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## Florida and the Film Industry: An Epic Tale of Talent, Landscape, and the Law

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## FLORIDA AND THE FILM INDUSTRY: AN EPIC TALE OF TALENT, LANDSCAPE, AND THE LAW

MARY PERGOLA PARENT\* AND KEVIN HUGH GOVERN\*\*

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### ABSTRACT

Hollywood East! The honorific title bestowed upon a bewitching state known for her sandy beaches, warm winter days, and mosquito-filled Everglades. Florida and the Film Industry: A tale of an alluring titan and a powerful behemoth behaving like two lovers enmeshed in an affair, complete with wooing, courting, and rebuffs. A relationship that has lasted over a century and continues to blossom amidst healthy competition, tax incentives, innovative legislation, and cooperation. Florida’s commitment to a thriving film industry—through its legislature, government administrative agencies, and incentives—has allowed its economy to grow and its citizenry to flourish, while showcasing Florida to the world.

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This article chronicles the development of the Florida film and entertainment industry, from its inception to the present day, as a product of environment, opportunity, economics, law, and policy.<sup>1</sup> The film and entertainment industry is one of the most significant contributors to Florida's local, regional, and global image, through depiction of its people, cities, industry, and nature. As an ever-growing contributor to the state's economy through job creation, service industry revenues, and tax collections, Florida's relationship with the film and entertainment industry has gone from an ad hoc approach to a carefully strategized, multi-year effort, fueled by the Florida Film and Entertainment Industry Financial Incentive Program, to encourage the use of the state as a location for all facets of digital, film, and television production.<sup>2</sup>

This article will address in Part I the earliest history of film in Florida from the late nineteenth century birth and flourishing through the 1917 transfer to California and revitalization during World War II.<sup>3</sup> Part II considers the state's economic, political, and legal enticements for the film industry to grow in the state and to match the public relations campaign to draw tourism to the Sunshine State.<sup>4</sup> Part III outlines the essence of 1950s blockbuster hits that gave impetus to rules and laws to solidify the state's relationship with the film industry.<sup>5</sup> As commented upon in Part IV, Florida's compelling call to the industry reached New York City and beyond, bringing rare talent that would further expand the industry's reach and hold in Florida.<sup>6</sup> Worthy of Part V's particular focus, mesmerizing Miami reached international recognition as a thriving hub for both television and film from the 1950s onward, and industry contractual practices there set the standard for the entire film and television industry thenceforth.<sup>7</sup> Part VI summarizes the background, legislative authority, and practical efforts of the Governor's Office of Film and Entertainment, followed by the tax incentives under state and federal law which caused the film and television industry efforts in Florida to expand exponentially in the twenty-first century onward in Part VII; specifically with some of the most notable progeny of this effort and their value to state, regional, and the national economies showcased in

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1. See *infra* Part I–X.

2. See The Fla. Office of Film & Entm't, *Florida Film & Entertainment Industry Financial Incentive Program*, FILMINFLORIDA.COM, <http://www.filminflorida.com/ifi/incentives.asp> (last visited Jan. 18, 2014) [hereinafter The Fla. Office of Film & Entm't, *Florida Film & Entertainment Industry Financial Incentive Program*].

3. See *infra* Part I.

4. See *infra* Part II.

5. See *infra* Part III.

6. See *infra* Part IV.

7. See *infra* Part V.

Part VIII.<sup>8</sup> Part IX highlights how past is prologue for Florida film and television, why current state and federal initiatives will prevent major production efforts from becoming *runaway* boons to other states and countries, and the demonstrable economic benefits those laws and policies have already produced for Florida in particular, and the United States in general.<sup>9</sup> In conclusion, Part X predicts how faithfulness and fidelity to the film and television industry will continue to reap benefits in a multi-billion dollar relationship continuing into its second century, with over 120 films and television shows to its credit and counting.<sup>10</sup>

