

1 A bill to be entitled
2 An act relating to the Film, Television, and Digital
3 Media Targeted Rebate Program; creating the Film,
4 Television, and Digital Media Targeted Rebate Program
5 within the Department of Economic Opportunity under
6 the supervision of the Commissioner of Film and
7 Entertainment; providing purposes for the program;
8 defining terms; requiring that film, television, and
9 digital media projects being produced in this state
10 meet specified criteria for rebate eligibility;
11 authorizing applicants to receive rebates up to a
12 specified amount, including bonuses; requiring an
13 applicant that receives funding to make a good faith
14 effort to use existing providers of infrastructure or
15 equipment in this state and to employ residents of
16 this state; requiring the commissioner to set
17 application windows for the rebate; providing
18 requirements for the department relating to earmarking
19 and setting aside rebate funds; providing procedures
20 and requirements for applicants applying for the
21 rebate; requiring the commissioner to take specified
22 action within a reasonable period of time; requiring
23 the Florida Film and Entertainment Advisory Council to
24 determine a score for each qualified project using
25 specified criteria; requiring the commissioner to

26 | determine the priority order and scoring system of the
27 | specified criteria with assistance from the council
28 | and certain other persons; requiring the council to
29 | use certain criteria; requiring the commissioner to
30 | take certain actions relating to the certification or
31 | rejection of qualified projects in a timely manner;
32 | requiring the department to earmark and set aside
33 | funding necessary to fund the total maximum that may
34 | be awarded to the certified projects, if funds are
35 | available; requiring the commissioner to develop a
36 | process to verify the actual qualified expenditures
37 | and rebate bonus eligibility of a certified project
38 | after the project's work in this state is complete;
39 | providing requirements for the verification process;
40 | requiring that the rebate be issued within a
41 | reasonable period of time upon approval of the final
42 | rebate amount by the department; requiring that
43 | certain marketing be included with a project;
44 | requiring certified projects to allow certain persons
45 | to visit the production site upon request of the
46 | commissioner and after providing the commissioner with
47 | reasonable notice; specifying that the commissioner or
48 | his or her affiliate is not required to visit the
49 | production site; requiring the department to
50 | disqualify a project under certain circumstances;

51 providing for liability and imposing civil and
52 criminal penalties for an applicant that submits
53 fraudulent information; providing for rulemaking;
54 requiring the commissioner to provide an annual report
55 to the Governor and the Legislature on a specified
56 date; providing that certain appropriated funds are
57 not subject to reversion; providing for the expiration
58 of the program; providing an effective date.

59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 Section 1. Film, Television, and Digital Media Targeted
63 Rebate Program.—

64 (1) CREATION AND PURPOSES OF PROGRAM.—The Film,
65 Television, and Digital Media Targeted Rebate Program is created
66 within the Department of Economic Opportunity under the
67 supervision of the Commissioner of Film and Entertainment.

68 (a) The purpose of the program is to boost this state's
69 economic prosperity by:

70 1. Creating high-paying jobs;
71 2. Broadening the film, television, and digital media
72 industry's impact on the state by giving a modest bonus for
73 projects that take place in underutilized areas;

74 3. Enhancing tourism by choosing projects that encourage
75 tourists to visit this state; and

76 4. Encouraging more family-friendly productions to be
77 produced in this state.

78 (b) This purpose shall be accomplished by providing a
79 limited rebate to projects that provide the highest return on
80 investment and economic benefit to the state, as determined
81 after a project has made its expenditures in the state.

82 (2) DEFINITIONS.—As used in this act, unless the context
83 otherwise requires, the term:

84 (a) "Certified project" means a qualified project that has
85 been scored by the council, has been determined by the
86 commissioner to meet or exceed the desired economic impact and
87 other criteria of the program, and has rebate funds allocated to
88 it based on the project's estimated qualified expenditures.

89 (b) "Commissioner" means the Commissioner of Film and
90 Entertainment as described in s. 288.1251(1)(b), Florida
91 Statutes.

92 (c) "Council" means the Florida Film and Entertainment
93 Advisory Council.

94 (d) "Department" means the Department of Economic
95 Opportunity.

96 (e) "Digital media project" means a commercial video game,
97 including an educational video game, which includes at least 30
98 minutes of game play time. The term does not include a project
99 that may be considered obscene, as defined in s. 847.001,
100 Florida Statutes.

101 (f) "Family friendly" means having cross-generational
102 appeal; being appropriate in theme, content, and language for a
103 broad family audience; embodying a responsible resolution of
104 issues; not containing any act of drunkenness, illicit drug use,
105 sex, nudity, gratuitous violence, or vulgar or profane language;
106 and not portraying smoking any substance in a positive light.

