

By Senator Gruters

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1 A bill to be entitled
2 An act relating to the Florida First Production
3 Partnership Pilot Program; creating the program within
4 the Department of Economic Opportunity; providing a
5 purpose for the program; defining terms; requiring
6 that film, television, and digital media projects
7 being produced in this state meet specified criteria
8 to be eligible for rebates; authorizing applicants to
9 receive rebates up to a specified amount; requiring a
10 certified project to make a good faith effort to use
11 existing providers of infrastructure or equipment in
12 this state and to employ Florida residents; requiring
13 the Commissioner of Film and Entertainment to set
14 application windows; providing requirements for the
15 department relating to earmarking and setting aside
16 rebate funds; requiring applicants to either accept a
17 partial rebate or reject the partial rebate and drop
18 out of the program under certain circumstances;
19 providing procedures and requirements for applicants;
20 requiring the commissioner to take specified actions
21 within a reasonable period of time; requiring the
22 Florida Film and Entertainment Advisory Council to
23 determine a score for each qualified project using
24 specified criteria; requiring the commissioner to
25 determine the priority order and scoring system of the
26 specified criteria with assistance from the council
27 and certain other persons; requiring the council to
28 use specified criteria; requiring the commissioner to
29 take specified actions in a timely manner relating to

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30 the certification or rejection of qualified projects;
31 requiring the department to set aside the amount
32 necessary to fund the rebates, if funds are available;
33 requiring the commissioner to develop a process to
34 verify the actual qualified expenditures and bonus
35 eligibility of a certified project after the project's
36 work in this state is complete; providing requirements
37 for the verification process; requiring that the
38 rebate be issued within a reasonable period of time
39 upon approval of the final rebate amount; requiring
40 that certain marketing be included with a project;
41 requiring certified projects to allow certain persons
42 to visit the production site upon request of the
43 commissioner and after providing the commissioner with
44 reasonable notice; specifying that the commissioner or
45 his or her affiliate is not required to visit the
46 production site; requiring the department to
47 disqualify a project under certain circumstances;
48 providing for liability and imposing civil penalties
49 for an applicant that submits fraudulent information;
50 requiring the department to adopt rules; requiring the
51 commissioner to provide an annual report to the
52 Governor and the Legislature on a specified date;
53 providing appropriations; providing that certain
54 appropriated funds are not subject to reversion;
55 providing for the expiration of the program; providing
56 an effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

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59
60 Section 1. The Florida First Production Partnership Pilot
61 Program.—

62 (1) CREATION AND PURPOSE OF PROGRAM.—The Florida First
63 Production Partnership Pilot Program is created within the
64 Department of Economic Opportunity.

65 (a) The purpose of the program is to boost this state's
66 economic prosperity by doing all of the following:

67 1. Encouraging growth of production across this state by
68 requiring the economic participation of local governments,
69 businesses, or entities in production site areas.

70 2. Using a scoring process to determine the best return on
71 investment and economic benefit to the state to certify
72 applicants.

73 3. Creating high-paying jobs in an industry with an average
74 salary at least 50 percent higher than the state average.

75 4. Enhancing tourism by choosing projects that encourage
76 tourists to visit this state.

77 5. Broadening the film, television, and digital media
78 industry's impact on the state by offering a modest bonus for
79 projects that take place in underutilized areas.

80 6. Encouraging more family-friendly projects in this state.

81 7. Requiring at least 60 percent of the employees hired for
82 any project in this state to be Florida residents.

83 (b) This purpose must be accomplished by providing a
84 limited rebate to projects in areas where local governments,
85 businesses, or entities are offering a local rebate, thereby
86 providing the highest return on investment and economic benefit
87 to the state.

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88 (c) To protect program funds, such rebate may not be issued
89 until after a certified project has made all of its expenditures
90 in this state and the expenditures have been verified through a
91 compliance audit.

