

MEMORANDUM

Agenda Item No. 11(A)(7)

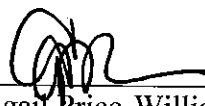
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution relating to the Miami-Dade County Television, Film and Entertainment Production Incentive Program; amending Resolution No. R-783-17; modifying minimum application requirements and procedures

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Commissioner Jose "Pepe" Diaz, Commissioner Eileen Higgins, Commissioner Jean Monestime and Senator Javier D. Souto.



Abigail Price-Williams
County Attorney



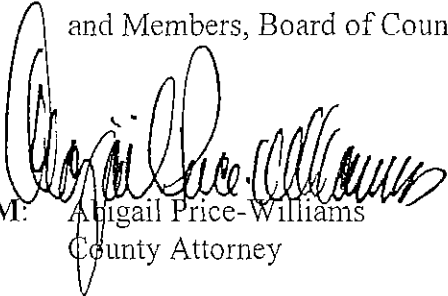
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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
6-4-19

RESOLUTION NO. _____

RESOLUTION RELATING TO THE MIAMI-DADE COUNTY
TELEVISION, FILM AND ENTERTAINMENT PRODUCTION
INCENTIVE PROGRAM; AMENDING RESOLUTION NO. R-783-
17; MODIFYING MINIMUM APPLICATION REQUIREMENTS
AND PROCEDURES

WHEREAS, Miami-Dade County has been a world class production hub for film, television, television commercials and digital media and is home to 200 production companies, 15 soundstages, 15 recording studios, three Spanish-language production facilities and many businesses that support motion pictures and videos; and

WHEREAS, each year between 2010 and 2016, film, television, digital media and still photo projects expended anywhere from \$160 million up to \$406 million in Miami-Dade County for productions that were permitted through the film offices of Miami-Dade County, the City of Miami and the City of Miami Beach; and

WHEREAS, from 2010 through 2016, film, television, digital media and still photo projects hired cast and crew that averaged between approximately 20,000 and 35,000 local hires on a yearly basis; and

WHEREAS, the film, television and digital industry supports direct and indirect jobs and wages in many companies, such as hotels, restaurants, caterers, dry cleaners, for-hire transportation companies, florists and landscapers, vehicle and truck rental companies, furniture companies, hardware and lumber suppliers, lighting and grip rental companies, clothing stores, private and public office spaces, location rentals, digital equipment suppliers, tent suppliers, and portable air suppliers, among others; and

WHEREAS, unfortunately, Florida's Film Incentive Program expired in 2016 leading to a decline in films being produced in Miami-Dade County and throughout the state, and an increase in films being shot in other states, such as Georgia; and

WHEREAS, in the absence of state incentives, other counties in Florida such as Broward, Palm Beach, Hillsborough, Duval, Pinellas, and Manatee created their own programs; and

WHEREAS, recognizing the need to implement a local incentive program, on July 18, 2017, this Board passed Resolution No. R-783-17 which created the Miami-Dade County Television, Film and Entertainment Production Incentive Program (the "Program"); and

WHEREAS, since its inception, the Program has enticed seven productions to apply for incentives and film their shows and movies in Miami-Dade County; and

WHEREAS, despite the Program's success, some modifications are necessary to ensure that productions continue to be attracted to film in Miami-Dade County; and

WHEREAS, currently, production companies receiving incentives:

- 1) must spend at least \$1,000,000.00 in Miami-Dade County;
- 2) must ensure that at least 80 percent of their vendors and contractors are Miami-Dade County Registered Businesses;
- 3) must hire a minimum of 50 Miami-Dade County residents as principal cast and crew members; and
- 4) are prohibited from applying and receiving more than one grant per year; and

WHEREAS, some production companies have expressed concern with meeting these Program requirements; and

WHEREAS, specifically, productions with small budgets spending \$500,000.00 to \$900,000.00 in Miami-Dade County have expressed interest in applying for the grant and filming in the County but cannot meet the minimum spend requirement; and

WHEREAS, other small and medium scale productions with a budget of up to \$5 million have difficulty meeting principal cast and crew requirements because crew sizes are not commensurate with their budgets; and

WHEREAS, in addition, large production companies have sought to film more than one production in Miami-Dade County in a one year period, but the current limit on productions receiving one grant per year have led to companies filming elsewhere; and

WHEREAS, this Board would like to address these concerns to ensure that the County continues to compete with other jurisdictions and earn greater direct and indirect returns by:

