

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE OFFICE OF FILM AND TO FILM, TELEVISION, AND MEDIA INCENTIVE PROGRAMS; AMENDING SECTIONS 13.41 THROUGH 13.45 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, on November 4, 2021, the Broward County Board of County Commissioners ("Board") adopted Resolution No. 2021-518, creating an Office of Film and establishing film, television, and entertainment production project incentive programs ("Incentive Programs") to provide funding to film, television, and entertainment production companies that bring their activities to Broward County and/or the South Florida region;

WHEREAS, Sections 13.41 through 13.45 of the Broward County Administrative Code ("Administrative Code") create the Office of Film and the Film Commissioner as the head of that Office, and prescribe the manner in which the film, television, and entertainment production project incentives are awarded;

WHEREAS, after receiving feedback from the Film Commissioner, the Board desires to amend the Administrative Code to modify the name of the Office of Film, and to revise certain requirements of the Incentive Program, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 1. Section 13.41 of the Broward County Administrative Code is hereby
2 amended to read as follows:

3 **13.41. Functions; and Responsibilities.**

4 The Office of Economic and Small Business Development shall:

5 . . .

6 y. Oversee the ~~Office of~~ Broward County Film Commission and the Film
7 Commissioner.

8
9 Section 2. Section 13.42 of the Broward County Administrative Code is hereby
10 amended to read as follows:

11 **13.42. Film Commissioner as Head of ~~Office of~~ the Broward County Film**
12 **Commission; Film Commissioner Qualifications; Functions of ~~Office of~~ the**
13 **Broward County Film Commission; Responsibilities.**

14 (a) The Film Commissioner shall be head of the ~~Office of~~ Broward County Film
15 Commission and shall report to the Director of the Office of Economic and Small Business
16 Development or designee. The Film Commissioner shall have, at a minimum, the
17 following qualifications: (i) a bachelor's degree from an accredited college or university
18 with major coursework in film, marketing, business, public relations, public administration,
19 or a closely related field; and (ii) six (6) years of experience managing film, television, or
20 media operations, or closely related experience. Two (2) additional years of relevant
21 experience above the minimum specified in (ii) may be substituted for each required year
22 of education and the bachelor's degree (for example, a total of ten (10) years of relevant
23 experience requires two (2) years of college courses in the specified fields).

24 (b) The ~~Office of~~ Broward County Film Commission shall:

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 underscored type are additions.

1 . . .

2
3 Section 3. Section 13.43 of the Broward County Administrative Code is hereby
4 amended to read as follows:

5 **13.43. General Information for Television, Film, and Entertainment Incentive**
6 **Program.**

7 (a) *Incentives Generally.* To incentivize television, film, and entertainment
8 production projects in Broward County (“County”) and South Florida more generally and
9 subject to the provisions of this section and other policies adopted by the County pursuant
10 hereto, the County authorizes the creation of various programs to award of monetary
11 incentives to fund eligible Productions (“Incentives”). All incentive programs referenced
12 below are collectively referred to as “Incentive Programs.”

13 . . .

14 (c) *Definitions.* As used herein, the following terms shall have the following
15 meanings:

16 . . .

17 *Crew* means a group of people hired by a production company for the purpose of
18 producing a film, motion picture, television, video, or digital media project. The crew
19 includes “above-the-line” personnel such as directors, screenwriters, and producers, and
20 “below-the-line” individuals involved with the production stage, such as production
21 assistants, grips, soundstage personnel, and camera operators.

22 *Film Commission* means the Broward County Film Commission.

23 *Film Commissioner* means the head of the ~~Office of Film for Broward County~~
24 Commission.

1 *Incentive Guidelines* means the published guidelines for each Incentive pProgram,
2 created by the Office ~~Film Commission~~ and approved by the County Administrator, which
3 guidelines include the terms and conditions for ~~that~~ each Incentive pProgram, the specific
4 approved uses for the applicable Incentives, and any application deadline(s) for seeking
5 each Incentive.

6 . . .

7 *Production* means an Incentive-eligible: theatrical or direct-to-video motion picture;
8 a made-for-television motion picture; visual effects or digital animation sequences
9 produced in conjunction with a motion picture; a commercial; an industrial or educational
10 film; a documentary film; a television pilot program; a presentation for a television pilot
11 program; a television series; or a digital media project by the entertainment industry. This
12 definition does not include any production that is deemed obscene under Chapter 847,
13 Florida Statutes.

14 *Production Days* mean the combined number of days used to create a Production,
15 including time spent during pre-production, days spent on-site making the Production,
16 and days spent post-filming on the Production, including, but not limited to, editing and
17 other post-production work required to bring the Production to final completion.

18 . . .

19 (d) *Eligibility Generally; Funding.*

20 . . .

21 (3) If an Incentive is funded in whole or in part with Tourist Development Tax
22 funds, in addition to all other eligibility requirements, the Production must
23 meet the eligibility requirements of, and the recipient must comply with,
24

Section 125.0104, Florida Statutes, and any applicable policies, procedures, and guidelines imposed by the ~~Office of Film~~ Commission.