92 (2) DEFINITIONS.—As used in this section, unless the
93 context otherwise requires, the term:

94 (a) "Certified project" means a qualified project that has
95 been scored by the council, has been determined by the
96 commissioner to meet or exceed the desired economic impact and
97 other criteria of the program, and has rebate funds allocated to
98 it based on the project's estimated qualified expenditures. The
99 term does not include a project that may be considered obscene
100 as defined in s. 847.001(12), Florida Statutes.

101 (b) "Commissioner" means the Commissioner of Film and
102 Entertainment as described in s. 288.1251(1)(b), Florida
103 Statutes.

104 (c) "Council" means the Florida Film and Entertainment
105 Advisory Council created under s. 288.1252, Florida Statutes.

106 (d) "Department" means the Department of Economic
107 Opportunity.

108 (e) "Digital media project" means a commercial video game,
109 including an educational video game, which includes at least 30
110 minutes of game play time.

111 (f) "Family-friendly" means having cross-generational
112 appeal; being appropriate in theme, content, and language for a
113 broad family audience including children as young as 5 years of
114 age; embodying a responsible resolution of issues; not
115 containing any gratuitous act of drunkenness or violence, or any
116 illicit drug use, sex, nudity, or vulgar or profane language;

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117 and not portraying the smoking of any substance in a positive
118 light.

119 (g) "Film project" means a theatrical, direct-to-video,
120 television, cable, Internet, streaming service, or animated
121 narrative motion picture at least 75 minutes in length.

122 (h) "Florida resident" means a person who has a valid
123 Florida driver license or a Florida identification card issued
124 under s. 322.051, Florida Statutes, and has signed an affidavit
125 confirming residency.

126 (i) "Local rebate" means a cash or goods-and-services
127 equivalent offered by a local government, entity, or business in
128 a production area which has a value of no less than 1 percent of
129 the actual state rebate earned.

130 (j) "Office" means the Office of Film and Entertainment
131 within the department.

132 (k) "Principal photography" means, for a film project or
133 television project, the filming of major or significant
134 components of the project which involve lead actors, or, for a
135 digital media project, the period of time during which the work
136 of the majority of the crew is dedicated solely to the project.

137 (l) "Production start date" means:

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

140 2. For digital media projects, the start date of work on
141 final storyboards or a later date as specified in the project's
142 application.

143 (m) "Qualified expenditures" means:

144 1. Expenditures made in this state and paid to Florida
145 residents or to businesses registered in this state and made

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146 solely for preproduction, production, or postproduction of the
147 qualified project, including the following:

148 a. Rented or leased goods or services provided by a vendor
149 or supplier in this state which is registered with the
150 Department of State or the Department of Revenue; which has a
151 physical address in this state other than a post office box; and
152 which employs one or more Florida residents on a full-time
153 basis. The term does not include rebilled goods or services
154 provided by an in-state company from out-of-state vendors or
155 suppliers. When services provided by the vendor or supplier
156 include personal services or labor, only personal services or
157 labor provided by Florida residents qualifies.

158 b. Payments to Florida residents in the form of salary or
159 wages up to a maximum of \$200,000 per resident, including
160 amounts paid per diem to a worker who is a Florida resident and
161 amounts paid through payroll service companies, and benefits,
162 such as pension, health, and welfare payments, for technical and
163 production crews, directors, producers, and performers. For
164 purposes of this sub-subparagraph, qualified expenditures do not
165 include wages for executives, legal staff, or other corporate
166 staff who are not employed to work solely on the project.

167 c. Rented or leased cars, trucks, and trailers, if the
168 vehicles or trailers are registered with the Florida Department
169 of Highway Safety and Motor Vehicles.

170 d. Purchases of catered meals and on-set craft service
171 supplies.

172 e. Rented hotel rooms or other accommodations for cast or
173 crew.

174 2. The term does not include expenditures not expressly

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175 identified in subparagraph 1., expenditures made before
176 qualification for the program, expenditures made via Internet
177 transactions, expenditures for airfare, or any costs associated
178 with development, marketing, or distribution.

