

1 RESOLUTION NO.

2 A RESOLUTION OF THE BOARD OF COUNTY  
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,  
4 PERTAINING TO THE OFFICE OF FILM AND TO FILM,  
5 TELEVISION, AND MEDIA INCENTIVE PROGRAMS;  
6 AMENDING SECTIONS 13.41 THROUGH 13.45 OF THE  
7 BROWARD COUNTY ADMINISTRATIVE CODE  
8 (“ADMINISTRATIVE CODE”); AND PROVIDING FOR  
9 SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE  
10 CODE, AND AN EFFECTIVE DATE.

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

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

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

23 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
24 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.

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1            *Incentive Guidelines* means the published guidelines for each Incentive pProgram,  
2 created by the Office ~~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

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

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

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

17  
18 Section 4. Section 13.44 of the Broward County Administrative Code is hereby  
19 repealed in its entirety and a new Section 13.44 is created to read as follows:

20 [Underlining omitted]

21 **13.44. Incentive Guidelines; Eligibility Requirements for Incentives.**

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

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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

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

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

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

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

16  
17 Section 5. Section 13.45 of the Broward County Administrative Code is hereby  
18 amended to read as follows:

19 **13.45. Agreements; Reports to the Board.**

20 . . .

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

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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.

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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

SFC/vu  
Amended Film Office/Incentive Reso  
05/23/2022  
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