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2582 who willfully aids or assists in, procures, or counsels or
2583 advises with respect to, the preparation or presentation of a
2584 claim pursuant to this section that is fraudulent or false as to
2585 any material matter, whether ~~or not~~ such falsity or fraud is
2586 with the knowledge or consent of the person authorized or
2587 required to present the claim, commits a misdemeanor of the
2588 second degree, punishable as provided in s. 775.082 or s.
2589 775.083. Whoever receives a ~~an advancement or~~ reimbursement by
2590 means of a false claim is civilly liable, in the amount of the
2591 overpayment, for the reimbursement of the public fund from which
2592 the claim was paid.

2593 Section 28. Effective July 1, 2010, section 288.1254,
2594 Florida Statutes, is amended to read:

2595 (Substantial rewording of section. See
2596 s. 288.1254, F.S., for present text.)

2597 288.1254 Entertainment industry financial incentive
2598 program.-

2599 (1) DEFINITIONS.-As used in this section, the term:

2600 (a) "Certified production" means a qualified production
2601 that has tax credits allocated to it by the Office of Tourism,
2602 Trade, and Economic Development based on the production's
2603 estimated qualified expenditures, up to the production's maximum
2604 certified amount of tax credits, by the Office of Tourism,
2605 Trade, and Economic Development. The term does not include a
2606 production if its first day of principal photography or project
2607 start date in this state occurs before the production is
2608 certified by the Office of Tourism, Trade, and Economic
2609 Development, unless the production spans more than one fiscal
2610 year, was a certified production on its first day of principal

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2611 photography or project start date in this state, and submits an
2612 application for continuing the same production for the
2613 subsequent fiscal year.

2614 (b) "Digital media project" means a production of
2615 interactive entertainment that is produced for distribution in
2616 commercial or educational markets. The term includes a video
2617 game or production intended for Internet or wireless
2618 distribution. The term does not include a production deemed by
2619 the Office of Film and Entertainment to contain obscene content
2620 as defined in s. 847.001(10).

2621 (c) "High-impact television series" means a production
2622 created to run multiple production seasons and having an
2623 estimated order of at least seven episodes per season and
2624 qualified expenditures of at least \$625,000 per episode.

2625 (d) "Off-season certified production" means a feature film,
2626 independent film, or television series or pilot which films 75
2627 percent or more of its principal photography days from June 1
2628 through November 30.

2629 (e) "Principal photography" means the filming of major or
2630 significant components of the qualified production which involve
2631 lead actors.

2632 (f) "Production" means a theatrical or direct-to-video
2633 motion picture; a made-for-television motion picture; visual
2634 effects or digital animation sequences produced in conjunction
2635 with a motion picture; a commercial; a music video; an
2636 industrial or educational film; an infomercial; a documentary
2637 film; a television pilot program; a presentation for a
2638 television pilot program; a television series, including, but
2639 not limited to, a drama, a reality show, a comedy, a soap opera,

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2640 a telenovela, a game show, an awards show, or a miniseries
2641 production; or a digital media project by the entertainment
2642 industry. One season of a television series is considered one
2643 production. The term does not include a weather or market
2644 program; a sporting event; a sports show; a gala; a production
2645 that solicits funds; a home shopping program; a political
2646 program; a political documentary; political advertising; a
2647 gambling-related project or production; a concert production; or
2648 a local, regional, or Internet-distributed-only news show,
2649 current-events show, pornographic production, or current-affairs
2650 show. A production may be produced on or by film, tape, or
2651 otherwise by means of a motion picture camera; electronic camera
2652 or device; tape device; computer; any combination of the
2653 foregoing; or any other means, method, or device.

2654 (g) "Production expenditures" means the costs of tangible
2655 and intangible property used for, and services performed
2656 primarily and customarily in, production, including
2657 preproduction and postproduction, but excluding costs for
2658 development, marketing, and distribution. The term includes, but
2659 is not limited to:

2660 1. Wages, salaries, or other compensation paid to legal
2661 residents of this state, including amounts paid through payroll
2662 service companies, for technical and production crews,
2663 directors, producers, and performers.

2664 2. Net expenditures for sound stages, backlots, production
2665 editing, digital effects, sound recordings, sets, and set
2666 construction.