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

182 (n) "Qualified project" means a film project, television
183 project, or digital media project that meets the application
184 requirements and for which a complete application for the
185 program has been submitted to the commissioner and accepted for
186 consideration by the office. The term does not include a weather
187 or market program; a sporting event or a sporting event
188 broadcast; a gala; an awards show; a production that solicits
189 funds; a home shopping program; a political program; a gambling-
190 related project or production; a concert production; a news or
191 current events show; a sports or sports recap show; a
192 pornographic production; or any project or production deemed to
193 have content that is obscene as defined in s. 847.001(12),
194 Florida Statutes.

195 (o) "Television project" means a television pilot program
196 or a television series that:

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

198 2. Has a runtime to fit, at minimum, a 30-minute program
199 slot, but no longer than required to fit a 60-minute program
200 slot; and

201 3. If the television project is a television series, has a
202 minimum of 7 episodes, or, if the television project is a
203 reality program or series, has a minimum of 10 episodes.

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204 (p) "Underutilized area" means any county in this state
205 other than Broward County, Hillsborough County, Miami-Dade
206 County, Orange County, Pinellas County, or Seminole County.

207 (3) REBATE ELIGIBILITY.—

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

211 1. Received a local rebate;

212 2. Has projected qualified expenditures of:

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

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

215 or

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

217 3. Is projected to employ a crew of which at least 60
218 percent will be Florida residents, including cast and stand-ins,
219 but not including extras, also known as background performers,
220 and at least one military veteran who is a Florida resident;

221 4. Is projected to spend at least 70 percent of its total
222 production days in this state; and

223 5. Will not receive a sales tax certificate of exemption
224 pursuant to s. 288.1258, Florida Statutes, for the project.

225 (b) A certified project may receive a rebate in the amount
226 of up to 15 percent of its verified qualified expenditures.
227 Additionally, one additional rebate of 5 percent bonus may be
228 earned if either:

229 1. Sixty percent of the project's production in this state
230 will take place in an underutilized area; or

231 2. The project's content is deemed family-friendly.

232 (c) A certified project may not receive more than one

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233 bonus. The total that may be awarded under any rebate may not
234 exceed 20 percent of its verified qualified expenditures or \$2
235 million, whichever is less.

236 (d) A certified project must make a good faith effort to
237 use existing providers of infrastructure or equipment in this
238 state, when available, including providers of camera gear, grip
239 and lighting equipment, vehicles, and postproduction services,
240 and to employ cast and crew members who are Florida residents.

241 (4) APPLICATION WINDOWS.—Applications must be accepted for
242 the program during two application windows each fiscal year. The
243 commissioner shall set a start date for both application
244 windows. The first application window may begin before the start
245 of the fiscal year and must end no later than 5 business days
246 after July 1, and the second application window must end no
247 later than 5 business days after December 1.

248 (a) The department may not earmark or set aside more than
249 60 percent of any appropriated or rolled-over rebate funds for
250 any given fiscal year for certified projects submitted during
251 the first application window of each fiscal year. Rebate funds
252 not earmarked and set aside for certified projects during one
253 application window roll over for use in the next application
254 window.

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

258 (c) If, in any application period, only a partial amount of
259 rebate funds is available to certify to a project compared to
260 what it would be eligible for, the applicant must elect to
261 either accept the partial rebate as the maximum certified rebate

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262 it would be eligible for or reject it and drop out of the
263 program. In either case, the applicant must notify the
264 commissioner in writing of its decision before the application
265 period ends. If additional rebate funds become available after
266 accepting a partial certification, the certified project is not
267 eligible for additional certification of funds.

268 (5) APPLICATION PROCESS.-

269 (a) A company that plans to produce a film, television, or
270 digital project in this state may submit an application to the
271 commissioner during one of the two application windows. Each
272 fiscal year, a project must have a production start date that is
273 within 6 months after July 1 if applying in the first window or
274 within 6 months after January 1 if applying in the second
275 window.

