida
5 Council.

6 (2) POWERS AND DUTIES.--

7 (a) The Office of the Entertainment Industry
8 Commissioner, in performance of its duties, shall:

9 1. Implement the approved 5-year strategic plan
10 developed by the Entertainment Florida Council for
11 entertainment industry development, promotion, liaison
12 services, field office administration, and information.

13 2. Develop and facilitate a smooth working
14 relationship between state agencies and local governments in
15 cooperation with local film commission offices for
16 out-of-state and indigenous entertainment industry production
17 entities.

18 3. Implement a structured methodology prescribed for
19 coordinating activities of local offices with each other and
20 the commissioner's office.

21 4. Represent the state's indigenous entertainment
22 industry to key decisionmakers within the national and
23 international entertainment industry, and to state and local
24 officials.

25 5. Prepare an inventory of entertainment industry
26 asset information on talent, crew, related businesses, and
27 support services and coordinate with local offices to develop
28 an information tool for common use.

29 6. Represent key decisionmakers within the national
30 and international entertainment industry to the indigenous
31 entertainment industry and to state and local officials.

1 7. Serve as liaison between entertainment industry
2 producers and labor organizations.

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

5 1. Conduct or contract for specific promotion and
6 marketing functions, including, but not limited to, production
7 of a statewide directory, production and maintenance of an
8 Internet web site, organization of trade show participation,
9 and appropriate cooperative marketing opportunities.

10 2. Conduct its affairs, carry on its operations,
11 establish offices, and exercise the powers granted by this act
12 in any state, territory, district, or possession of the United
13 States.

14 3. Carry out any program of information, special
15 events, or publicity designed to attract entertainment
16 industry to Florida.

17 4. Encourage and cooperate with other public and
18 private organizations or groups in their efforts to publicize
19 to the entertainment industry in this state, other states, and
20 other countries the depth of Florida's entertainment industry
21 talent, crew, production companies, production equipment
22 resources, related businesses, and support services, including
23 the establishment of and expenditure for a program of
24 cooperative advertising with these public and private
25 organizations and groups in accordance with the provisions of
26 chapter 120.

27 5. Provide and arrange for reasonable and necessary
28 promotional items and services for such persons as the office
29 deems proper in connection with the performance of the
30 promotional and other duties of the office.

31

1 Section 6. Section 288.1255, Florida Statutes, is
2 created to read:

3 288.1255 Travel and entertainment expenses.--

4 (1) As used in this section:

5 (a) "Business client" means any person, other than a
6 state official or state employee, who receives the services
7 of, or is the subject of solicitation by, representatives of
8 the Office of the Entertainment Industry Commissioner in
9 connection with the performance of its statutory duties,
10 including persons or representatives of entertainment industry
11 companies considering or being solicited for location,
12 relocation, or expansion of an entertainment industry business
13 within the state.

14 (b) "Entertainment expenses" means the actual,
15 necessary, and reasonable costs of providing hospitality for
16 business clients or guests, which costs are defined and
17 prescribed by rules adopted by the Office of Tourism, Trade,
18 and Economic Development, subject to approval by the
19 Comptroller.

20 (c) "Guest" means a person, other than a state
21 official or state employee, authorized by the Office of
22 Tourism, Trade, and Economic Development to receive the
23 hospitality of the Office of the Entertainment Industry
24 Commissioner in connection with the performance of its
25 statutory duties.

26 (d) "Travel expenses" means the actual, necessary, and
27 reasonable costs of transportation, meals, lodging, and
28 incidental expenses normally incurred by a traveler, which
29 costs are defined and prescribed by rules adopted by the
30 Office of Tourism, Trade, and Economic Development, subject to
31 approval by the Comptroller.

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

5 (a) State officers and state employees for travel
6 expenses or entertainment expenses incurred by such officers
7 and employees in connection with the performance of the
8 statutory duties of the Office of the Entertainment Industry
9 Commissioner.