2667 3. Net expenditures for rental equipment, including, but
2668 not limited to, cameras and grip or electrical equipment.

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2669 4. Up to \$300,000 of the costs of newly purchased computer
2670 software and hardware unique to the project, including servers,
2671 data processing, and visualization technologies, which are
2672 located in and used exclusively in the state for the production
2673 of digital media.

2674 5. Expenditures for meals, travel, and accommodations. For
2675 purposes of this paragraph, the term "net expenditures" means
2676 the actual amount of money a qualified production spent for
2677 equipment or other tangible personal property, after subtracting
2678 any consideration received for reselling or transferring the
2679 item after the qualified production ends, if applicable.

2680 (h) "Qualified expenditures" means production expenditures
2681 incurred in this state by a qualified production for:

2682 1. Goods purchased or leased from, or services, including,
2683 but not limited to, insurance costs and bonding, payroll
2684 services, and legal fees, which are provided by, a vendor or
2685 supplier in this state that is registered with the Department of
2686 State or the Department of Revenue, has a physical location in
2687 this state, and employs one or more legal residents of this
2688 state. When services are provided by the vendor or supplier
2689 include personal services or labor, only personal services or
2690 labor provided by residents of this state, evidenced by the
2691 required documentation of residency in this state, qualify.

2692 2. Payments to legal residents of this state in the form of
2693 salary, wages, or other compensation up to a maximum of \$400,000
2694 per resident unless otherwise specified in subsection (4). A
2695 completed declaration of residency in this state must accompany
2696 the documentation submitted to the office for reimbursement.
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2698 For a qualified production involving an event, such as an awards
2699 show, the term does not include expenditures solely associated
2700 with the event itself and not directly required by the
2701 production. The term does not include expenditures incurred
2702 before certification, with the exception of those incurred for a
2703 commercial, a music video, or the pickup of additional episodes
2704 of a high-impact television series within a single season. Under
2705 no circumstances may the qualified production include in the
2706 calculation for qualified expenditures the original purchase
2707 price for equipment or other tangible property that is later
2708 sold or transferred by the qualified production for
2709 consideration. In such cases, the qualified expenditure is the
2710 net of the original purchase price minus the consideration
2711 received upon sale or transfer.

2712 (i) "Qualified production" means a production in this state
2713 meeting the requirements of this section. The term does not
2714 include a production:

2715 1. In which, for the first 2 years of the incentive
2716 program, less than 50 percent, and thereafter, less than 60
2717 percent, of the positions that make up its production cast and
2718 below-the-line production crew, or, in the case of digital media
2719 projects, less than 75 percent of such positions, are filled by
2720 legal residents of this state, whose residency is demonstrated
2721 by a valid Florida driver's license or other state-issued
2722 identification confirming residency, or students enrolled full-
2723 time in a film-and-entertainment-related course of study at an
2724 institution of higher education in this state; or

2725 2. That is deemed by the Office of Film and Entertainment
2726 to contain obscene content as defined in s. 847.001(10).

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2727 (j) "Qualified production company" means a corporation,
2728 limited liability company, partnership, or other legal entity
2729 engaged in one or more productions in this state.

2730 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
2731 industry financial incentive program is created within the
2732 Office of Film and Entertainment. The purpose of this program is
2733 to encourage the use of this state as a site for filming, for
2734 the digital production of films, and to develop and sustain the
2735 workforce and infrastructure for film, digital media, and
2736 entertainment production.

2737 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2738 (a) Program application.—A qualified production company
2739 producing a qualified production in this state may submit a
2740 program application to the Office of Film and Entertainment for
2741 the purpose of determining qualification for an award of tax
2742 credits authorized by this section no earlier than 180 days
2743 before the first day of principal photography or project start
2744 date in this state. The applicant shall provide the Office of
2745 Film and Entertainment with information required to determine
2746 whether the production is a qualified production and to
2747 determine the qualified expenditures and other information
2748 necessary for the office to determine eligibility for the tax
2749 credit.

2750 (b) Required documentation.—The Office of Film and
2751 Entertainment shall develop an application form for qualifying
2752 an applicant as a qualified production. The form must include,
2753 but need not be limited to, production-related information
2754 concerning employment of residents in this state, a detailed
2755 budget of planned qualified expenditures, and the applicant's

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2756 signed affirmation that the information on the form has been
2757 verified and is correct. The Office of Film and Entertainment
2758 and local film commissions shall distribute the form.

