



## DIGITAL MEDIA PROJECTS QUEUE -- 'D' - 2009/2010

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

### D-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 project if its start date in this state occurred before the project is certified by OTTED, unless the project spans more than one fiscal year, was a certified production, and is required to submit an application for continuing the same project 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. Digital Media Project – A production of interactive entertainment which is produced for distribution in commercial or educational markets, including a video game, simulation or animation, or a production intended for internet or wireless distribution. The term excludes a production deemed by the Office of Film and Entertainment to contain obscene content as defined in Florida s.847.001(10).

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

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

7. Qualified Expenditures – For a digital media project, qualified expenditures are the wages or salaries paid to a resident of this state for working on a single qualified digital media project, up to a maximum of \$200,000 in wages or salaries per resident. Expenditures made prior to certification by OTTED can not be considered qualified expenditures. Expenditures of development, such as those made during the stages of concepting and storyboarding of a video game, are not considered qualified expenditures, nor are costs of marketing, publicity or distribution.

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

- a) In which less than 50% of the positions 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).

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

## D-II. POLICIES & PROCEDURES

### A. OVERVIEW

1. A certified project in this queue is eligible for a cash reimbursement of 10% of its actual qualified expenditures in this state providing it meets the required minimum qualified expenditures of \$300,000 on a single qualified project.
2. The maximum reimbursement for any one certified project is \$1,000,000.
3. Read “Filing for Submission Guidelines” before your project starts 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 OFE.
4. Special Requirements:
  - a) A company producing digital media projects may not qualify for more than three projects in any one fiscal year (*including cross-over projects*).
  - b) Projects that extend beyond one fiscal year must reapply each fiscal year to be eligible for incentive funding for that year.
  - c) Projects crossing fiscal years may combine qualified expenditures from both fiscal years to reach the threshold to qualify
  - d) 50% or more of the Florida portion of your project’s hires must be Florida residents.
  - e) Projects must start production within 45 calendar days before or after the project’s ‘start date’ as it is listed in the application, or lose certification. The ‘start date’ for interactive entertainment will be when the stage of ‘pre-production’ is scheduled to begin, after the stages of conceiving and storyboarding are finished (which are considered development stages, and therefore not qualified expenditures). For other types of projects applying, the start date will be the comparable stage to ‘pre-production’ as described herein.

### B. APPLYING AND QUALIFYING FOR THIS QUEUE

1. Application Form ‘D’:
  - a) The application form ‘D’ applies to this queue only.
  - b) **The OFE is only accepting FY 2009/2010 applications for projects starting production within 180 days of application date.**
  - c) Delivery method: Your application, with supporting documentation, can be delivered to OFE by any delivery method.
  - d) An incomplete application, or one missing supporting documentation, will not be placed in order for consideration.
  - e) Supporting documentation required:
    - (1)Synopsis of Project
    - (2)Florida Qualified Expenditures Budget (*as .PDF file*)
    - (3)Detailed Project Production Schedule
2. Order of Placement in Queue –
  - a) All applications are 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.

### 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 project, 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 project. OFE will then notify the applicant of its determination.
- c) If incentive funds are NOT available in the queue, OFE will notify the qualified project, which will be added to the 'wait list' (*see below*) for the queue.
- d) A project that is not qualified or certified will be notified within 15 business days of submission.
- e) A written contract between the certified project and OFE will be drafted and fully executed. A project 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 projects, subsequent qualified projects will be placed on a 'wait list'. If a certified project in the same queue loses its certification for any reason, its certified funds go to the next project on the wait list. However, once a project starts it will be removed from the wait list. If funds have been certified to a project for part, but not all, of its maximum certification due to the lack of funding in the queue, it shall have priority of funds that become available later in its queue. However, once any project starts it can not be certified for additional incentive funds, with the exception of crossover projects.