10 (b) State officers and state employees for travel
11 expenses or entertainment expenses incurred by such officers
12 and employees on behalf of guests, business clients, or
13 authorized persons as defined in s. 112.061(2)(e) in
14 connection with the performance of the statutory duties of the
15 Office of the Entertainment Industry Commissioner.

16 (c) Third party vendors for the travel or
17 entertainment expenses of guests, business clients, or
18 authorized persons as defined in s. 112.061(2)(e) incurred
19 while such persons are participating in activities or events
20 carried out by the Office of the Entertainment Industry
21 Commissioner in connection with that office's statutory
22 duties.

23
24 The rules shall be subject to approval by the Comptroller
25 prior to promulgation. The rules shall require the submission
26 of paid receipts, or other proof of expenditure prescribed by
27 the Comptroller, with any claim for reimbursement and shall
28 require, as a condition for any advancement of funds, an
29 agreement to submit paid receipts or other proof of
30 expenditure and to refund any unused portion of the
31 advancement within 15 days after the expense is incurred or,

1 if the advancement is made in connection with travel, within
 2 10 working days after the traveler's return to headquarters.
 3 However, with respect to an advancement of funds made solely
 4 for travel expenses, the rules may allow paid receipts or
 5 other proof of expenditure to be submitted, and any unused
 6 portion of the advancement to be refunded, within 10 working
 7 days after the traveler's return to headquarters. Operational
 8 or promotional advancements, as defined in s. 288.35(4),
 9 obtained pursuant to this section shall not be commingled with
 10 any other state funds.

11 (3) The Office of Tourism, Trade, and Economic
 12 Development shall prepare an annual report of the expenditures
 13 of the Office of the Entertainment Industry Commissioner and
 14 provide such report to the Legislature no later than December
 15 30 of each year for the expenditures of the previous fiscal
 16 year. The report shall consist of a summary of all travel,
 17 entertainment, and incidental expenses incurred within the
 18 United States and all travel, entertainment, and incidental
 19 expenses incurred outside the United States.

20 (4) The Office of the Entertainment Industry
 21 Commissioner and its employees and representatives, when
 22 authorized, may accept, and use complimentary travel,
 23 accommodations, meeting space, meals, equipment,
 24 transportation, and any other goods or services necessary for
 25 or beneficial to the performance of the office's duties and
 26 purposes, so long as such acceptance, or use is not in
 27 conflict with part III of chapter 112. The Office of Tourism,
 28 Trade, and Economic Development shall, by rule, develop
 29 internal controls to ensure that such goods or services
 30 accepted, or used pursuant to this subsection are limited to
 31

1 those which will assist in the furtherance of the office's
2 goals and are in compliance with part III of chapter 112.

3 (5) Any claim submitted under this section shall not
4 be required to be sworn to before a notary public or other
5 officer authorized to administer oaths, but any claim
6 authorized or required to be made under any provision of this
7 section shall contain a statement that the expenses were
8 actually incurred as necessary travel or entertainment
9 expenses in the performance of official duties of the Office
10 of the Entertainment Industry Commissioner and shall be
11 verified by written declaration that it is true and correct as
12 to every material matter. Any person who willfully makes and
13 subscribes to any claim which he or she does not believe to be
14 true and correct as to every material matter or who willfully
15 aids or assists in, procures, or counsels or advises with
16 respect to, the preparation or presentation of a claim
17 pursuant to this section that is fraudulent or false as to any
18 material matter, whether or not such falsity or fraud is with
19 the knowledge or consent of the person authorized or required
20 to present the claim, is guilty of a misdemeanor of the second
21 degree, punishable as provided in s. 775.082 or s. 775.083.
22 Whoever receives an advancement or reimbursement by means of a
23 false claim is civilly liable, in the amount of the
24 overpayment, for the reimbursement of the public fund from
25 which the claim was paid.

26 Section 7. Section 288.1258, Florida Statutes, is
27 created to read:

28 288.1258 Entertainment industry qualified production
29 companies; application procedure; categories; duties of the
30 Department of Revenue.--

31

1 (1)(a) Any production company engaged in this state in
2 the production of motion pictures, made-for-TV motion
3 pictures, television series, commercial advertising, music
4 videos, or music recordings, as they are defined in this act,
5 may submit an application to the Office of the Entertainment
6 Industry Commissioner to be approved as a qualified production
7 company for the purpose of receiving a sales and use tax
8 certificate of exemption from the Department of Revenue or for
9 applying for a sales and use tax refund.

