



GENERAL PRODUCTION QUEUE 'B' – 2009/2010

Commercials and Music Videos

With \$500,000 or more in combined qualified expenditures (and at least \$100,000 in qualified expenditures per commercial or music video)

- **This packet includes:**
 - I. Definitions**
 - II. Policies & Procedures**
 - III. Application 'B'**

B-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. 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.”

3. OFE – The Governor's Office of Film and Entertainment

4. 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.

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

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

7. 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.

8. 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.

9. Qualified Expenditures – Production expenditures (*see definition #8*) 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.

10. 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).

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

B-II. POLICIES & PROCEDURES

A. OVERVIEW

1. A certified production company in this queue is eligible for a cash reimbursement of 15% to 20% of its actual qualified expenditures in this state providing it meets the required minimum spending of \$100,000 per commercial or music video on qualified expenditures, and reaches a threshold of \$500,000 on a single production, or a combination of, commercials or music videos in the same fiscal year (*July 1st to June 30th*). A production company can combine music video and commercial productions when applying.

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.*)

2. The maximum reimbursement for any one commercial/music video production company is \$500,000.

3. Special Requirements:

a) Production companies in this queue only apply for the incentive rebate **AFTER** reaching the \$500,000 minimum threshold of expenditures.

b) 50% or more of your production cast and crew hires must be Florida residents on each production.

c) 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.

B. FILING TO RECEIVE YOUR CASH REBATE

1. The Application Form ‘B’:

a) The application form ‘B’ applies to commercials and music videos only.

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

c) If incomplete, the application will not be accepted for consideration.

d) To be considered complete, the application must be filled out, signed and include:

- (1) Story Boards for each production
- (2) Shooting Schedule (*w/ production dates*)
- (3) Daily call sheets
- (4) CPA's Report Verifying Actual Qualified Expenditures and all supporting documentation (*see 'Filing for Rebate Guidelines' document available online or by request*).
- (5) All supporting documentation
- (6) Production/Marketing Stills, or an agreement to provide in a reasonable period.
- (7) Crew list for each production
- (8) Form B-IV filled out for each production.

2. Verifying and Submitting Qualified Expenditures

a) Once the production company has reached \$500,000 in total qualified expenditures (*and each qualifying commercial or music video has no less than \$100,000 in qualified expenditures*), the production company must hire a third-party Florida-based Certified Public Accountant (CPA) of the production company's choosing, at the production company'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 shall be submitted to OFE at the following address:

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

e) Once OFE and OTTED have verified and approved the actual Florida qualified expenditures, a written contract between the qualified production company and OFE will be drafted and fully executed. A production company not agreeing to the terms and conditions of the contract will forfeit its certification.

f) If incentive funds are available in the queue, the state of Florida will then issue a check for reimbursement of the approved percentage of the actual qualified expenditures, not to exceed the maximum allowable amount of \$500,000.

g) Wait List -- If all incentive funds in the queue are certified to other productions, a qualified production company will be placed on a 'wait list'. If a certified production in the same queue loses its certification for any reason, its certified funds will go to the next production or production company on the wait list. If no funds become available before the end of the fiscal year, the production company loses its certification and no reimbursement will be made.

C. DISQUALIFICATION OF APPLICANT

1. A qualified production company could be disqualified for consideration if OFE determines:

- a) Any of its qualifying productions are determined to be pornographic or contain obscene content, as defined by the United States Supreme Court.
- b) Fraud by the production company is uncovered at any stage of the process. (*See definition # 2*)

D. MARKETING REQUIREMENTS

1. Three (3) different high-resolution digital production stills shall be supplied to the OFE with the application, or within a reasonable period thereafter, for each commercial or music video, with rights cleared for Florida's promotional use only.
2. If a poster is made for a music video, three (3) copies of the full-size poster for each production shall be provided to OFE. If none, two (2) copies of other marketing materials shall be provided, if any.
3. The production agrees to supply two (2) DVD copies of each final production (commercial or music video) to OFE when available.
4. 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.



B-III. APPLICATION 'B' GENERAL PRODUCTION QUEUE – 2009/2010

Commercials and Music Videos
 With \$500,000 or more in combined qualified expenditures
 (and at least \$100,000 in qualified expenditures
 per commercial or music video)

Production Company

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

A. PRODUCTIONS:

_____ Total # of Qualifying Commercials
 _____ Total # of Qualifying Music Videos

B. NUMBER OF PRODUCTIONS APPLYING FOR PERCENTAGE REBATE:

_____ 15% -- Standard Rebate
 _____ 5% -- Off Season Bonus (*75% of the production's principal photography days are between June 1st and November 30th*)

C. TOTAL COMBINED QUALIFIED EXPENDITURES:

\$ _____

D. PRODUCTION COMPANY INFORMATION:

1. Production Contact (*for incentive inquiries*):
 - a) Name: _____
 - b) Title: _____
 - c) Phone: O: _____ C: _____
 - d) Email: _____ Fax: _____
2. Production Company Name: _____
(*Note: This will be the entity that receives 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: _____

E. PRODUCTION IMPACT INFORMATION

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

F. 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.”

G. DOCUMENTS TO SUBMIT

1. CPA Report for each commercial and/or music video and all substantiating documentation (*see Filing for Rebate Guidelines*)
2. Story Boards for each
3. Shooting Schedule for each
4. Call Sheets for each commercial and/or music video
5. DVD of each finished commercial and/or music video (if not available now, you agree to provide them to OFE once available.
6. Production Stills, Posters if applicable (*if not available now, you agree to provide them to OFE once available.*)
7. Crew list for each commercial or music video.
8. Form B-IV for each commercial or music video.

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)



B-IV. INDIVIDUAL COMMERCIAL OR MUSIC VIDEO INFO- 2009/20010:

A. Please fill out the following for each commercial or music video (copy or print additional blank copies as needed):

1. Name of Commercial or Music Video: _____

2. Commercial Agency or Music Company: _____

3. Address: _____

4. Phone: _____ FAX: _____

5. Email: _____

6. Executive Producer: _____ Phone: _____

7. Director: _____ Phone: _____

8. Producer: _____ Phone: _____

9. Writer: _____ Phone: _____

10. Production Manager: _____ Phone: _____

11. Performer (Music Videos Only): _____

12. Product (Commercials Only): _____

13. Format: _____ 35mm
_____ 16mm
_____ HD
_____ 24P
_____ IMAX / Large Format
_____ Other (Please explain: _____)

14. Did this production apply for Florida's Sales Tax Exemption? _____

15. Principal Photography Start Date In Florida: _____

16. Estimated total workdays in Florida for:

a) Pre-production: _____

b) Principal photography: _____

c) Post-production: _____

17. 50% Florida Cast and Crew Requirement:

a) Please list the following totals for number of hires:

(1) Total Cast, Extras, and Production Crew: _____

(2) Florida Resident Cast, Extras and Production Crew: _____

18. List counties and cities for principal photography in Florida:

a) County _____ City _____ # Days _____

b) County _____ City _____ # Days _____

c) County _____ City _____ # Days _____

19. Florida Qualified Expenditures

a) Total Florida Qualified Expenditures: \$ _____

b) Total Florida resident wages: \$ _____

c) Estimated # of Hotel/Lodging Room Nights: \$ _____

d) Estimated expenditures for Lodging in Florida: \$ _____

e) Estimated expenditures on Florida lab & processing: \$ _____

f) Estimated expenditures on Florida post production facilities: \$ _____