## **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) The project 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 production 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 production start date, it must notify the OFE in writing no later than five business days prior to the original production 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 production 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. If there are credits, they must include the following;

- a) Official Incentive Recipient Digital Media 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. Five (5) different high-resolution still digital photos (*or game 'grabs'*) must be supplied to the OFE before public distribution of the project, with rights cleared for the state's promotional use only.
3. Three (3) full-size copies of a poster for the project, if created, must be provided to OFE before public distribution of the project. If none, two copies of other marketing materials shall be provided.
4. The project shall make best efforts to include in its marketing materials, or in the project itself, the promotion of Florida either as a tourist destination or as a digital media development destination.
5. Two (2) copies of the finished project.



**D-III APPLICATION 'D' FOR DIGITAL MEDIA PROJECTS QUEUE: 2009/2010**

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

\_\_\_\_\_ **Project Title**

\_\_\_\_\_ **Digital Media Company Name**

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

**A. TYPE OF PROJECT** (check one):

- \_\_\_\_\_ Video Game
- \_\_\_\_\_ Other Interactive Digital Media Project: \_\_\_\_\_  
*(animation, simulation, internet content, wireless content, etc.)*

**B. PERCENTAGE REBATE APPLYING FOR:**

\_\_\_\_\_ 10% Standard Rebate *(All qualified projects are eligible)*

**C. APPLICANT INFORMATION**

1. Project Contact *(for incentive inquiries):*

- a) Name: \_\_\_\_\_
- b) Title: \_\_\_\_\_
- c) Phone: O: \_\_\_\_\_ C: \_\_\_\_\_
- d) Email: \_\_\_\_\_ Fax: \_\_\_\_\_

2. Name of Project's Business Unit: \_\_\_\_\_  
(Note: This will be the recipient of the incentive rebate check, unless directed in writing otherwise)

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: \_\_\_\_\_

#### D. PROJECT DETAILS

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1. Director: \_\_\_\_\_ Phone: \_\_\_\_\_

2. Producer: \_\_\_\_\_ Phone: \_\_\_\_\_

3. Writer: \_\_\_\_\_ Phone: \_\_\_\_\_

4. Project Manager: \_\_\_\_\_ Phone: \_\_\_\_\_

5. Project's Production Schedule:

a) Estimated start date IN FLORIDA for project: \_\_\_\_\_

(Note: The start date for interactive entertainment will be when the 'pre-production' stage is scheduled to begin, after the stages of concepting and storyboarding. For other types of projects applying, the start date will be the comparable period to 'pre-production' as described herein.)

b) Estimated total workdays in Florida: \_\_\_\_\_

c) 50% Florida Crew Requirement:

(1) Please list the following estimated number of hires for project crew:

(a) Total Fl. Project Crew: \_\_\_\_\_

(b) Florida Resident Project Crew: \_\_\_\_\_

d) List county and city in Florida for project:

County \_\_\_\_\_ City \_\_\_\_\_ # Days \_\_\_\_\_

6. Type of Distribution of Interactive Project: \_\_\_\_\_

7. Distributor

a) Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

b) Company: \_\_\_\_\_

c) Address: \_\_\_\_\_  
\_\_\_\_\_

d) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

e) Email: \_\_\_\_\_ Website: \_\_\_\_\_

8. Publicist contact:
- a) Name: \_\_\_\_\_
  - b) Company: \_\_\_\_\_
  - c) Phone Numbers: O: \_\_\_\_\_ C: \_\_\_\_\_
  - d) Email Address: \_\_\_\_\_

**E. FLORIDA EXPENDITURES**

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1. Total Florida resident wages on project: \$ \_\_\_\_\_

2. Total amount project will spend on all expenditures in Florida: \$ \_\_\_\_\_

3. Production Impact Information

a) What role has Florida’s incentive (*or incentives*) played in your 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.

b) 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**

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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.”

**8. DOCUMENTS TO SUBMIT**

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**a) Please submit the following documents with your application packet:**

- 1. Florida Qualified Expenditures Budget (*as PDF file*) (*sample budget available online or by request*)
- 2. Synopsis of Project
- 3. Story Boards
- 4. Project’s Production Schedule

**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.**

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(Signature of Authorized Officer)

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(Print or Type Name of Authorized Officer)

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(Title of Authorized Officer)

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(Company)

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(Phone Number)

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(E-mail Address)

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(Fax Number)

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(Date)