107 (g) "Film project" means a theatrical, direct-to-video,
108 television, cable, Internet, streaming service, or animated
109 narrative motion picture at least 75 minutes in length. The term
110 does not include a project deemed by the office to have content
111 that is obscene, as defined in s. 847.001, Florida Statutes.

112 (h) "Florida resident" means a person who has a valid
113 Florida driver license or Florida identification card issued
114 under s. 322.051, Florida Statutes, and has signed an affidavit
115 confirming residency.

116 (i) "Office" means the Office of Film and Entertainment
117 within the department.

118 (j) "Principal photography" means, for a film project or
119 television project, the filming of major or significant
120 components of the project which involve lead actors, or, for a
121 digital media project, the period of time during which the work
122 of the majority of the crew is dedicated solely to the project.

123 (k) "Production start date" means:

124 1. For film and television projects, the start date of
125 principal photography, as listed in the project's application.

126 2. For digital media projects, the start date of final
127 storyboards or a later date as specified in the project's
128 application.

129 (1)1. "Qualified expenditures" means expenditures made in
130 this state and paid to residents of this state or to businesses
131 registered in this state and made solely for preproduction,
132 production, or postproduction of the qualified project,
133 including the following:

134 a. Rented or leased goods or services provided by a vendor
135 or supplier in this state which is registered with the
136 Department of State or the Department of Revenue; which has a
137 physical address in this state other than a post office box; and
138 which employs one or more Florida residents on a full-time
139 basis. The term does not include rebilled goods or services
140 provided by an in-state company from out-of-state vendors or
141 suppliers. When services provided by the vendor or supplier
142 include personal services or labor, only personal services or
143 labor provided by Florida residents qualifies.

144 b. Payments to Florida residents in the form of salary or
145 wages up to a maximum of \$200,000 per resident, including
146 amounts paid per diem to a worker who is a Florida resident and
147 amounts paid through payroll service companies, and benefits
148 such as pension, health, and welfare payments for technical and
149 production crews, directors, producers, and performers. For
150 purposes of this sub-subparagraph, payments do not include wages

151 for executives, legal staff, or other corporate staff who are
152 not employed to work solely on the project.

153 c. Rented or leased cars, trucks, and trailers if the
154 vehicles or trailers are registered with the Florida Department
155 of Highway Safety and Motor Vehicles.

156 d. Purchases of catered meals and on-set craft service
157 supplies.

158 e. Purchases of personal protective equipment from in-
159 state vendors or suppliers for use on set, in the production
160 office, or with other activities directly related to production,
161 such as providing off-set truck drivers with personal protective
162 equipment, in order to mitigate the transmission of viruses.
163 Such purchases are limited to items for personal use only, such
164 as masks, gloves, test kits, and hand sanitizer.

165 f. Rented hotel rooms or other accommodations for cast or
166 crew.

167 2. The term does not include expenditures not expressly
168 identified in subparagraph 1., expenditures made before
169 qualification for the program, expenditures made via Internet
170 transactions, expenditures for airfare, or any costs associated
171 with development, marketing, or distribution.

172 3. For the purposes of a digital media project, the term
173 includes only those qualified expenditures made within 9 months
174 after the project's first qualified expenditure.

175 (m) "Qualified project" means a film project, television

176 project, or digital media project that meets the application
177 requirements and for which a complete application for the
178 program has been submitted to the commissioner and accepted for
179 consideration by the office. The term does not include a weather
180 or market program; a sporting event or a sporting event
181 broadcast; a gala; an awards show; a production that solicits
182 funds; a home shopping program; a political program; a gambling-
183 related project or production; a concert production; a news or
184 current events show; a sports or sports recap show; a
185 pornographic production; or any production deemed obscene under
186 chapter 847, Florida Statutes.

187 (n) "Television project" means a television pilot program
188 or a television series that:

189 1. Is a scripted drama, comedy, animation, or reality
190 show;

191 2. Has a runtime to fit, at minimum, a 30-minute program
192 slot, but no longer than required to fit a 60-minute program
193 slot; and

194 3. If the television project is a television series, has a
195 minimum of 7 episodes; or, if the television project is a
196 reality program or series, at least 10 episodes.

197
198 The term does not include a project deemed by the office to have
199 content that is obscene, as defined in s. 847.001, Florida
200 Statutes.

201 (o) "Underutilized area" means any county in this state
202 other than Broward County, Miami-Dade County, Orange County, or
203 Seminole County.