2759 (c) Application process.—The Office of Film and
2760 Entertainment shall establish a process by which an application
2761 is accepted and reviewed and by which tax credit eligibility and
2762 award amount are determined. The Office of Film and
2763 Entertainment may request assistance from a duly appointed local
2764 film commission in determining compliance with this section.

2765 (d) Certification.—The Office of Film and Entertainment
2766 shall review the application within 15 business days after
2767 receipt. Upon its determination that the application contains
2768 all the information required by this subsection and meets the
2769 criteria set out in this section, the Office of Film and
2770 Entertainment shall qualify the applicant and recommend to the
2771 Office of Tourism, Trade, and Economic Development that the
2772 applicant be certified for the maximum tax credit award amount.
2773 Within 5 business days after receipt of the recommendation, the
2774 Office of Tourism, Trade, and Economic Development shall reject
2775 the recommendation or certify the maximum recommended tax credit
2776 award, if any, to the applicant and to the executive director of
2777 the Department of Revenue.

2778 (e) Grounds for denial.—The Office of Film and
2779 Entertainment shall deny an application if it determines that
2780 the application is not complete or the production or application
2781 does not meet the requirements of this section.

2782 (f) Verification of actual qualified expenditures.—

2783 1. The Office of Film and Entertainment shall develop a
2784 process to verify the actual qualified expenditures of a

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2785 certified production. The process must require:

2786 a. A certified production to submit, in a timely manner
2787 after production ends in this state and after making all of its
2788 qualified expenditures in this state, data substantiating each
2789 qualified expenditure, including documentation on the net
2790 expenditure on equipment and other tangible personal property by
2791 the qualified production, to an independent certified public
2792 accountant licensed in this state;

2793 b. Such accountant to conduct a compliance audit, at the
2794 certified production's expense, to substantiate each qualified
2795 expenditure and submit the results as a report, along with the
2796 required substantiating data, to the Office of Film and
2797 Entertainment; and

2798 c. The Office of Film and Entertainment to review the
2799 accountant's submittal and report to the Office of Tourism,
2800 Trade, and Economic Development the final verified amount of
2801 actual qualified expenditures made by the certified production.

2802 2. The Office of Tourism, Trade, and Economic Development
2803 shall determine and approve the final tax credit award amount to
2804 each certified applicant based on the final verified amount of
2805 actual qualified expenditures and shall notify the executive
2806 director of the Department of Revenue in writing that the
2807 certified production has met the requirements of the incentive
2808 program and of the final amount of the tax credit award. The
2809 final tax credit award amount may not exceed the maximum tax
2810 credit award amount certified under paragraph (d).

2811 (g) Promoting Florida.—The Office of Film and Entertainment
2812 shall ensure that, as a condition of receiving a tax credit
2813 under this section, marketing materials promoting this state as

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2814 a tourist destination or film and entertainment production
2815 destination are included, when appropriate, at no cost to the
2816 state, which must, at a minimum, include placement of a "Filmed
2817 in Florida" or "Produced in Florida" logo in the end credits.
2818 The placement of a "Filmed in Florida" or "Produced in Florida"
2819 logo on all packaging material and hard media is also required,
2820 unless such placement is prohibited by licensing or other
2821 contractual obligations. The size and placement of such logo
2822 shall be commensurate to other logos used. If no logos are used,
2823 the statement "Filmed in Florida using Florida's Entertainment
2824 Industry Financial Incentive," or a similar statement approved
2825 by the Office of Film and Entertainment, shall be used. The
2826 Office of Film and Entertainment shall provide a logo and supply
2827 it for the purposes specified in this paragraph. A 30-second
2828 "Visit Florida" promotional video must also be included on all
2829 optical disc formats of a film, unless such placement is
2830 prohibited by licensing or other contractual obligations. The
2831 30-second promotional video shall be approved and provided by
2832 the Florida Tourism Industry Marketing Corporation in
2833 consultation with the Commissioner of Film and Entertainment.

2834 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2835 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2836 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2837 ACQUISITIONS.—

2838 (a) Priority for tax credit award.—The priority of a
2839 qualified production for tax credit awards must be determined on
2840 a first-come, first-served basis within its appropriate queue.
2841 Each qualified production must be placed into the appropriate
2842 queue and is subject to the requirements of that queue.

