



GENERAL PRODUCTION QUEUE ‘A’ – 2009/2010

Films, Television, Commercials and Music Videos with Qualified Expenditures of \$625,000 or more

- **This packet includes:**
 - I. Definitions**
 - II. Policies & Procedures**
 - III. Application ‘A’**

A-I. DEFINITIONS

A. The following statutory definitions apply to Florida’s film and entertainment incentive:

1. Certified Production – A qualified production that has incentive funds available and allocated to it by the Office of Tourism, Trade and Economic Development (OTTED) based on its estimated qualified expenditures. The term excludes a production if its first day of principal photography in this state occurred before the production is certified by OTTED, unless the production spans more than one fiscal year, was a certified production on the first day of such photography, and is required to submit an application for continuing the same production in the subsequent year.

2. Crossover Project – A production that was certified and started principal photography in one fiscal year and continues into the next fiscal year.

3. Family-Friendly Production – Scripted productions that have cross-generational appeal; are suitable for viewing by children age 5 and older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit any act of smoking, sex, nudity, or vulgar or profane language.

4. Fraud – Per Statute 288.1254, “any applicant that submits information under this section that includes fraudulent information is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. An applicant that obtains an incentive payment under this section through a claim that is fraudulent is liable for reimbursement of the incentive payment plus a penalty in an amount double the incentive payment. The penalty is in addition to any criminal penalty to which the applicant is liable for the same acts. The applicant is also

liable for costs and fees incurred by the state in investigating and prosecuting the fraudulent claim.”

5. High-impact Television Series – A production created to run multiple production seasons having an estimated order of at least seven episodes per season and qualified expenditures of at least \$625,000 per episode.

6. OFE – The Governor’s Office of Film and Entertainment

7. Off-Season Certified Production – A production, other than a digital media project or an animated production, which films 75% or more of its principal photography days from June 1 through November 30.

8. OTTED – The Office of Tourism, Trade and Economic Development.

9. Principal Photography – “Principal Photography” means the filming of major or significant components of the qualified production which involve lead actors.

10. Production – A theatrical or direct-to-video motion picture; a made-for-television motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, or a miniseries production; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term excludes a weather or market program; a sporting event; a sports show; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; a pornographic production; or a local, regional, or Internet-distributed-only news show, current-events show, or current-affairs show.

11. Production Expenditures – The costs of tangible and intangible property used and services performed primarily and customarily in the production, including pre-production and post-production, excluding costs for development, marketing, and distribution.

Production costs include, but are not limited to:

- a) Wages, salaries, fringes, or other compensation including amounts paid through a payroll service company, for technical and production crews, directors, producers, and performers.
- b) Expenditures for sound stages, backlots, production editing, digital effects, sound recordings, sets, and set construction.
- c) Expenditures for rental equipment, including, but not limited to, cameras and grip or electrical equipment.
- d) Expenditures for meals, travel, and accommodations.

12. Qualified Expenditures – Production expenditures (*see definition #11*) incurred in this state by a qualified production for:

- a) Goods purchased or leased from, or services provided by, a vendor or supplier in this state which is registered with the Department of State or the

Department of Revenue and doing business in this state.

- b) Payments to residents of this state in the form of salary, wages or other compensation up to a maximum of \$400,000 per resident for the general production.
- c) Only pre-production, production and post production expenditures can be qualified expenditures. Costs associated with development, marketing, or distribution are not qualified expenditures.
- d) For a qualified production involving an event, such as an awards show, the term 'qualified expenditures' excludes expenditures solely associated with the event itself and not directly required by the production.
- e) Expenditures made prior to certification by OTTED can not be considered qualified expenditures, with the exception of the pickup of additional episodes of a television series within a single season.

13. Qualified Production – A production in this state meeting the requirements of the statute, the minimum qualified expenditures, and the requirements of its appropriate queue. The term excludes a production:

- a) In which less than 50% of the positions that make up its production cast and below-the-line production crew are filled by residents in this state, whose residency is demonstrated by a valid Florida driver's license or other state-issued identification confirming residency, or students enrolled full-time in a film-and-entertainment –related course of study at an institution of higher learning in this state; or:
- b) That is deemed by the Office of Film and Entertainment to contain obscene content as defined in Florida Statute 847.001(10).