276 (b) An applicant or its parent company may submit an
277 application for no more than five projects in any single fiscal
278 year. However, only one project per applicant may be certified
279 within a fiscal year, except when a television pilot and its
280 subsequent television series are certified within the same
281 fiscal year.

282 (c) The application must include all of the following:

283 1. Proof of funding.

284 2. Project-related employment information, including
285 employment numbers for Florida residents.

286 3. A full line-item budget and a detailed qualified
287 expenditures budget.

288 4. A detailed distribution plan to assist with determining
289 the potential economic impact of the project to this state.

290 5. The applicant's expected total qualified expenditures

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291 for wages paid to Florida residents.

292 6. The applicant's expected total qualified expenditures
293 and nonqualified expenditures in this state.

294 7. For a film project, the latest script, a production
295 schedule, a Day Out of Days report, and a list of the expected
296 shooting locations.

297 8. For a digital media project, a detailed game design
298 document, including a production schedule.

299 9. For a television project that is a pilot, a final
300 script, a production schedule, a Day Out of Days report, and a
301 list of the expected shooting locations.

302 10. For a television project that is a series, the latest
303 scripts for at least two episodes and a production schedule, a
304 Day Out of Days report, and a list of the expected shooting
305 locations for the first episode.

306 11. An affirmation signed by the applicant that the
307 information on the application is correct.

308 12. The expected local rebate.

309 13. The applicant's Florida tax identification number.

310 (d) Within a reasonable period of time after the last
311 business day of each application window, the commissioner shall
312 do all of the following:

313 1. Review all applications submitted during the application
314 window and determine the eligibility of each applicant.

315 2. Determine each applicant's expected qualified
316 expenditures and verify that the applicant's local rebate is
317 greater than 1 percent of the state rebate the applicant applied
318 for.

319 3. Determine the maximum rebate amount that each eligible

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320 applicant may be awarded.

321 4. Determine whether a qualified project is family-
322 friendly.

323 5. Determine the percentage of the applicant's project, if
324 any, which is proposed to occur in an underutilized area.

325 6. Determine whether each eligible applicant is a
326 corporation registered in this state.

327 7. Contact each applicant with any questions, as necessary.

328 8. Gather any additional information needed to address the
329 criteria specified under subsection (6).

330 9. Assemble a package containing the details of each
331 eligible applicant's project and deliver it to each council
332 member.

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

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

340 (6) CRITERIA FOR DETERMINING PROJECT SCORES.—

341 (a) The priority order and scoring system of the criteria
342 specified in paragraph (b) must be determined by the
343 commissioner, with assistance from the council and other
344 persons, as determined by the commissioner, before the first
345 application window.

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

348 1. The amount of the project's overall qualified

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349 expenditures.

350 2. The amount of the local rebate received by the project,
351 giving more weight to cash than to goods and services.

352 3. The amount of the project's Florida-resident wages.

353 4. The number of full-time-equivalent jobs created by the
354 project.

355 5. Whether the project provides pension, health, and
356 welfare benefits to its workforce in this state.

357 6. The estimated direct and indirect tourism benefit of the
358 project, based on the submitted distribution plan.

359 7. The duration of Florida-resident employment for the
360 project.

361 8. What percentage of the project, if any, is being made in
362 an underutilized area.

363 9. Whether the project is family-friendly.

364 10. Whether the project has a Florida-resident writer,
365 producer, or star.

366 11. Whether a Florida film, television, or digital media
367 school will assist with the production of the project.

368 12. Whether the project leadership team has a successful
369 track record.

370 13. The number of Florida-resident veterans the project
371 will hire.

372 14. The number of Florida film school graduates the project
373 will hire as cast or crew.

374 (7) NOTIFICATION OF DECISION.—

375 (a) After the council determines a qualified project's
376 score, the commissioner shall, in a timely manner, do all of the
377 following:

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378 1. Make a final determination on certifying or rejecting
379 each qualified project, giving substantial consideration to the
380 council's scoring.

