

hbd-032

Bill No. HB 1647, 1st 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) Davis offered the following:

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Amendment (with title amendment)

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Remove everything after the enacting clause

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15

and insert:

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Section 1. Section 288.1254, Florida Statutes, is created to read:

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288.1254 Entertainment industry financial incentive program; creation.--Subject to specific appropriation, there is created within the Office of Tourism, Trade, and Economic Development an entertainment industry financial incentive program. The purpose of this program is to encourage the use of this state as a site for filming and for providing production services for motion pictures and television programs by the entertainment industry, as defined in s. 288.125. The Legislature finds that a public purpose of promoting the economic development of the state is served by the provision of incentives under this section.

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(1) Entities wholly or substantially producing motion pictures or television programs and companies providing

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1 digital effects to those entities are eligible for the
2 following financial incentives from the state:
3 (a) An entity that makes expenditures in this state
4 for the total or partial production of a motion picture,
5 made-for-television movie with a running time of 90 minutes or
6 more, television program, or commercial shall receive a
7 reimbursement of 10 percent of its qualifying expenditures
8 within this state on that motion picture, movie, television
9 program, or commercial that demonstrates a minimum of \$1
10 million in total qualified expenditures. However, the maximum
11 reimbursement that may be made with respect to a motion
12 picture is \$2 million, the maximum reimbursement that may be
13 made with respect to a made-for-television movie with a
14 running time of 90 minutes or more is \$150,000, the maximum
15 reimbursement that may be made with respect to any other
16 television program is \$50,000, and the maximum reimbursement
17 that may be made with respect to a commercial is \$25,000. For
18 the purposes of this section, each individual episode of a
19 television series constitutes a separate television program.
20 Expenditures for which reimbursement shall be made include
21 salaries paid to and employment benefits paid on behalf of
22 state residents; rents for real and personal property used in
23 the production; payments to state residents or state-domiciled
24 entities for preproduction, production, or postproduction
25 services; and costs of set construction. No reimbursement
26 shall be authorized for salaries of the two highest-paid
27 principal talent. Salaries of other actors are reimbursable.
28 (b) A digital effects company in this state which
29 furnishes services or digital material to an entity producing
30 motion pictures or television programs in Florida is eligible
31 for a payment in an amount equal to 5 percent of its gross

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1 billings, less sales tax.

2 (c) If a digital effects company is domiciled in
3 another state or country and relocates to this state, that
4 company is eligible for a one-time bonus payment in an amount
5 equal to 5 percent of its billings for the first 12 months in
6 its Florida domicile.

7 (2) An entity or company applying for a payment under
8 this section must submit documentation for claimed
9 expenditures to the Office of Film and Entertainment, which
10 shall review the application. The Office of Film and
11 Entertainment shall recommend to the Office of Tourism, Trade,
12 and Economic Development whether the applicant meets the
13 criteria for a payment and recommend the amount of the
14 payment. Payments under this section in a fiscal year shall be
15 made on a first-come, first-served basis, until the
16 appropriation for that fiscal year is exhausted.

17 (3) The Office of Tourism, Trade, and Economic
18 Development shall adopt policies and procedures necessary to
19 implement this section.

20 (4) An eligible entity or company that obtains a
21 payment under this section through a claim that it knows is
22 fraudulent is liable for reimbursement of the amount paid plus
23 a penalty in an amount double the payment, which penalty is in
24 addition to any criminal penalty to which the entity or
25 company is liable for the same acts. The entity or company is
26 also liable for costs incurred by the state in investigating
27 the fraudulent claim.

28 Section 2. This act shall take effect July 1, 2002.

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

2 And the title is amended as follows:

3 remove: the entire title

4

5 and insert:

6 A bill to be entitled

7 An act relating to economic development;

8 creating s. 288.1254, F.S.; creating a program

9 under which certain producers of motion

10 pictures, television programs, and commercials

11 and certain digital effects companies shall be

12 reimbursed for expenditures made in this state;

13 providing a purpose and legislative findings

14 for such program; prescribing limits on

15 reimbursement; providing duties of the Office

16 of Tourism, Trade, and Economic Development and

17 the Office of Film and Entertainment; providing

18 for rules; providing penalties for fraudulent

19 claims for reimbursement; authorizing the

20 office to expend a portion of appropriated

21 moneys for a specified purpose; providing an

22 effective date.

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