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2843 (b) Tax credit eligibility.-
2844 1. General production queue.-Ninety-four percent of tax
2845 credits authorized pursuant to subsection (6) in any state
2846 fiscal year must be dedicated to the general production queue.
2847 The general production queue consists of all qualified
2848 productions other than those eligible for the commercial and
2849 music video queue or the independent and emerging media
2850 production queue. A qualified production that demonstrates a
2851 minimum of \$625,000 in qualified expenditures is eligible for
2852 tax credits equal to 20 percent of its actual qualified
2853 expenditures, up to a maximum of \$8 million. A qualified
2854 production that incurs qualified expenditures during multiple
2855 state fiscal years may combine those expenditures to satisfy the
2856 \$625,000 minimum threshold.
2857 a. An off-season certified production that is a feature
2858 film, independent film, or television series or pilot is
2859 eligible for an additional 5-percent tax credit on actual
2860 qualified expenditures. An off-season certified production that
2861 does not complete 75 percent of principal photography due to a
2862 disruption caused by a hurricane or tropical storm may not be
2863 disqualified from eligibility for the additional 5-percent
2864 credit as a result of the disruption.
2865 b. A qualified high-impact television series shall be
2866 allowed first position in this queue for tax credit awards not
2867 yet certified.
2868 2. Commercial and music video queue.-Three percent of tax
2869 credits authorized pursuant to subsection (6) in any state
2870 fiscal year must be dedicated to the commercial and music video
2871 queue. A qualified production company that produces national or

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2872 regional commercials or music videos may be eligible for a tax
2873 credit award if it demonstrates a minimum of \$100,000 in
2874 qualified expenditures per national or regional commercial or
2875 music video and exceeds a combined threshold of \$500,000 after
2876 combining actual qualified expenditures from qualified
2877 commercials and music videos during a single state fiscal year.
2878 After a qualified production company that produces commercials,
2879 music videos, or both reaches the threshold of \$500,000, it is
2880 eligible to apply for certification for a tax credit award. The
2881 maximum credit award shall be equal to 20 percent of its actual
2882 qualified expenditures up to a maximum of \$500,000. If there is
2883 a surplus at the end of a fiscal year after the Office of Film
2884 and Entertainment certifies and determines the tax credits for
2885 all qualified commercial and video projects, such surplus tax
2886 credits shall be carried forward to the following fiscal year
2887 and be available to any eligible qualified productions under the
2888 general production queue.

2889 3. Independent and emerging media production queue.—Three
2890 percent of tax credits authorized pursuant to subsection (6) in
2891 any state fiscal year must be dedicated to the independent and
2892 emerging media production queue. This queue is intended to
2893 encourage Florida independent film and emerging media
2894 production. Any qualified production, excluding commercials,
2895 infomercials, or music videos, that demonstrates at least
2896 \$100,000, but not more than \$625,000, in total qualified
2897 expenditures is eligible for tax credits equal to 20 percent of
2898 its actual qualified expenditures. If a surplus exists at the
2899 end of a fiscal year after the Office of Film and Entertainment
2900 certifies and determines the tax credits for all qualified

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2901 independent and emerging media production projects, such surplus
2902 tax credits shall be carried forward to the following fiscal
2903 year and be available to any eligible qualified productions
2904 under the general production queue.

2905 4. Family-friendly productions.—A certified theatrical or
2906 direct-to-video motion picture production or video game
2907 determined by the Commissioner of Film and Entertainment, with
2908 the advice of the Florida Film and Entertainment Advisory
2909 Council, to be family-friendly, based on the review of the
2910 script and the review of the final release version, is eligible
2911 for an additional tax credit equal to 5 percent of its actual
2912 qualified expenditures. Family-friendly productions are those
2913 that have cross-generational appeal; would be considered
2914 suitable for viewing by children age 5 or older; are appropriate
2915 in theme, content, and language for a broad family audience;
2916 embody a responsible resolution of issues; and do not exhibit or
2917 imply any act of smoking, sex, nudity, or vulgar or profane
2918 language.