204 (3) REBATE ELIGIBILITY.—

205 (a) To be eligible for a rebate, an applicant must be
206 registered to do business in this state and must be producing a
207 project that:

208 1. Has projected qualified expenditures of:

209 a. For a film project, at least \$1.5 million;

210 b. For a television project, at least \$500,000 per
211 episode; or

212 c. For a digital media project, at least \$1.5 million;

213 2. Is projected to employ a crew, including cast and
214 stand-ins, but not including extras, also known as background
215 performers, of which at least 60 percent will be residents of
216 this state and at least one member will be a military veteran;

217 3. Is projected to spend at least 70 percent of its total
218 production days in this state; and

219 4. Will not receive a sales tax certificate of exemption
220 pursuant to s. 288.1258, Florida Statutes, for the project.

221 (b) A project may receive a rebate in the amount of up to
222 20 percent of its verified qualified expenditures. A bonus may
223 be earned in the amount of an additional 3 percentage points if
224 75 percent of the project's production in this state will take
225 place in an underutilized area or if its content is deemed

226 family friendly. A certified project may not receive more than
227 one bonus, and the total that may be awarded under any rebate
228 may not exceed 23 percent of its verified qualified expenditures
229 or \$2 million, whichever is less.

230 (c) A certified project must make a good faith effort to
231 use existing providers of infrastructure or equipment in this
232 state, when available, including providers of camera gear, grip
233 and lighting equipment, vehicles, and postproduction services,
234 and to employ cast and crew who are residents of this state.

235 (4) APPLICATION WINDOWS.—Applications must be accepted for
236 the program during two application windows each fiscal year. The
237 commissioner shall set a start date for both application
238 windows. However, the first application window may begin before
239 the start of the fiscal year and must end no later than 5
240 business days after July 1, and the second application window
241 must end no later than 5 business days after December 1.

242 (a) The department may not earmark or set aside more than
243 60 percent of any appropriated or rolled-over rebate funds for
244 any given fiscal year for applications submitted during the
245 first application window. Rebate funds not earmarked and set
246 aside for applicants applying during one application window roll
247 over for use in the next application window.

248 (b) If all rebate funds are earmarked and set aside for
249 certified projects, additional applications may not be accepted
250 until more funds become available for the program.

251 (5) APPLICATION PROCESS.—

252 (a) A company that plans to produce a film, television, or
253 digital project in this state may submit an application to the
254 commissioner during one of the two application windows. Each
255 fiscal year, a project must have a production start date that is
256 within 6 months after July 1 if applying in the first window or
257 within 6 months after January 1 if applying in the second
258 window.

259 (b) An applicant or its parent company may submit an
260 application for no more than five projects in any single fiscal
261 year. However, except in the case of a television pilot and the
262 television series the pilot is based on being certified within
263 the same fiscal year, only one project per applicant may be
264 certified within a fiscal year.

265 (c) The application must include:

- 266 1. Proof of funding;
267 2. Project-related employment information, including
268 employment numbers for residents of this state;
269 3. A full line-item budget and a detailed qualified
270 expenditures budget;
271 4. A detailed distribution plan to assist with determining
272 the potential economic impact of the project in this state;
273 5. The applicant's expected total qualified expenditures
274 for wages paid to residents of this state;
275 6. The applicant's expected total qualified expenditures

276 and nonqualified expenditures in this state;

277 7. For a film project, the latest script, a production
278 schedule, a Day Out of Days report, and a list of the expected
279 shooting locations;

280 8. For a digital media project, a detailed game design
281 document, including a production schedule;

282 9. For a television project that is a pilot, a final
283 script, a production schedule, a Day Out of Days report, and a
284 list of the expected shooting locations;

285 10. For a television project that is a series, the latest
286 scripts for at least two episodes and a production schedule, a
287 Day Out of Days report, and a list of the expected shooting
288 locations for the first episode;

289 11. An affirmation signed by the applicant that the
290 information on the application is correct;

291 12. The applicant's Florida tax identification number.

292 (d) Within a reasonable period of time after the last
293 business day of each application window, the commissioner shall:

294 1. Review all applications submitted during the
295 application window and determine the eligibility of each
296 applicant;

297 2. Determine each applicant's expected qualified
298 expenditures;

299 3. Determine the maximum rebate amount that each eligible
300 applicant may be awarded;

301 4. Determine whether an eligible applicant's project is
302 deemed family friendly;

303 5. Determine the percentage of the applicant's production,
304 if any, which is proposed to occur in an underutilized area;

305 6. Determine whether each eligible applicant is a
306 corporation registered in this state;

307 7. Contact each applicant with any questions, as
308 necessary;

309 8. Gather any additional information needed to address the
310 criteria specified under subsection (6);

311 9. Assemble a package containing the details of each
312 eligible applicant's project and deliver it to each council
313 member; and

314 10. Give notice to the council of the date and time when
315 the council must convene to assess each qualified project. The
316 council may meet in person or by conference call.