10 (b) For the purposes of this section, the term
11 "qualified production company" means any production company
12 that has submitted a properly completed application to the
13 Office of the Entertainment Industry Commissioner and is
14 subsequently qualified by that office.

15 (2) APPLICATION PROCEDURE.--

16 (a)1. The Office of the Entertainment Industry
17 Commissioner shall establish a process by which an
18 entertainment industry production company may be approved by
19 the office as a qualified production company and may receive a
20 certificate of exemption from the Department of Revenue for
21 the sales and use tax exemptions under ss. 212.031(1)(a)9.,
22 212.06(1)(b), and 212.08(12)(a) and may be eligible to apply
23 to the Department of Revenue for sales and use tax refunds
24 under s. 212.08(12)(a)2.

25 2. Upon determination by the Office of the
26 Entertainment Industry Commissioner that a production company
27 meets the established approval criteria and qualifies for
28 exemption, the Office of the Entertainment Industry
29 Commissioner shall forward the approved application or
30 application renewal or extension to the Department of Revenue,
31 which shall issue a certificate of exemption.

1 3. The Office of the Entertainment Industry
2 Commissioner shall deny an application or application for
3 renewal or extension from a production company if it
4 determines that the production company does not meet the
5 established approval criteria.

6 (b) The Office of the Entertainment Industry
7 Commissioner shall develop, with the cooperation of the
8 Department of Revenue and local government entertainment
9 industry promotion agencies, a standardized application form
10 for use in approving qualified production companies.

11 1. The application form shall include, but not be
12 limited to, production-related information on employment,
13 proposed budgets, planned purchases of items exempted from
14 sales and use taxes under ss. 212.031(1)(a)9., 212.06(1)(b),
15 and 212.08(12)(a), a signed affirmation from the applicant
16 that any items purchased for which the applicant is seeking a
17 tax exemption are intended for use exclusively as an integral
18 part of entertainment industry preproduction, production or
19 postproduction activities engaged in primarily in this state,
20 and a signed affirmation from the Office of the Entertainment
21 Industry Commissioner that the information on the application
22 form has been verified and is correct. In lieu of information
23 on projected employment, proposed budgets, or planned
24 purchases of exempted items, a production company seeking a
25 1-year certificate of exemption may submit summary historical
26 data on employment, production budgets, and purchases of
27 exempted items related to production activities in this state.
28 Any information gathered from production companies for the
29 purposes of this section shall be considered confidential
30 taxpayer information and shall be disclosed only as provided
31 in s. 213.053.

1 2. The application form may be distributed to
2 applicants by the Office of the Entertainment Industry
3 Commissioner or local government entertainment industry
4 promotion agencies.

5 (c) All applications, renewals, and extensions for
6 designation as a qualified production company shall be
7 processed by the Office of the Entertainment Industry
8 Commissioner.

9 (d) In the event that the Department of Revenue
10 determines that a production company no longer qualifies for,
11 or has otherwise used, a certificate of exemption for purposes
12 other than those authorized by this section and chapter 212,
13 the Department of Revenue shall revoke the certificate of
14 exemption of that production company, and any sales or use
15 taxes exempted on items purchased or leased by the production
16 company during the time such company did not qualify for a
17 certificate of exemption or improperly used a certificate of
18 exemption, shall become immediately due to the Department of
19 Revenue, along with interest and penalty as provided by
20 section 212.12. In addition to the other penalties imposed by
21 this part, any person who knowingly and willfully falsifies an
22 application, or uses a certificate of exemption for purposes
23 other than those authorized by this section and chapter 212,
24 commits a felony of the third degree, punishable as provided
25 in s. 775.082, s. 775.083, and s. 775.084.