14. Qualified Production Company – A corporation, limited liability company, partnership or other legal entity engaged in producing a qualified production.

A-II. POLICIES & PROCEDURES

A. OVERVIEW

1. A certified production in this queue is eligible for a cash reimbursement of 15% to 22% of its actual qualified expenditures in this state providing it meets the required minimum spending of \$625,000 on qualified expenditures.
 - a) Cash Rebate Available:
 - (1) **15%** -- Standard Rebate
 - (2) **5%** -- Off Season Bonus (*75% of the production's principal photography days are between June 1st and November 30th*) (*Does not apply to animated productions.*)
 - (3) **2%** -- Family Friendly Bonus for films and television only (scripted entertainment - *see definition # 3*).
2. The maximum reimbursement for any one qualified production is \$8,000,000.
3. Special Requirements:
 - a) Certified productions must start principal photography within 45 calendar days before or after the production's principal photography start date as it is listed in the application, or lose certification.
 - b) If your start date is delayed beyond your application's principal photography start date, you must show proof of financing dedicated to the production equal or greater than its approved qualified expenditures, and do so by the production's original start date. Providing such proof of financing will allow your certified or qualified production access to the additional 45-day window to start principal photography. Not doing so may forfeit your incentive certification.
 - c) Once you begin principal photography, you must remain on a reasonable schedule until completion. Any unscheduled break in principal photography beyond one week, except for reasons due to force majeure as defined in your contract, shall require the production to provide proof of financing dedicated to the production equal to or greater than its approved qualified expenditures within the first week of delay, or the production's incentive certification may be forfeited.
 - d) 50% or more of your production cast and crew hires must be Florida residents.
 - e) Your production must provide a written statement that it made a good-faith effort to use existing Florida providers of infrastructure and equipment when available in this state, including post production. Your production will not receive a rebate on expenditures for out-of-state equipment, payroll or services.
4. Read the "Filing for Rebate Guidelines" before production to be sure you understand fully what documentation must be gathered, and in what form, during your production. They are available online, or by request from the OFE.
5. Crossover productions may combine qualified expenditures from both fiscal years to reach the \$625,000 threshold to qualify. Crossover productions have priority placement in the queue after High Impact Television Series for the subsequent year.

B. APPLYING AND QUALIFYING FOR THE QUEUE

1. Application form 'A':

- a) Application form 'A' applies to this queue only.
- b) **The OFE is only accepting FY 2009/2010 applications for productions starting principal photography within 180 days of application date.**
- c) Delivery Method: Your application, with supporting documentation, can be delivered to OFE by any delivery method.
- d) In order for an application package to be considered complete, the application package must be filled out, signed and include:
 - (1) Script or screenplay or story boards
 - (2) Synopsis (*if no script, detailed synopsis*)
 - (3) Florida Qualified Expenditures Budget (*as .PDF file, Movie Magic or similar format*)
 - (4) Shooting Schedule
 - (5) Day Out of Days (Actor Work Detail) if applicable to production
- e) **An incomplete application packet will not be placed in order for consideration.**

2. Order of Placement in Queue

- a) All applications packages are accepted on a first-come first-serve basis. The time and date the package enters the OFE, Suite 2001, The Capitol, in Tallahassee, FL, will determine its order for consideration.

3. Processing the Application

- a) Within ten business days after receipt of the complete application and support documents OFE will complete its review of each application. If determined to be a qualified production, OFE will recommend to OTTED a maximum reimbursement amount based on its approved Florida qualified expenditures budget.
- b) Within five additional business days, OTTED will make final determination of the actual maximum reimbursement and certify funds, if available, to the qualified production. OFE will then notify the applicant of its determination.
- c) If incentive funds are NOT available in the queue, OFE will notify the qualified production, which will be added to the wait list for the queue.
- d) A production that is not qualified or certified will be notified within 15 business days of submission.
- e) A written contract between the certified production and OFE will be drafted and fully executed. A production not agreeing to the terms and conditions of the contract will forfeit its certification.

