

Bill No. HB 2073, 2nd Eng.

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1 related industries to locate in Florida. It is therefore the
2 intent of the Legislature to investigate and create the
3 economic incentives and educational opportunities necessary to
4 position Florida as a 21st century leader in the production,
5 transmission, manufacturing, and research and development of
6 digital television and related digital communication.

7 (3) Task force; membership; duties.--

8 (a) The "21st Century Digital Television and Education
9 Task Force" is hereby created to serve through February 1,
10 2000. The task force is created within the Office of Tourism,
11 Trade, and Economic Development, which shall provide staff
12 support for the activities of the task force. The task force
13 shall consist of the following members:

14 1. Two members to be appointed by the Governor.

15 2. Two members of the Senate, or their designees, to
16 be appointed by the President of the Senate.

17 3. Two members of the House of Representatives, or
18 their designees, to be appointed by the Speaker of the House
19 of Representatives.

20 4. The Commissioner of Education or the commissioner's
21 designee.

22 5. The Chancellor of the State University System or
23 the chancellor's designee.

24 6. The Executive Director of the State Community
25 College System or the executive director's designee.

26 7. The President of the Independent Colleges and
27 Universities of Florida or the president's designee.

28 (b) Each appointed member of the task force shall
29 serve at the pleasure of the appointing official. A vacancy on
30 the task force shall be filled in the same manner as the
31 original appointment.

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1 (c) The task force shall elect a chair from among its
2 members. A vacancy in the chair of the task force must be
3 filled for the remainder of the unexpired term by an election
4 of the task force members.

5 (d) The task force shall meet as necessary, at the
6 call of the chair or at the call of a quorum of the task
7 force, and at the time and place designated by the chair. A
8 quorum is necessary for the purpose of conducting official
9 business of the task force. Six members of the task force
10 shall constitute a quorum. The task force shall use accepted
11 rules of procedure to conduct its meetings and shall keep a
12 complete record of each meeting.

13 (e) Members of the task force shall receive no
14 compensation for their services, but shall be entitled to
15 receive per diem and travel expenses as provided in s.
16 112.061, Florida Statutes.

17 (f) The Task Force shall act as an advisory body and
18 shall make recommendations to the Governor and the Legislature
19 on a coordinated plan to carry out the legislative intent of
20 this act. The task force shall have the following duties:

21 1. Devise a plan to recruit the following industry
22 segments to locate in Florida:

23 a. Digital programmers and producers, including
24 companies involved in the production, marketing, and
25 development of digital content, as well as studios, networks,
26 and television stations.

27 b. Companies involved in the transmission of digital
28 media, including television broadcasters, cable and satellite
29 companies, television, theater, and film industry members,
30 Internet content providers, web site producers, and other
31 information service providers.

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1 c. Digital television equipment manufacturers,
2 including makers of digital video cameras, audio equipment,
3 transmission equipment, television sets, set-top boxes and
4 related hardware, monitors, displays, tapes, and discs.

5 d. Companies involved in the research and development
6 of new and innovative digital television equipment, consumer
7 electronics, prototypes, and products.

8 2. Investigate and recommend strong economic
9 incentives to encourage the digital industry segments
10 described in subparagraph 1. to locate and compete in Florida.
11 Special emphasis should be given to stimulating economic
12 development in both rural areas and urban areas of critical
13 need.

14 3. Devise a plan to create and maintain higher
15 education opportunities for students wishing to enter the
16 digital television field. At minimum, the plan shall consider
17 and address the following:

18 a. The extent to which higher education opportunities
19 are currently available to students in the areas of digital
20 production, transmission, manufacturing, and research and
21 development.

22 b. The workforce needs of the digital television
23 industry segments described in subparagraph 1.

24 c. Recommendations and an operational plan for
25 creating and maintaining higher education opportunities in
26 digital television production, transmission, manufacturing,
27 and research and development.

28 d. Any other recommendations to encourage and promote
29 the development of a skilled workforce in digital broadcast
30 communications and high-definition television.

31 4. Recommend methods to hasten the conversion of

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1 existing commercial television studios and soundstages from
2 analog to digital technology.

3 5. Recommend a means to fund the cost of converting
4 public broadcast stations from analog to digital technology,
5 including a grant program for Florida Public Television.