2919 (c) Withdrawal of tax credit eligibility.—A qualified or
2920 certified production must continue on a reasonable schedule,
2921 which includes beginning principal photography or the production
2922 project in this state no more than 45 calendar days before or
2923 after the principal photography or project start date provided
2924 in the production's program application. The Office of Tourism,
2925 Trade, and Economic Development shall withdraw the eligibility
2926 of a qualified or certified production that does not continue on
2927 a reasonable schedule.

2928 (d) Election and distribution of tax credits.—

2929 1. A certified production company receiving a tax credit

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2930 award under this section shall, at the time the credit is
2931 awarded by the Office of Tourism, Trade, and Economic
2932 Development after production is completed and all requirements
2933 to receive a credit award have been met, make an irrevocable
2934 election to apply the credit against taxes due under chapter
2935 220, against state taxes collected or accrued under chapter 212,
2936 or against a stated combination of the two taxes. The election
2937 is binding upon any distributee, successor, transferee, or
2938 purchaser. The Office of Tourism, Trade, and Economic
2939 Development shall notify the Department of Revenue of any
2940 election made pursuant to this paragraph.

2941 2. A qualified production company is eligible for tax
2942 credits against its sales and use tax liabilities and corporate
2943 income tax liabilities as provided in this section. However, tax
2944 credits awarded under this section may not be claimed against
2945 sales and use tax liabilities or corporate income tax
2946 liabilities for any tax period beginning before July 1, 2011,
2947 regardless of when the credits are applied for or awarded.

2948 (e) Tax credit carryforward.—If the certified production
2949 company cannot use the entire tax credit in the taxable year or
2950 reporting period in which the credit is awarded, any excess
2951 amount may be carried forward to a succeeding taxable year or
2952 reporting period. A tax credit applied against taxes imposed
2953 under chapter 212 may be carried forward for a maximum of 5
2954 years after the date the credit is awarded. A tax credit applied
2955 against taxes imposed under chapter 220 may be carried forward
2956 for a maximum of 5 years after the date the credit is awarded,
2957 after which the credit expires and may not be used.

2958 (f) Consolidated returns.—A certified production company

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2959 that files a Florida consolidated return as a member of an
2960 affiliated group under s. 220.131(1) may be allowed the credit
2961 on a consolidated return basis up to the amount of the tax
2962 imposed upon the consolidated group under chapter 220.

2963 (g) Partnership and noncorporate distributions.—A qualified
2964 production company that is not a corporation as defined in s.
2965 220.03 may elect to distribute tax credits awarded under this
2966 section to its partners or members in proportion to their
2967 respective distributive income or loss in the taxable year in
2968 which the tax credits were awarded.

2969 (h) Mergers or acquisitions.—Tax credits available under
2970 this section to a certified production company may succeed to a
2971 surviving or acquiring entity subject to the same conditions and
2972 limitations as described in this section; however, they may not
2973 be transferred again by the surviving or acquiring entity.

2974 (5) TRANSFER OF TAX CREDITS.—

2975 (a) Authorization.—Upon application to the Office of Film
2976 and Entertainment and approval by the Office of Tourism, Trade,
2977 and Economic Development, a certified production company, or a
2978 partner or member that has received a distribution under
2979 paragraph (4) (g), may elect to transfer, in whole or in part,
2980 any unused credit amount granted under this section. An election
2981 to transfer any unused tax credit amount under chapter 212 or
2982 chapter 220 must be made no later than 5 years after the date
2983 the credit is awarded, after which period the credit expires and
2984 may not be used. The Office of Tourism, Trade, and Economic
2985 Development shall notify the Department of Revenue of the
2986 election and transfer.

2987 (b) Number of transfers permitted.—A certified production

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2988 company that elects to apply a credit amount against taxes
2989 remitted under chapter 212 is permitted a one-time transfer of
2990 unused credits to one transferee. A certified production company
2991 that elects to apply a credit amount against taxes due under
2992 chapter 220 is permitted a one-time transfer of unused credits
2993 to no more than four transferees, and such transfers must occur
2994 in the same taxable year.

2995 (c) Transferee rights and limitations.—The transferee is
2996 subject to the same rights and limitations as the certified
2997 production company awarded the tax credit, except that the
2998 transferee may not sell or otherwise transfer the tax credit.