4. Wait List

- a) If all incentive funds in the queue are certified to other productions, subsequent qualified productions will be placed on a 'wait list'. If a certified production loses its certification for any reason, its certified funds go to the next production on the wait list. However, once a production starts principal photography it will be removed from the wait list. A qualified production certified for part but not all of

its maximum certification shall have priority of funds that become available in its queue. However, once any production starts principal photography, it can not be certified for any additional incentive funds, with the exception of crossover projects (*see definition #2*).

C. FILING FOR REBATE GUIDELINES (*Please note this is a brief overview of the guidelines. A complete list is available online or by request from the OFE.*)

1. Verifying and Submitting Qualified Expenditures and Signed Summary Statements
 - a) Once all qualified expenditures have been made by the certified production, it must hire a third-party Florida-based Certified Public Accountant (CPA) of the production's choosing, at the production's expense, to verify its qualified expenditures. The applicant may request a list of CPA's who have previously serviced productions certified for Florida's incentive program.
 - b) Final submission to OFE shall be made on a reasonable schedule after all expenditures are made, but in no case later than August 3 of each fiscal year.
 - c) Submission should include proof the CPA has been fully paid. **Such payment shall not be considered a qualified expenditure.**
 - d) Once all expenses are verified by the CPA, the CPA's verification report and copies of all supporting documents (including the Final Signed Summary Statement document available online or by request) shall be submitted to OFE at the following address:

The Governor's Office of Film and Entertainment
The Capitol
400 South Monroe St., Suite 2001
Tallahassee, FL 32399-0001

2. Getting Your Rebate Check
 - a) Once OFE and OTTED have verified and approved the actual Florida qualified expenditures, the state of Florida will issue a check for reimbursement of the pre-approved percentage of the actual qualified expenditures, but in no case greater than the maximum amount previously certified by OTTED.

D. WITHDRAWAL OF ELIGIBILITY

1. A qualified or certified production may lose or be withdrawn from eligibility for:
 - a) Principal photography started in Florida before the applicant became designated as a qualified or certified production by OTTED.
 - b) Failure to maintain a reasonable schedule which means beginning principal photography in this state no more than 45 calendar days before or after the date provided in the program's application. If a production determines it must delay its original principal photography start date, it must notify the OFE in writing no later than five business days prior to the original principal photography start date and provide proof of financing dedicated to the production equal to or greater than its approved qualified expenditures in a form acceptable to the OFE. Once principal

photography begins, the production must remain on the schedule as accepted by the OFE. A production must notify the OFE of any unscheduled break in production beyond one week. Upon such notice the OFE may request proof of financing and a revised production schedule in a form acceptable to the OFE.

- c) Failure to meet the spending and threshold requirements of their queue.
- d) Failure to provide documentation requested by the OFE.
- e) Including pornographic or obscene content, as defined by Florida's Supreme Court.
- f) Failure to comply with applicable laws. Applicants must comply with all existing Labor, Employment, Immigration and Internal Revenue laws and regulations.
- g) Fraud (*see Definition #4*).

2. Voluntary Withdrawal from Incentive Program:

If a qualified or certified production voluntarily withdraws or is withdrawn by the OFE from the incentive program and reapplies for certification, it must provide at the time of reapplication proof of financing dedicated to the production equal to or greater than its approved qualified expenditures in a form acceptable to the OFE.

E. MARKETING REQUIREMENTS

- 1. The on-screen end credits, must include the following:
 - a) Official Incentive Recipient End Credit Logo provided by the OFE
 - b) Acknowledgement language as specified below:

Special thanks to
Governor Charlie Crist and the Florida Legislature for
Florida's Entertainment Industry Financial Incentive
and
The Florida Governor's Office of Film & Entertainment

- 2. The production agrees to provide five (5) different high resolution still production photos in a digital format to the OFE before public distribution of the production, with rights cleared for Florida's promotional use only.
- 3. The production agrees to provide three (3) copies of the full-size poster for the production to the OFE before public distribution of the production. If none are created, two copies of other marketing materials shall be provided.
- 4. The production agrees to provide one (1) copy of the EPK for the production at the time it is made available to the press, if one is created.
- 5. The production shall make best efforts to include in its marketing materials the promotion of Florida either as a tourist destination or as a filming destination.
- 6. The production shall supply two (2) DVD copies of the final released version of the production to the OFE.