317 (e) The council shall determine a score for each qualified
318 project using the criteria specified under subsection (6), with
319 the highest scores going to projects determined to provide the
320 best economic impact and return on investment to this state.

321 (6) CRITERIA FOR DETERMINING PROJECT SCORES.—

322 (a) The priority order and scoring system of the criteria
323 specified in paragraph (b) must be determined by the
324 commissioner, with assistance from the council and other
325 persons, as determined by the commissioner, before the first

326 application window.

327 (b) The council shall use, at a minimum, the following
328 criteria in determining a qualified project's score:

329 1. The amount of the project's overall qualified
330 expenditures.

331 2. The amount of the project's Florida-resident wages.

332 3. The number of full-time-equivalent jobs created by the
333 project.

334 4. Whether the project provides pension, health, and
335 welfare benefits to its workforce in this state.

336 5. The estimated direct and indirect tourism benefit of
337 the project, based on the submitted distribution plan.

338 6. The duration of Florida-resident employment for the
339 project.

340 7. What percentage of the project, if any, is being made
341 in an underutilized area.

342 8. Whether the project is family friendly.

343 9. Whether the project has a Florida-resident writer,
344 producer, or star.

345 10. Whether a Florida film, television, or digital media
346 school will assist with the production of the project.

347 11. Whether the project leadership team has a successful
348 track record.

349 12. The number of Florida-resident veterans the project
350 will hire.

351 13. The number of Florida film school graduates the
352 project will hire as cast or crew.

353 (7) NOTIFICATION OF DECISION.—

354 (a) After the council determines a project's score, the
355 commissioner shall, in a timely manner:

356 1. Make a final determination on certifying or rejecting
357 each qualified project, giving consideration to the council's
358 scoring.

359 2. Provide a list of certified projects to the department
360 which includes the associated maximum rebate amounts that the
361 respective applicants may receive.

362 3. Notify each certified project of the specified
363 percentage of qualified expenditures for which it is eligible
364 and the maximum rebate amount that it may receive.

365 4. Provide a notice of rejection to each rejected
366 applicant; however, the failure to notify an applicant of its
367 rejection does not deem the applicant's project a certified
368 project.

369 (b) Based on the final determination of the commissioner,
370 the department shall earmark and set aside the amount necessary
371 to fund the total maximum that may be awarded for the certified
372 projects, if funds are available.

373 (8) VERIFICATION PROCESS.—

374 (a) The commissioner shall develop a process to verify the
375 actual qualified expenditures and rebate bonus eligibility of a

376 certified project after the project's work in this state is
377 complete. The process must require all of the following:
378 1. Submission to the commissioner of at least all of the
379 following information, electronically or in hard copy, or both,
380 by each certified project:
381 a. Data substantiating each qualified expenditure which
382 has been audited by an independent certified public accountant
383 licensed in this state, as required under subparagraph 4.;
384 b. Copies of documents verifying residency of persons
385 represented as being residents of this state;
386 c. The final script;
387 d. The most recent production board and shooting schedule;
388 e. The most recent credit list showing where the credits
389 required under subsection (9) will appear;
390 f. A cast list and a final crew list with contact
391 information;
392 g. For any veterans employed by the project, a copy of at
393 least one of the veterans' DD Form 214, as issued by the United
394 States Department of Defense, or another acceptable form of
395 identification as specified by the Department of Veterans'
396 Affairs; and
397 h. Any other information determined necessary by the
398 commissioner.
399 2. Signing, and submission to the commissioner, by the
400 lead producer or studio executive in charge of the certified

401 project, of an affidavit or written declaration signed under the
402 penalty of perjury as specified in s. 92.525, Florida Statutes,
403 stating that all salaries, wages, and other compensation
404 submitted as qualified expenditures are in compliance with this
405 section.

406 3. The information and affidavit required by subparagraphs
407 1. and 2. must be received by the commissioner within 120 days
408 after the certified project has made its last qualified
409 expenditure, but no later than 1 year after its production start
410 date. Pursuant to the rules adopted by the department, the
411 commissioner may, upon a showing of good cause, grant a one-time
412 extension of this deadline.