381 2. Provide a list of certified projects to the department
382 which includes the maximum rebate amounts that each certified
383 project may receive, not to exceed the amount of rebate funds
384 available.

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

388 4. Provide a notice of rejection to each rejected qualified
389 project; however, the failure to notify a qualified project of
390 its rejection does not deem the qualified project a certified
391 project.

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

396 (8) VERIFICATION PROCESS.—

397 (a) The commissioner shall develop a process to verify the
398 actual qualified expenditures and rebate bonus eligibility of a
399 certified project after the project's work in this state is
400 complete. The process must require all of the following:

401 1. Submission to the commissioner of at least all of the
402 following information, electronically or in hard copy, or both,
403 by each certified project:

404 a. Data substantiating each qualified expenditure which has
405 been audited by an independent certified public accountant
406 licensed in this state at the certified project's cost, as

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407 required under subparagraph 4.

408 b. Copies of documents verifying residency of persons
409 represented as being Florida residents.

410 c. The final script.

411 d. The most recent production board and shooting schedule.

412 e. The most recent credit list showing where the credits
413 required under subsection (9) will appear.

414 f. A cast list and a final crew list, including contact
415 information for the cast and crew who are Florida residents.

416 g. A verifiable breakdown of the local rebate.

417 h. For any veterans employed by the project, a copy of at
418 least one of the veterans' DD Form 214, as issued by the United
419 States Department of Defense, or another acceptable form of
420 identification as specified by the United States Department of
421 Veterans Affairs.

422 i. Any other information determined necessary by the
423 commissioner.

424 2. Submission to the commissioner of an affidavit or
425 written declaration, signed by the lead producer or studio
426 executive in charge of the certified project under penalty of
427 perjury as specified in s. 92.525, Florida Statutes, stating
428 that all salaries, wages, and other compensation submitted as
429 qualified expenditures are in compliance with this section.

430 3. A compliance audit conducted at the certified project's
431 expense by an independent certified public accountant who is a
432 resident of this state to substantiate the qualified
433 expenditures, and submission of a report of the audit findings,
434 including substantiating data, to the commissioner within a
435 reasonable period of time after the initial receipt of records

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436 from the certified project.

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438 The information and affidavit or written declaration required by
439 subparagraphs 1. and 2., respectively, must be received by the
440 commissioner within 120 days after the certified project has
441 made its last qualified expenditure but no later than 1 year
442 after its production start date. Pursuant to the rules adopted
443 by the department, the commissioner may, upon a showing of good
444 cause, grant a one-time limited extension of this deadline.

445 (b) The commissioner shall review the report and data
446 required under paragraph (a) within a reasonable period of time
447 after it is received and shall report to the department the
448 final verified amount of actual qualified expenditures the
449 certified project made and the amount of the rebate, including
450 any bonus, due the project.

451 (c) Upon approval by the department of the final rebate
452 amount to each certified project, which may not exceed the
453 maximum specified in the notice provided under subparagraph
454 (7)(a)3., the rebate must be issued within a reasonable period
455 of time.

456 (9) MARKETING AND TOURISM REQUIREMENT.-

457 (a) The commissioner shall ensure, as a condition of
458 receiving a rebate under this section, that a certified project
459 includes marketing promoting this state as a tourist destination
460 or film and entertainment production destination. At a minimum,
461 the marketing must include placement in the end credits of a
462 "Filmed in Florida" or "Produced in Florida" logo, with size and
463 placement commensurate to other logos included in the end
464 credits, or, if no logos are used, the statement "Filmed in

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465 Florida” or “Produced in Florida” or a similar statement
466 approved by the commissioner, and the logo of the local film
467 office, if applicable. A digital media project must also supply
468 a 5-second or longer animated logo with “Produced in Florida” or
469 other text, including the logo of the local digital media
470 office, if applicable, as preapproved by the commissioner, in a
471 highly visible high-traffic area easily seen by a consumer of
472 the digital media project. The commissioner shall provide the
473 logos for the purposes specified in this paragraph, other than
474 the logo for a local office, which must be provided by the
475 applicable office.