26 (e) The Office of the Entertainment Industry
27 Commissioner shall develop and periodically update, in
28 cooperation with local government entertainment industry
29 promotion agencies, entertainment industry representatives,
30 and program directors of public postsecondary institutions
31 which house and operate entertainment industry production

1 facilities, a list of products and services commonly used by
2 entertainment industry producers in connection with
3 preproduction, production, and postproduction activities
4 described in this act and in s. 212.08(12)(b), which shall be
5 made available to production companies applying for
6 designation as a qualified production company.

7 (3) CATEGORIES.--

8 (a)1. A production company may be qualified for
9 designation as a qualified production company for a period of
10 1 year if the company has operated a business in Florida at a
11 permanent address for a period of 12 consecutive months. Such
12 a qualified production company shall receive a single 1-year
13 certificate of exemption from the Department of Revenue for
14 the sales and use tax exemptions under ss. 212.031(1)(a)9.,
15 212.06(1)(b), and 212.08(12)(a), which certificate shall
16 expire 1 year after issuance or upon the cessation of business
17 operations in the state, at which time the certificate shall
18 be surrendered to the Department of Revenue. Such a qualified
19 production company may also submit one application per
20 production for the sales and use tax refund under s.
21 212.08(12)(a)2. for the period of validity of the company's
22 certificate of exemption.

23 2. The Office of the Entertainment Industry
24 Commissioner shall develop a method by which a qualified
25 production company may annually renew a 1-year certificate of
26 exemption for a period of up to 5 years without requiring the
27 production company to resubmit a new application during that
28 5-year period.

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

1 (b)1. A production company may be qualified for
2 designation as a qualified production company for a period of
3 90-days. Such production company shall receive a single 90-day
4 certificate of exemption from the Department of Revenue for
5 the sales and use tax exemptions under ss. 212.031(1)(a)9.,
6 212.06(1)(b), and 212.08(12)(a), which certificate shall
7 expire 90 days after issuance, with extensions contingent upon
8 approval of the Office of the Entertainment Industry
9 Commissioner. The certificate shall be surrendered to the
10 Department of Revenue upon its expiration. Such a qualified
11 production company may also submit one application per
12 production for the sales and use tax refund under s.
13 212.08(12)(a)2. for the period of validity of the company's
14 certificate of exemption.

15 2. Any production company may submit a new application
16 for a 90-day certificate of exemption upon the expiration of
17 that company's certificate of exemption.

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

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

25 (b) The Department of Revenue may promulgate such
26 rules and shall prescribe and publish such forms as may be
27 necessary to effectuate the purposes of this act or any of the
28 sales tax exemptions which are reasonably related to the
29 provisions of this act.

30 (c) The Department of Revenue is authorized to
31 establish audit procedures in accordance with the provisions

1 of ss. 212.12 and 212.13 which relate to the sales tax
2 exemption provisions of this act.

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

10 (1) Members of the task force shall be appointed by the
11 Governor no later than July 1, 1998, for a period of 1 year
12 and shall include one representative from each of the
13 following:

14 (a) The Office of Tourism, Trade, and Economic
15 Development.

16 (b) The Department of Environmental Protection.

17 (c) The Division of Recreation and Parks of the
18 Department of Environmental Protection.

19 (d) The Department of Transportation.

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

21 (f) The Board of Regents.

22 (g) The Florida League of Cities.

23 (h) The Florida Association of Counties.

24 (i) The Department of Highway Safety and Motor
25 Vehicles.

26 (j) The Division of Law Enforcement of the Department
27 of Environmental Protection.

28 (k) The Department of Community Affairs.

29 (l) The Department of Corrections.

30 (m) The Florida Film Commissioner's Association.

31

1 (n) Each of the state's two largest motion-picture
2 production studios.

3 (o) The Florida Motion Picture and Television
4 Association.

5 (p) The recording industry.

6 (q) The commercial advertising industry.

7 (2) The task force shall meet as often as necessary to
8 develop a report which shall be given to the President of the
9 Senate and the Speaker of the House of Representatives no
10 later than June 30, 1999, which shall include:

11 (a) A recommendation for model permits for use by
12 state agencies and county and municipal governments in
13 granting temporary permits to entertainment industry
14 businesses in the process of production activities.