#### I. FLORIDA AND THE FILM INDUSTRY: THE LOVERS MEET

The story begins “in 1898, [when] the Spanish-American War newsreels [entitled] *U.S. Cavalry Supplies Unloading at Tampa Florida*” captured and permanently recorded a glimpse of Florida’s story.<sup>11</sup> Film fever took hold in Miami and Jacksonville at the turn of the century.<sup>12</sup> “The years 1907 to 1909 marked the first attempt by the [film] industry to mass-produce narratives,”<sup>13</sup> and “Klutho, Edison and Biograph were [the giants] . . . among more than thirty silent film [studios] based in Jacksonville, [the so-called] ‘Winter Film Capital of the World,’ . . . [welcoming] The Keystone Kops, Oliver Hardy, and Lionel Barrymore.”<sup>14</sup> “The [nation’s] first permanent filming studio, Kalem Studios, [was] opened in . . . 1908” in Jacksonville, and the port city became a major innovator in the African-American film industry as well.<sup>15</sup> Aside from these innovations, Jacksonville would be

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8. See *infra* Parts VI, VII, VIII.

9. See *infra* Part IX.

10. See *infra* Part X.

11. JAMES PONTI, *HOLLYWOOD EAST: FLORIDA’S FABULOUS FLICKS* 2 (Kathleen M. Kiely & Dixie Kasper eds., 1992).

12. See *id.* at 2–3, 6.

13. *THE AMERICAN FILM INDUSTRY* 22 (Tino Balio ed., rev. ed. 1985).

14. PONTI, *supra* note 11, at 3; see also BLAIR MILLER, *ALMOST HOLLYWOOD: THE FORGOTTEN STORY OF JACKSONVILLE, FLORIDA* 1, 3, 41 (2013).

15. *Jacksonville’s Place in Film History*, OFFICIAL WEBSITE CITY JACKSONVILLE, FL., <http://www.coj.net/departments/office-of-economic-development/film-and-television/film-history-in-jacksonville.aspx> (last visited Jan. 18, 2014). Jacksonville’s official online history notes that:

In 1916, producer Richard Norman came to Jacksonville and opened a movie studio. Norman, a white man, began his career in the 1910s making movies for white audiences. Soon afterwards, he began making movies for African-American audiences, opened his Jacksonville studio and joined the ranks of others, including Oscar Micheaux and the Lincoln Motion Picture Company, in being a pioneer in producing movies not only geared towards African-Americans, but that showed them in a positive light and employed them in the production side of the film industry. Norman Studios continued to make African-American films, also known as *race movies*, throughout the 1920s.

responsible for one of the world's largest movie studios of the twentieth and twenty-first centuries; Joseph Engel's 1915 Metro Pictures later merged with another company to become Metro-Goldwyn-Mayer ("MGM").<sup>16</sup> Florida's relationship with Hollywood was moving quickly, but with competing priorities and no established rules, a clash was inevitable.<sup>17</sup> As the industry grew, these silent film companies began to lock horns with the conservative Florida folks.<sup>18</sup> Irate residents were sick and tired of the way the movie people manhandled their town; in one instance, a script called for a shot of a red fire engine roaring down Main Street, so the production crew simply called in a fake fire and rolled cameras as the fire truck screamed to the rescue, and in another instance, pastors and their congregations lodged protests that bank robberies were being filmed on Sundays.<sup>19</sup> Safety became a major issue.<sup>20</sup> During the 1916 filming of *The Clarion*, a riot broke out, requiring forty police officers to clear out more than 1300 extras.<sup>21</sup> During that same year, while filming of *The Dead Alive*, the actors, following instructions from the director, sped down the main thoroughfare of Jacksonville and "plunged [their movie car] into the St. Johns River."<sup>22</sup> Apparently, the director had confided in the crew—but did not tell the actors—that he had saved this scene for last, just "in case the actors [did not] survive the crash."<sup>23</sup>

This type of crass "behavior made the film industry the [major topic of the] Jacksonville[] mayoral election of 1917."<sup>24</sup> The conservatives ousted the pro-movie industry "incumbent Mayor 'Jet' Bowden."<sup>25</sup> This rang the death knell for the filmmakers in Florida.<sup>26</sup> Without the backing and support of the government, private businesses, and the local community, the movie industry packed up and headed west.<sup>27</sup> California offered a friendlier environment, mountains, beaches, plentiful talent, and a skilled labor force.<sup>28</sup>

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*Id.*

16. *Id.*

17. *See* PONTI, *supra* note 11, at 3.