F. FAMILY FRIENDLY–QUALIFYING & OBTAINING THE 2% BONUS

1. Films and television productions that are scripted and meet the strict criteria for a ‘family-friendly’ production (*see definition #3*) will check the appropriate box on the application.
2. After the production is complete, the production will submit three (3) copies on DVD of the final released version of the production.
3. The Florida Film Commissioner or their designee will review the final released version of the production and may seek the advice of the Florida Film and Entertainment Advisory Council if necessary.
4. The Florida film commissioner will make the final determination of qualification.
5. If funds are available in the queue, a separate check for 2% of the actual qualified expenditures will be issued to the certified production.



A-III. APPLICATION 'A' - GENERAL PRODUCTION QUEUE - 2009/2010

**A: Films, Television, Commercials and Music Videos
with Qualified Expenditures of \$625,000 or more**

PLEASE NOTE: ONLY ACCEPTING FY 2009/2010 APPLICATIONS STARTING PRINCIPAL PHOTOGRAPHY WITHIN 180 DAYS OF APPLICATION DATE.

Production Title

Production Company

FOR OFE USE ONLY		
_____ Time/Date Received	_____ Date Qualified by OFE	_____ Date Certified by OTTED
_____ Amount of Certification	OFE - -09-10 Project Number	

A. TYPE OF PRODUCTION (check one):

- | | |
|---|---|
| <p>_____ Theatrical Movie</p> <p>_____ Direct-to-Video Movie</p> <p>_____ Made-for-Television Movie</p> <p>_____ Documentary</p> <p>_____ TV Series Pilot or Presentation</p> <p>_____ Miniseries</p> <p>_____ TV Special (Awards Show, Etc.)</p> <p>_____ Commercial</p> <p>_____ Music Video</p> <p>_____ Industrial Or Educational Film</p> <p>_____ TV Series</p> <p>_____ # Episodes: _____</p> <p>_____ Type: (see right)</p> | <p>Series Type:</p> <p>_____ Drama</p> <p>_____ Comedy</p> <p>_____ Telenovela</p> <p>_____ Game Show</p> <p>_____ Soap Opera</p> <p>_____ Reality Series</p> <p>_____ Sitcom</p> <p>_____ Other/ Explain</p> <p>_____</p> |
|---|---|

B. PERCENTAGE REBATE APPLYING FOR (check all that apply):

- _____ 15% Standard Rebate (All qualified productions are eligible)
- _____ 5% Off Season Bonus (75% of the production's principal photography days are between June 1st and November 30th) (Does not apply to animated productions)
- _____ 2% Family Friendly Bonus (Must meet strict criteria. See definition # 3)

C. APPLICANT INFORMATION

1. Production Contact (for incentive inquiries):

Name: _____

Title: _____

Phone: O: _____ C: _____ Fax: _____

Email: _____

2. Applicant: _____

(Note: This will be the entity who will receive the rebate check)

3. Mailing Address: _____

4. Name of Parent Company (if applicable): _____

5. Business unit's federal employer identification number: _____

6. Business unit's unemployment compensation ID number: _____

7. Business unit's Florida sales tax registration number: _____

8. Business unit's Florida sales tax exemption number: _____

9. Is the business unit minority owned: _____ YES _____ NO

If YES, explain: _____

10. Production Office Address (current or planned): _____

11. Production Office Phone: _____

D. PRODUCTION DETAILS

1. Executive Producer: _____ Phone: _____

2. Director: _____ Phone: _____

3. Producer: _____ Phone: _____

4. Writer: _____ Phone: _____

5. Production Manager: _____ Phone: _____

6. Format: _____ 35mm

_____ 16mm

_____ HD

_____ 24P

_____ IMAX / Large Format

_____ Other (Please explain: _____)

7. Production Schedule: (Note: you must start within 45 calendar days before or after the principal photography start date submitted here or you will forfeit your certification)