413 4. The conducting of a compliance audit, at the certified
414 project's expense, by an independent certified public accountant
415 who is a resident of this state to substantiate the qualified
416 expenditures, and submission of a report of the audit findings,
417 including substantiating data, to the commissioner within a
418 reasonable period of time after the initial receipt of records
419 from the certified project.

420 (b) The commissioner shall review the report and data
421 required under paragraph (a) within a reasonable period of time
422 after receipt of the report and data and shall report to the
423 department the final verified amount of actual qualified
424 expenditures the certified project made and the amount of the
425 rebate, including any bonus, due the project.

426 (c) Upon approval by the department of the final rebate
427 amount, which may not exceed the maximum specified in the notice
428 provided under subparagraph (7)(a)3., the rebate must be issued
429 within a reasonable period of time.

430 (9) MARKETING AND TOURISM REQUIREMENT.—

431 (a) The commissioner shall ensure, as a condition of
432 receiving a rebate under this section, that a certified project
433 includes marketing promoting this state as a tourist destination
434 or film and entertainment production destination. At a minimum,
435 the marketing must include placement in the end credits of a
436 "Filmed in Florida" or "Produced in Florida" logo with size and
437 placement commensurate to other logos included in the end
438 credits or, if no logos are used, the statement "Filmed in
439 Florida" or "Produced in Florida" or a similar statement
440 approved by the commissioner and the logo of the local film
441 office, if applicable. A digital media project must also supply
442 a 5-second or longer animated logo with "Produced in Florida" or
443 other text, including the logo of the local digital media
444 office, if applicable, as preapproved by the commissioner, in a
445 manner easily seen by a consumer of the digital media project.
446 The commissioner shall provide the logos for the purposes
447 specified in this paragraph, not including the logo for a local
448 office, which must be provided by the applicable office.

449 (b) A certified project must allow the commissioner, or an
450 affiliate, and a minimum of two guests to visit the production

451 site upon the request of the commissioner. Upon such request,
452 the certified project must give the commissioner reasonable
453 notice of a visit date and time that is acceptable to the
454 production. The commissioner or an affiliate is not required to
455 make a visit to the set.

456 (c) A certified project must provide at least five
457 preapproved photos of the production to the commissioner and
458 grant the commissioner free use of the photos in promoting this
459 state as a film, television, or digital media production
460 location or tourist destination.

461 (10) DISQUALIFICATION.—The department shall disqualify a
462 certified project and may not issue a rebate to the project if
463 the project:

464 (a) Does not begin principal photography in this state
465 within the period beginning 30 days before and ending 90 days
466 after the project's listed production start date. Pursuant to
467 department rule, the commissioner may, upon a showing of good
468 cause, grant a one-time extension of this deadline;

469 (b) Does not abide by the policies, procedures, deadlines,
470 or requirements of the application verification process;

471 (c) Does not notify the commissioner of any change in the
472 production start date before commencing production;

473 (d) Submits fraudulent information; or

474 (e) Uses the state sales tax exemption established under
475 s. 288.1258, Florida Statutes.

476 (11) FRAUD.—An applicant that submits fraudulent
477 information under this section is liable for reimbursement of
478 the reasonable costs and fees associated with the review,
479 processing, investigation, and prosecution of the fraudulent
480 submission. An applicant that obtains a rebate under this
481 section through a claim that is fraudulent shall reimburse the
482 program for the rebate awarded and reasonable costs and fees
483 associated with the review, processing, investigation, and
484 prosecution of the fraudulent claim and shall pay a civil
485 penalty in an amount equal to double the rebate amount and any
486 criminal penalty assessed against the applicant.

487 (12) RULES; POLICIES; PROCEDURES.—The department may adopt
488 rules and shall develop policies and procedures to administer
489 this section, including, but not limited to, rules specifying
490 requirements for the application and approval process and the
491 determination of qualified expenditures.

492 (13) ANNUAL REPORT.—Each November 1, the commissioner
493 shall provide an annual report on the program for the previous
494 fiscal year to the Governor, the President of the Senate, and
495 the Speaker of the House of Representatives. The report must
496 identify the return on investment associated with, and economic
497 benefits to this state attributable to, the program.

498 (14) FUNDS NOT SUBJECT TO REVERSION.—Notwithstanding s.
499 216.301, Florida Statutes, funds appropriated for this purpose
500 shall not be subject to reversion.

HB 757

2021

501 (15) EXPIRATION.—The Film, Television, and Digital Media
502 Targeted Rebate Program expires June 30, 2025, at which point
503 all remaining appropriated funds not earmarked and set aside for
504 certified projects must revert to the General Revenue Fund. All
505 remaining appropriated funds must revert to the General Revenue
506 Fund no later than October 31, 2026.

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