2999 (6) RELINQUISHMENT OF TAX CREDITS.—

3000 (a) Beginning July 1, 2011, a certified production company,
3001 or any person who has acquired a tax credit from a certified
3002 production company pursuant to subsections (4) and (5), may
3003 elect to relinquish the tax credit to the Department of Revenue
3004 in exchange for 90 percent of the amount of the relinquished tax
3005 credit.

3006 (b) The Department of Revenue may approve payments to
3007 persons relinquishing tax credits pursuant to this subsection.

3008 (c) Subject to legislative appropriation, the Department of
3009 Revenue shall request the Chief Financial Officer to issue
3010 warrants to persons relinquishing tax credits. Payments under
3011 this subsection shall be made from the funds from which the
3012 proceeds from the taxes against which the tax credits could have
3013 been applied pursuant to the irrevocable election made by the
3014 certified production company under subsection (4) are deposited.

3015 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

3016 (a) The aggregate amount of the tax credits that may be

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3017 certified pursuant to paragraph (3) (d) may not exceed:

3018 1. For fiscal year 2010-2011, \$53.5 million.

3019 2. For fiscal year 2011-2012, \$74.5 million.

3020 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,
3021 \$38 million per fiscal year.

3022 (b) Any portion of the maximum amount of tax credits
3023 established per fiscal year in paragraph (a) that is not
3024 certified as of the end of a fiscal year shall be carried
3025 forward and made available for certification during the
3026 following two fiscal years in addition to the amounts available
3027 for certification under paragraph (a) for those fiscal years.

3028 (c) Upon approval of the final tax credit award amount
3029 pursuant to subparagraph (3) (f)2., an amount equal to the
3030 difference between the maximum tax credit award amount
3031 previously certified under paragraph (3) (d) and the approved
3032 final tax credit award amount shall immediately be available for
3033 recertification during the current and following fiscal years in
3034 addition to the amounts available for certification under
3035 paragraph (a) for those fiscal years.

3036 (d) If, during a fiscal year, the total amount of credits
3037 applied for, pursuant to paragraph (3) (a), exceeds the amount of
3038 credits available for certification in that fiscal year, such
3039 excess shall be treated as having been applied for on the first
3040 day of the next fiscal year in which credits remain available
3041 for certification.

3042 (8) RULES, POLICIES, AND PROCEDURES.—

3043 (a) The Office of Tourism, Trade, and Economic Development
3044 may adopt rules pursuant to ss. 120.536(1) and 120.54 and
3045 develop policies and procedures to implement and administer this

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3046 section, including, but not limited to, rules specifying
3047 requirements for the application and approval process, records
3048 required for substantiation for tax credits, procedures for
3049 making the election in paragraph (4) (d), the manner and form of
3050 documentation required to claim tax credits awarded or
3051 transferred under this section, and marketing requirements for
3052 tax credit recipients.

3053 (b) The Department of Revenue may adopt rules pursuant to
3054 ss. 120.536(1) and 120.54 to administer this section, including
3055 rules governing the examination and audit procedures required to
3056 administer this section and the manner and form of documentation
3057 required to claim tax credits awarded, transferred, or
3058 relinquished under this section.

3059 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
3060 CREDITS; FRAUDULENT CLAIMS.—

3061 (a) Audit authority.—The Department of Revenue may conduct
3062 examinations and audits as provided in s. 213.34 to verify that
3063 tax credits under this section are received, transferred, and
3064 applied according to the requirements of this section. If the
3065 Department of Revenue determines that tax credits are not
3066 received, transferred, or applied as required by this section,
3067 it may, in addition to the remedies provided in this subsection,
3068 pursue recovery of such funds pursuant to the laws and rules
3069 governing the assessment of taxes.

3070 (b) Revocation of tax credits.—The Office of Tourism,
3071 Trade, and Economic Development may revoke or modify any written
3072 decision qualifying, certifying, or otherwise granting
3073 eligibility for tax credits under this section if it is
3074 discovered that the tax credit applicant submitted any false

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3075 statement, representation, or certification in any application,
3076 record, report, plan, or other document filed in an attempt to
3077 receive tax credits under this section. The Office of Tourism,
3078 Trade, and Economic Development shall immediately notify the
3079 Department of Revenue of any revoked or modified orders
3080 affecting previously granted tax credits. Additionally, the
3081 applicant must notify the Department of Revenue of any change in
3082 its tax credit claimed.