(4) If more than one (1) Incentive Program is offered by the County, a Production may apply for multiple Incentive Programs, but is only eligible to be awarded one (1) Incentive from the Film Commission for any fiscal year. Nothing in this section prohibits a Producer or Production from applying for any other grant, incentive, or funding from the County, the funding for which is subject to the guidelines, terms, and conditions of the applicable program(s).

~~(e) The Office of Film shall publish the Incentive Guidelines, approved by the County Administrator, at least thirty (30) days prior to any applicable deadline to apply for the Incentive. The Office of Film shall review all timely submitted applications to confirm compliance with the applicable terms of the Incentive Guidelines and to ensure the applicants have included all required documentation. All Incentives for which no application deadline is established shall be considered and awarded on a rolling basis throughout the County's fiscal year.~~

Section 4. Section 13.44 of the Broward County Administrative Code is hereby repealed in its entirety and a new Section 13.44 is created to read as follows:

[Underlining omitted]

13.44. Incentive Guidelines; Eligibility Requirements for Incentives.

(a) On an annual basis, after approval thereof by the County Administrator, the Film Commission shall publish the Incentive Guidelines. The Incentive Guidelines must be posted at least thirty (30) days prior to the applicable deadline to apply for the

1 Incentive. The Film Commission shall review all timely submitted applications to confirm
2 compliance with the applicable Incentive Guidelines and to ensure the applicants have
3 included all required documentation. Incentives for which no application deadline is
4 established may be considered and awarded on a rolling basis throughout the County's
5 fiscal year.

6 (b) All Incentive Programs must include as an eligibility requirement that
7 Qualified Broward County Residents involved in the Production are paid, at a minimum,
8 the rate as provided in Section 26-102, Broward County Code of Ordinances, as may be
9 amended.

10 (c) The Incentive Guidelines shall provide for general and specific eligibility
11 requirements for each Incentive Program for that fiscal year, including, without limitation:

12 (1) The Incentive amounts that may be awarded for each Incentive Program
13 (either in dollars, a percentage of eligible Production costs, or a combination
14 thereof);

15 (2) The minimum number of Production Days that a Production must be
16 produced and/or filmed within Broward County;

17 (3) The minimum percentages and/or numbers of Cast and Crew hired for the
18 Production that must be Qualified Broward County Residents, Qualified
19 Miami-Dade County Residents, and/or Qualified Palm Beach County
20 Residents;

21 (4) The minimum percentages of Vendors/Contractors hired for the Production
22 that are Broward County Registered Businesses, County Business
23 Enterprises (as defined in the "Broward County Business Opportunity Act,"
24 Section 1-81.1, et seq., Broward County Code of Ordinances), Miami-Dade

County Registered Businesses, and/or Palm Beach County Registered Businesses;

(5) Any required minimum amount the Producer must spend in Broward County on the Production; and

(6) Any additional conditions for the Incentive Programs deemed appropriate by the Film Commissioner and approved by the County Administrator.

(d) It is the intention of the Board to enter into one or more interlocal agreements with Miami-Dade County and/or Palm Beach County to create a combined South Florida regional film, television, and entertainment incentive program. If Broward County enters into such interlocal agreements with Miami-Dade County, Palm Beach County, or both, the wage information in Section (b) shall automatically be modified to also require that any Qualified Miami-Dade County Residents are paid, at a minimum, the same rate as provided in Section 2-8.9, Miami-Dade County Code, as may be amended; and any Qualified Palm Beach County Residents are paid, at a minimum, the same rate as provided in Section 2-148, Palm Beach County Code, as may be amended.

Section 5. Section 13.45 of the Broward County Administrative Code is hereby amended to read as follows:

13.45. Agreements; Reports to the Board.

...

(f) *Reports.* The ~~Office of Film Commission~~ shall prepare and file semiannual reports to the Board. Each semiannual report shall include the following: details on each Incentive Program available during the reporting period; the number of Incentives approved during the reporting period and the approved amount for each Incentive

1 awarded; the execution date of each Incentive Agreement executed during the reporting
2 period; for each Incentive Program, the aggregate amount paid to date; and for the ~~Office~~
3 ~~of Film~~ Commission, the total amount of Incentives paid during the reporting period.

4
5 Section 6. Severability.

6 If any portion of this Administrative Code Resolution is determined by any court to
7 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
8 of the remainder of this Administrative Code Resolution. If any court determines that this
9 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
10 individual, group, entity, property, or circumstance, such determination will not affect the
11 applicability of this Administrative Code Resolution to any other individual, group, entity,
12 property, or circumstance.

13
14 Section 7. Inclusion in the Broward County Administrative Code.

15 It is the intention of the Board of County Commissioners that the provisions of this
16 Administrative Code Resolution become part of the Broward County Administrative Code
17 as of the effective date. The sections of this Administrative Code Resolution may be
18 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
19 or such other appropriate word or phrase to the extent necessary in order to accomplish
20 such intention.

Section 8. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2022. **PROPOSED**

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Sara F. Cohen 05/23/2022
Sara F. Cohen (date)
Assistant County Attorney

By /s/ Nathaniel A. Klitsberg 05/23/2022
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

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Amended Film Office/Incentive Reso
05/23/2022
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