Florida Production Schedule	Start Date	End Date	Total Days
a. Prep:			
b. Principal Photography:			
c. Additional Photography & Reshoots:			
d. Post – Production:			
e. Projected Release / Premiere:			

8. 50% Florida Cast and Crew Requirement:

Above the Line

All FL Resident Principal Players	#	\$
All FL Resident Supporting Cast	#	\$
All FL Resident Day Players	#	\$
All FL Resident Extras/Stand-Ins	#	\$
All FL Resident Production Crew	#	\$
Total FL Resident - Above the Line	#	\$

Below the Line

All FL Resident Production Crew	#	\$
All FL Resident - Post Production	#	\$
Total FL Resident -Below the Line	#	\$

9. List counties and cities expected for principal photography in Florida:

County _____ City _____ # Days: _____
 County _____ City _____ # Days _____
 County _____ City _____ # Days _____

(If you need additional space, please attach a separate sheet with the required information.)

10. Distributor (if known)

a) Contact Name: _____ Title: _____
 b) Company: _____
 c) Address: _____

 d) Phone: _____ Fax: _____
 e) Email: _____ Website: _____

11. Completion Bond Company (if utilized)

a) Contact Name: _____ Title: _____
 b) Company: _____
 c) Address: _____

 d) Phone: _____ Fax: _____
 e) Email: _____ Website: _____

12. Production Insurance Company

- a) Contact Name: _____ Title: _____
- b) Company: _____
- c) Address: _____

- d) Phone: _____ Fax: _____
- e) Email: _____ Website: _____

13. Payroll Service

- a) Contact Name: _____ Title: _____
- b) Company: _____
- c) Address: _____

- d) Phone: _____ Fax: _____
- e) Email: _____ Website: _____

14. Publicist contact:

- a) Name: _____
- b) Company: _____
- c) Phone Numbers: O: _____ C: _____
- d) Email Address: _____

15. Financial Information:

- a) Method of Financing: _____

16. Financing Entity

- a) Company: _____
- b) Contact Name: _____ Title _____
- c) Address: _____

- d) Phone: _____ Fax: _____

E. FLORIDA QUALIFIED EXPENDITURES

- 1. Total Florida Qualified Expenditures: \$ _____
(Including Total Florida Wages)
- 2. Qualified Florida Wages: \$ _____
- 3. Estimated # of Hotel/Lodging Room Nights: _____
- 4. Estimated Expenditures for Lodging in Florida \$ _____
- 5. Estimated Expenditures on FL lab & processing: \$ _____
- 6. Estimated Expenditures on FL post production \$ _____

F. PRODUCTION IMPACT INFORMATION

1. What role has Florida's incentive (or incentives) played in your production's decision to produce this project in Florida? If there are other countries or states that competed for (or are competing) for this project, please list them and why you considered or are considering them.

2. Please list any criminal or civil fines or penalties and/or any awards that the parent company, or business unit (if applicable) has received.

G. FRAUDULENT CLAIMS

Per Statute 288.1254, "any applicant that submits information under this section that includes fraudulent information is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. An applicant that obtains an incentive payment under this section through a claim that is fraudulent is liable for reimbursement of the incentive payment plus a penalty in an amount double the incentive payment. The penalty is in addition to any criminal penalty to which the applicant is liable for the same acts. The applicant is also liable for costs and fees incurred by the state in investigating and prosecuting the fraudulent claim."

H. DOCUMENTS TO SUBMIT

1. Please submit the following documents with your application packet
 - a) Florida Qualified Expenditures Budget (*as .PDF file in Movie Magic or similar format*) (*Sample budget at filminflorida.com*)
 - b) Script or Story Boards
 - c) Synopsis
 - d) Shooting Schedule or copy of Production Board
 - e) Day Out Of Days (Actor Work Detail) if applicable
 - f) Request for confidentiality (*details at filminflorida.com*)

To the best of my knowledge, by signing below I attest that the information included in this application and in the attached documents are true and accurate.

(Signature of Authorized Officer)

(Print or Type Name of Authorized Officer)

(Title of Authorized Officer)

(Company)

(Phone Number)

(E-mail Address)

(Fax Number)

(Date)