6 6. Issue a report to the Legislature no later than
7 February 1, 2000, summarizing its findings, stating its
8 conclusions, and proposing its recommendations.

9 Section 2. Paragraph (f) of subsection (5) of section
10 212.08, Florida Statutes, 1998 Supplement, is amended to read:

11 212.08 Sales, rental, use, consumption, distribution,
12 and storage tax; specified exemptions.--The sale at retail,
13 the rental, the use, the consumption, the distribution, and
14 the storage to be used or consumed in this state of the
15 following are hereby specifically exempt from the tax imposed
16 by this chapter.

17 (5) EXEMPTIONS; ACCOUNT OF USE.--

18 (f) Motion picture or video equipment used in motion
19 picture or television production activities and sound
20 recording equipment used in the production of master tapes and
21 master records; certain machinery or equipment purchased or
22 leased to produce, originate, or broadcast digital television
23 signals.--

24 1. Motion picture or video equipment and sound
25 recording equipment purchased or leased for use in this state
26 in production activities is exempt from the tax imposed by
27 this chapter upon an affirmative showing by the purchaser or
28 lessee to the satisfaction of the department that the
29 equipment will be used for production activities.

30 2. There is exempt from the tax imposed by this
31 chapter all machinery or equipment purchased or leased in this

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1 state for use by a television studio, television network,
2 television production company, or federally licensed
3 television station in the production, origination, or
4 broadcast of digital television signals.

5 3. The exemptions ~~exemption~~ provided by this paragraph
6 shall inure to the taxpayer only through a refund of
7 previously paid taxes. Notwithstanding the provisions of s.
8 212.095, such refund shall be made within 30 days of formal
9 application, which application may be made after the
10 completion of production activities or on a quarterly basis
11 with respect to the refund authorized under subparagraph 1.,
12 and on a quarterly basis with respect to the refund authorized
13 under subparagraph 2. Notwithstanding the provisions of
14 chapter 213, the department shall provide the Office of
15 Tourism, Trade, and Economic Development ~~Department of~~
16 ~~Commerce~~ with a copy of each refund application and the amount
17 of such refund, if any.

18 ~~4.2.~~ For the purpose of the exemption provided in
19 subparagraph 1.:

20 a. "Motion picture or video equipment" and "sound
21 recording equipment" includes only equipment meeting the
22 definition of "section 38 property" as defined in s.
23 48(a)(1)(A) and (B)(i) of the Internal Revenue Code that is
24 used by the lessee or purchaser exclusively as an integral
25 part of production activities; however, motion picture or
26 video equipment and sound recording equipment does not include
27 supplies, tape, records, film, or video tape used in
28 productions or other similar items; vehicles or vessels; or
29 general office equipment not specifically suited to production
30 activities. In addition, the term does not include equipment
31 purchased or leased by television or radio broadcasting or

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1 cable companies licensed by the Federal Communications
2 Commission.

3 b. "Production activities" means activities directed
4 toward the preparation of a:

5 (I) Master tape or master record embodying sound; or

6 (II) Motion picture or television production which is
7 produced for theatrical, commercial, advertising, or
8 educational purposes and utilizes live or animated actions or
9 a combination of live and animated actions. The motion picture
10 or television production shall be commercially produced for
11 sale or for showing on screens or broadcasting on television
12 and may be on film or video tape.

13 5. For the purpose of the exemption provided in
14 subparagraph 2., the term "machinery or equipment" means
15 machinery or equipment as described in 47 C.F.R., part 73, or
16 "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i)
17 of the Internal Revenue Code, purchased or leased in this
18 state for use by a television studio, television network,
19 television production company, or federally licensed
20 television station in the production, origination, or
21 broadcast of digital television signals.

22 Section 3. This act shall take effect July 1, 1999.

23
24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28

29 and insert:

30

A bill to be entitled

31

An act relating to economic development;

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1 creating the "21st Century Digital Television
2 and Education Act"; providing legislative
3 findings and intent; creating the 21st Century
4 Digital Television and Education Task Force;
5 providing membership; providing duties;
6 providing for a report; amending s. 212.08,
7 F.S.; providing an exemption from the tax on
8 sales, use, and other transactions for certain
9 machinery or equipment purchased or leased for
10 use in the production, origination, or
11 broadcast of digital television signals;
12 defining the term "machinery or equipment" for
13 purposes of such exemption; providing an
14 effective date.

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