- 1) creating two tiers of grant rebates which would require:
 - a. Minimum spend of \$500,000.00 to less than \$1,000,000.00 in Miami-Dade County with a maximum grant of \$50,000.00;
 - b. Minimum spend of \$1,000,000.00 in Miami-Dade County with a maximum grant of \$100,000.00;
- 2) requiring no less than 20 Miami-Dade County residents be hired as principal cast and crew members for productions spending between \$500,000.00 to less than \$1,000,000.00 in Miami-Dade County;
- 3) requiring no less than 40 Miami-Dade County residents be hired as principal cast and crew members for productions spending at least \$1,000,000.00 in Miami-Dade County;
- 4) requiring at least 70 percent of hired vendors and contractors be Miami-Dade County Registered Businesses, rather than at least 80 percent; and
- 5) allowing production companies to apply for and receive a maximum of two grants to per year, rather than just one,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are hereby approved and incorporated herein.

Section 2. Section 6 of Resolution No. R-831-17 is amended to read:

Application Procedure. The County Mayor or County Mayor's designee is directed to develop an application to be completed by any Production seeking film and entertainment production rebates from Miami-Dade County. Such application may be administratively modified by the County Mayor or County Mayor's designee from time to time, but must at a minimum incorporate the following requirements:

1. Require that no less than 70 percent of the entire Production be produced/filmed in Miami-Dade County.
2. Require that no less than 70 percent of hired vendors/contractors be Miami-Dade County Registered Businesses for days produced/filmed in Miami-Dade County.
3. Require that productions spending between \$500,000.00 to less than \$1,000,000.00 in Miami-Dade County hire no less than 20 qualified Miami-Dade County residents as principal cast or crew for the days produced/filmed in Miami-Dade County
4. Require that productions spending at least \$1,000,000.00 in Miami-Dade County hire no less than 40 qualified Miami-Dade County residents as principal cast or crew for the days produced/filmed in Miami-Dade County.
5. Require that Miami-Dade County residents are paid, at a minimum, the same rate as provided in Miami-Dade County Code Section 2-8.9, as may be amended from to time, as if the Production were a covered service contractor.
6. Require a per project return of investment of at least \$10.00 for every \$1.00 provided by Miami-Dade County as part of the Program. Project return of investment shall be calculated by dividing the total of salaries paid to Miami-Dade County residents and amount paid to Miami-Dade County Registered Businesses hired as vendors/contractors for every dollar of support from Miami-Dade County.
7. Require a minimum amount of spending of \$500,000.00 to less than \$1,000,000.00 in Miami-Dade County for a maximum grant of \$50,000.

8. Require a minimum amount of spending of \$1,000,000.00 in Miami-Dade County for a maximum grant of \$100,000.00.
9. Require that a Production showcase Miami-Dade County to the extent that the Production has a sense of place in Miami-Dade County as determined by the County Mayor or County Mayor's designee.
10. Require that a Production hire students and recent graduates from local colleges or universities as determined by the County Mayor or County Mayor's designee.

Section 3. Section 7 of Resolution No. R-831-17 is amended to read:

Grant Agreement. Upon the completion of the application and review by the County Mayor or the County Mayor's designee, a grant agreement shall be presented to the Board for review and approval. The County Mayor or the County Mayor's designee has the right to request clarification and/or additional information based on the application submitted, and further has the right not to recommend to the Board any grant agreement due to lack of sufficient information or for failure to meet the minimum requirements and guidelines. Each grant agreement must include the minimum requirements to be achieved by the Production. Additional guidelines and/or requirements may be included by the County Mayor or the County Mayor's designee on a case by case basis.

The maximum rebate per Production project shall not exceed \$100,000.00 for productions spending at least \$1,000,000.00 in Miami-Dade County, and \$50,000.00 for productions spending between \$500,000.00 and less than \$1,000,000.00 in Miami-Dade County, over the term of the grant agreement. The term of the grant agreement is to be determined by the County Mayor or the County Mayor's designee on a case by case basis. A maximum of two grant agreements are allowed per year per Production or its associated subsidiaries, Distribution Company, or network, except for a multi-year Production, like a television series with multiple seasons. Such additional agreements must also be presented for Board approval.

Each grant agreement must indicate that rebate funds are distributed only upon the completion of the Production and subject to an audit to ensure compliance with the guidelines of its respective grant agreement.

All grant agreements must be executed by the Production prior to Board consideration.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman and the Co-Sponsors are Commissioner Jose "Pepe" Diaz, Commissioner Eileen Higgins, Commissioner Jean Monestime and Senator Javier D. Souto. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Altanese Phenelus