15 (b) Cost recommendations for use of state and local
16 government buildings, property, and personnel.

17 (c) Recommendations for developing a timetable for
18 securing state and local environmental permits during the
19 preproduction and production stages of an entertainment
20 industry project.

21 (3) The task force shall elect a chair who will set
22 the meeting schedules for the task force.

23 (4) The Office of the Entertainment Industry
24 Commissioner may provide staff assistance to the task force
25 for the purpose of recording the minutes of each meeting.

26 (5) Members of the task force shall serve without
27 compensation, but shall be entitled to reimbursement for per
28 diem and travel expenses in accordance with s. 112.061 while
29 in the performance of their duties.

30 Section 9. Subsections (2) and (7) of section 14.2015,
31 Florida Statutes, are amended to read:

1 14.2015 Office of Tourism, Trade, and Economic
2 Development; creation; powers and duties.--

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

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

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

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

30 (c)~~(d)~~ Facilitate the direct involvement of the
31 Governor and the Lieutenant Governor in economic development

1 projects designed to create, expand, and retain Florida
2 businesses and to recruit worldwide business.

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

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

21 (f)~~(g)~~1. Administer the Florida Enterprise Zone Act
22 under ss. 290.001-290.016, the community contribution tax
23 credit program under ss. 220.183 and 624.5105, the tax refund
24 program for qualified target industry businesses under s.
25 288.106, contracts for transportation projects under s.
26 288.063, the sports franchise facility program under s.
27 288.1162, the professional golf hall of fame facility program
28 under s. 288.1168, the Florida Jobs Siting Act under ss.
29 403.950-403.972, the Rural Community Development Revolving
30 Loan Fund under s. 288.065, the Regional Rural Development
31 Grants Program under s. 288.018, the Florida State Rural

1 Development Council, and the Rural Economic Development
 2 Initiative.

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

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

29 (h) Provide administrative oversight for the Office of
 30 the Entertainment Industry Commissioner, created under s.
 31 288.1254, to develop, promote, and provide services to the

1 state's entertainment industry and to administratively house
2 the Entertainment Florida Council created under s. 288.1252.

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

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

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

1 Section 10. Effective January 1, 1999, paragraph (a)
2 of subsection (1) of section 212.031, Florida Statutes, is
3 amended to read:

4 212.031 Lease or rental of or license in real
5 property.--

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

11 1. Assessed as agricultural property under s. 193.461.
12 2. Used exclusively as dwelling units.
13 3. Property subject to tax on parking, docking, or
14 storage spaces under s. 212.03(6).

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

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

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

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

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~~

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.

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 11. 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

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

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

31

1 212.08 Sales, rental, use, consumption, distribution,
2 and storage tax; specified exemptions.--The sale at retail,
3 the rental, the use, the consumption, the distribution, and
4 the storage to be used or consumed in this state of the
5 following are hereby specifically exempt from the tax imposed
6 by this chapter.

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

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

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

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

1 categorized as belonging to one of the following five groups
2 and shall be itemized by type on a list annually compiled and
3 published no later than November 1, commencing in the year
4 this act is enacted, by the office of the Entertainment
5 Industry Commissioner created under s. 288.1254:

6 a. Production cameras, lenses, and camera accessory
7 equipment.

8 b. Production lighting and grip equipment.

9 c. Production audio or video recording and playback
10 equipment.

11 d. Postproduction editing equipment and special
12 effects programs and digitizing equipment.

13 e. Animation and related computer equipment, computer
14 programs, audio and video recording and playback equipment,
15 and specialized artist workstations.