3083 (c) Forfeiture of tax credits.—A determination by the
3084 Department of Revenue, as a result of an audit pursuant to
3085 paragraph (a) or from information received from the Office of
3086 Film and Entertainment, that an applicant received tax credits
3087 pursuant to this section to which the applicant was not entitled
3088 is grounds for forfeiture of previously claimed and received tax
3089 credits. The applicant is responsible for returning forfeited
3090 tax credits to the Department of Revenue, and such funds shall
3091 be paid into the General Revenue Fund of the state. Tax credits
3092 purchased in good faith are not subject to forfeiture unless the
3093 transferee submitted fraudulent information in the purchase or
3094 failed to meet the requirements in subsection (5).

3095 (d) Fraudulent claims.—Any applicant that submits
3096 fraudulent information under this section is liable for
3097 reimbursement of the reasonable costs and fees associated with
3098 the review, processing, investigation, and prosecution of the
3099 fraudulent claim. An applicant that obtains a credit payment
3100 under this section through a claim that is fraudulent is liable
3101 for reimbursement of the credit amount plus a penalty in an
3102 amount double the credit amount. The penalty is in addition to
3103 any criminal penalty to which the applicant is liable for the

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3104 same acts. The applicant is also liable for costs and fees
3105 incurred by the state in investigating and prosecuting the
3106 fraudulent claim.

3107 (10) ANNUAL REPORT.—Each October 1, the Office of Film and
3108 Entertainment shall provide an annual report for the previous
3109 fiscal year to the Governor, the President of the Senate, and
3110 the Speaker of the House of Representatives which outlines the
3111 return on investment and economic benefits to the state.

3112 (11) REPEAL.—This section is repealed July 1, 2015, except
3113 that:

3114 (a) Tax credits certified under paragraph (3) (d) before
3115 July 1, 2015, may be awarded under paragraph (3) (f) on or after
3116 July 1, 2015, if the other requirements of this section are met.

3117 (b) Tax credits carried forward under paragraph (4) (e)
3118 remain valid for the period specified.

3119 (c) Subsections (5), (8) and (9) shall remain in effect
3120 until July 1, 2020.

3121 Section 29. Effective July 1, 2010, subsection (5) of
3122 section 288.1258, Florida Statutes, is amended to read:

3123 288.1258 Entertainment industry qualified production
3124 companies; application procedure; categories; duties of the
3125 Department of Revenue; records and reports.—

3126 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
3127 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
3128 and Entertainment shall keep annual records from the information
3129 provided on taxpayer applications for tax exemption certificates
3130 beginning January 1, 2001. These records shall reflect a ratio
3131 ~~percentage comparison~~ of the annual amount of ~~funds exempted~~
3132 sales and use tax exemptions under this section and incentives

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3133 awarded pursuant to s. 288.1254 to the estimated amount of funds
3134 expended by certified productions, including productions that
3135 received incentives pursuant to s. 288.1254 in relation to
3136 entertainment industry products. These records also shall
3137 reflect a separate ratio of the annual amount of sales and use
3138 tax exemptions under this section, plus the incentives awarded
3139 pursuant to s. 288.1254 to the estimated amount of funds
3140 expended by certified productions. In addition, the office shall
3141 maintain data showing annual growth in Florida-based
3142 entertainment industry companies and entertainment industry
3143 employment and wages. The Office of Film and Entertainment shall
3144 report this information to the Legislature ~~by~~ no later than
3145 December 1 of each year.

3146 Section 30. Effective July 1, 2010, section 288.9552,
3147 Florida Statutes, is created to read:

3148 288.9552 Florida Research Commercialization Matching Grant
3149 Program.—

3150 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

3151 (a) The purpose of the Florida Research Commercialization
3152 Matching Grant Program is to increase the amount of federal
3153 funding to this state which will produce the kind of distinctive
3154 technologies that drive today's knowledge-based economy. By
3155 leveraging federal, state, and private-sector resources, the
3156 Legislature intends that the program accelerate the innovation
3157 process and more efficiently transform research results into
3158 products in the marketplace.

3159 (b) The matching grant program is specifically intended to
3160 be a catalyst for small or startup companies that can take
3161 advantage of federal and state grant funding in order to