476 (b) A certified project must allow the commissioner, or his
477 or her affiliate, and a minimum of two guests to visit the
478 production site upon the request of the commissioner. Upon
479 receipt of a request for a visit, the certified project must
480 give the commissioner reasonable notice of a visit date and time
481 that is acceptable to the project. The commissioner or his or
482 her affiliate is not required to make a visit to the set.

483 (c) A certified project must provide at least five
484 preapproved photos of the project to the commissioner and grant
485 the commissioner free use of the photos in promoting this state
486 as a film, television, or digital media production location or
487 tourist destination.

488 (10) DISQUALIFICATION.—The department must disqualify a
489 certified project and may not issue a rebate to the project if
490 the project:

491 (a) Does not begin principal photography in this state
492 within the period beginning 30 days before and ending 90 days
493 after the project’s listed production start date. Pursuant to

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494 department rule, the commissioner may, upon a showing of good
495 cause, grant a one-time extension of this deadline;

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

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

500 (d) Submits fraudulent information; or

501 (e) Uses the state sales tax exemption established under s.
502 288.1258, Florida Statutes.

503 (11) FRAUD.—An applicant that submits fraudulent
504 information under this section is liable for reimbursement of
505 the reasonable costs and fees associated with the review,
506 processing, investigation, and prosecution of the fraudulent
507 submission. A certified project that obtains a rebate under this
508 section through a claim that is fraudulent must reimburse the
509 program for the rebate awarded and reasonable costs and fees
510 associated with the review, processing, investigation, and
511 prosecution of the fraudulent claim and must pay a civil penalty
512 in an amount equal to double the rebate amount and any criminal
513 penalty assessed against the certified project.

514 (12) RULES; POLICIES; PROCEDURES.—The department shall
515 adopt rules and develop policies and procedures to implement and
516 administer this section, including, but not limited to, rules
517 specifying requirements for the application and approval process
518 and the determination of qualified expenditures, marketing
519 requirements, and the examination and auditing procedures
520 required to administer this section.

521 (13) ANNUAL REPORT.—Each November 1, the commissioner shall
522 provide an annual report on the program for the previous fiscal

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523 year to the Governor, the President of the Senate, and the
524 Speaker of the House of Representatives. The report must
525 identify the return on investment associated with, and economic
526 benefits to this state attributable to, the program.

527 (14) APPROPRIATIONS.—

528 (a) For the 2023-2024 fiscal year, the sum of \$20 million
529 in nonrecurring funds is appropriated from the General Revenue
530 Fund to the department for the purposes of funding the program.

531 (b) For the 2024-2025 fiscal year, the sum of \$20 million
532 in nonrecurring funds is appropriated from the General Revenue
533 Fund to the department for the purposes of funding the program.

534 (c) For the 2025-2026 fiscal year, the sum of \$20 million
535 in nonrecurring funds is appropriated from the General Revenue
536 Fund to the department for the purposes of funding the program.

537 (d) For the 2026-2027 fiscal year, the sum of \$20 million
538 in nonrecurring funds is appropriated from the General Revenue
539 Fund to the department for the purposes of funding the program.

540 (15) FUNDS NOT SUBJECT TO REVERSION.—Notwithstanding s.
541 216.301, Florida Statutes, funds appropriated for this purpose
542 are not subject to reversion.

543 (16) EXPIRATION.— The Florida First Production Partnership
544 Pilot Program expires June 30, 2027, at which point all
545 remaining appropriated funds not earmarked and set aside for
546 certified projects revert to the General Revenue Fund. All
547 remaining appropriated funds must revert to the General Revenue
548 Fund no later than October 31, 2028.

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