16 (b) For the purposes of this subsection, the term:

17 1. "Amounts paid for the tangible elements" does not
18 include any amounts paid for the copyrightable, artistic, or
19 other intangible elements of such master tapes, records,
20 films, or video tapes, whether designated as royalties or
21 otherwise, ~~including, but not limited to, services rendered~~
22 ~~in producing, fabricating, processing, or imprinting tangible~~
23 ~~personal property or any other services or production expenses~~
24 ~~in connection therewith which may otherwise be construed as~~
25 ~~constituting a "sale" under s. 212.02.~~

26 2. "Master films or master video tapes" means films or
27 video tapes utilized by the motion picture and television
28 production industries in making visual images for
29 reproduction.
30
31

1 3. "Master tapes or master records embodying sound"
2 means tapes, records, and other devices utilized by the
3 recording industry in making recordings embodying sound.

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

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

15 6. "Recording industry" means any person engaged in an
16 occupation or business of making recordings embodying sound
17 for a livelihood or for a profit.

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

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

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

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

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

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

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

30 13. "Production activities" means those activities
31 performed directly in connection with the production, or any

1 part thereof, of a motion picture, made-for-TV motion picture,
2 television series, commercial advertising production, music
3 video, or sound recording which include, but are not limited
4 to, location scouting and managing, set construction and
5 acquisition, props acquisition, wardrobe construction and
6 acquisition, hair and makeup design and execution,
7 cinematography, photography, videography, sound recording, and
8 personnel travel and meal acquisition and related activities.

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

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

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

3 17. These terms and the provisions of this act do not
4 include television, cable or radio companies licensed by the
5 Federal Communications Commission in their capacities as
6 broadcast companies, but may include such companies in their
7 capacities as producers of entertainment industry products
8 created primarily for entertainment, commercial, industrial,
9 or educational purposes for statewide, national, or
10 international distribution.

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

24 (d) This subsection shall be repealed October 1, 2008,
25 subject to a review to be completed by the Legislature prior
26 to the conclusion of the 2008 Regular Session of the
27 Legislature.

28 Section 14. Paragraph (o) is added to subsection (7)
29 of section 213.053, Florida Statutes, to read:

30 213.053 Confidentiality and information sharing.--
31

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

3 (o) Information relative to the tax exemptions under
4 ss. 212.031(1)(a)9., 212.06(1)(b), and 212.08(12)(a) to the
5 Office of the Entertainment Industry Commissioner. The
6 Department of Revenue shall provide the Office of the
7 Entertainment Industry Commissioner with information in the
8 aggregate on the number of refunds applied for, the number
9 granted, the amount of production expenditures as provided in
10 s. 212.08(12)(a)2., labor and wages information, and the
11 amount of the refunds.

12
13 Disclosure of information under this subsection shall be
14 pursuant to a written agreement between the executive director
15 and the agency. Such agencies, governmental or
16 nongovernmental, shall be bound by the same requirements of
17 confidentiality as the Department of Revenue. Breach of
18 confidentiality is a misdemeanor of the first degree,
19 punishable as provided by s. 775.082 or s. 775.083.

20 Section 15. Paragraph (e) of subsection (6) of section
21 288.108, Florida Statutes, is amended to read:

22 288.108 High-impact business.--

23 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT
24 SECTORS.--

25 (e) The study and its findings and recommendations and
26 the recommendations gathered from the sector-business network
27 must be discussed and considered during at least one of the
28 quarterly meetings required in s. 14.2015(2)(g)(~~h~~).

29 Section 16. Subsection (7) of section 288.90152,
30 Florida Statutes, is amended to read:

31 288.90152 Pilot matching grant program.--

1 (7) Upon completing all training funded under this
2 pilot program, the Office of Tourism, Trade, and Economic
3 Development shall report on the outputs and outcomes for this
4 program as part of the annual report prepared under s.
5 14.2015(2)(~~f~~)(~~g~~). Such report must include a recommendation on
6 whether it would be sound public policy to continue or
7 discontinue funding for the program.

8 Section 17. Effective January 1, 1999, paragraph (f)
9 of subsection (5) of section 212.08, Florida Statutes, is
10 repealed.

11 Section 18. Sections 288.051, 288.052, 288.053,
12 288.054, 288.056, 288.057, 288.1228, and 288.12285, Florida
13 Statutes, are repealed.

14 Section 19. Except as otherwise provided herein, this
15 act shall take effect upon becoming law.

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