18. *Id.*

19. *Id.*

20. *Id.*

21. MILLER, *supra* note 14, at 120; PONTI, *supra* note 11, at 3. For fascinating contemporary background on the production of this movie, see *Manufacturers' Advance Notes*, MOVING PICTURE WORLD, Jan. 1, 1916, at 1153, 1310, available at <http://ia700707.us.archive.org/21/items/movingpicturewor27newy/movingpicturewor27newy.pdf>.

22. MILLER, *supra* note 14, at 120; PONTI, *supra* note 11, at 3.

23. PONTI, *supra* note 11, at 3.

24. *Id.* at 3–4.

25. *Id.* at 4.

26. *Id.*

27. *Id.* at 3–4.

28. PONTI, *supra* note 11, at 4.

The film industry settled in to Los Angeles and the cameras stopped rolling in Florida—temporarily.<sup>29</sup>

Florida's reputation was tarnished and her relationship with Hollywood was strained.<sup>30</sup> It would have been irreparable if not for a bit of ironic serendipity—"the outbreak of World War II."<sup>31</sup> The Cavalry arrived as "the military brought cameras back to Florida in the early [19]40s."<sup>32</sup> "Hollywood brought the war . . . to [hometown] theatres across [the country]."<sup>33</sup> The nation's morale needed a boost and Uncle Sam asked the studios to help.<sup>34</sup> The Federal Government "opened military bases to [the] movie stars and [film] crews [and asked them to join] the cause."<sup>35</sup>

Florida was brimming with military installations and the humid, palm-tree-lined coast made it the perfect setting to imitate the tropics of the Pacific Islands.<sup>36</sup> Florida cranked out box office smashes like *A Guy Named Joe*, *30 Seconds Over Tokyo*, and *Twelve O'clock High*.<sup>37</sup> These films were extremely "successful, as [both] entertainment and . . . propaganda."<sup>38</sup> Most importantly, this series of events and opportunities reignited the spark between Florida and the film industry.<sup>39</sup>

## II. FLORIDA FLAUNTS AND FLIRTS

The State of Florida published *Florida, A Guide to the Southernmost State* ("The Guide") in 1939<sup>40</sup> in order to lure major industries to the Sunshine State.<sup>41</sup> Capitalizing on this new vitality brought on by the

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29. *Id.* Actually, the cameras did not stop rolling completely. See *The Yearling—Trivia*, IMDb, <http://www.imdb.com/title/tt0039111/trivia> (last visited Jan. 18, 2014). MGM tried shooting "[m]ost of the 'atmosphere' and outdoors animal scenes [for *The Yearling*] . . . by a second-unit crew sent to Florida in 1941, when the project was first begun. The film was shut down soon after the footage was shot, but . . . it was restarted again in 1946, [using] the 1941 footage." *Id.* "During the final days of filming, actor Gregory Peck was alternating between the Florida set of this movie and a Texas set, where he was simultaneously filming *Duel in the Sun*." *Id.*

30. PONTI, *supra* note 11, at 4.

31. *Id.*

32. *Id.* at 5.

33. *Id.*

34. *Id.*

35. PONTI, *supra* note 11, at 5.

36. *Id.*

37. *Id.*

38. *Id.*

39. *See id.*

40. FED. WRITERS' PROJECT, WORK PROJECTS ADMIN., *FLORIDA: A GUIDE TO THE SOUTHERNMOST STATE* iv (1939).

41. See John J. Tigert, *Foreword* to FED. WRITERS' PROJECT, WORK PROJECTS ADMIN., *FLORIDA: A GUIDE TO THE SOUTHERNMOST STATE* v, v (1939).

rekindled flame of the film industry, the government and administrative agencies of Florida made a conscious decision to keep the flame alive.<sup>42</sup> *The Guide*, a dense tome describing absolutely everything about Florida,<sup>43</sup> was bound in rich green leather and imprinted with a toothy Florida gator right on the cover.<sup>44</sup> This unabashed exposé of all that is Florida, complete with flowery language and detailed economic data, legitimized a state that had previously been known as *primeval territory*.<sup>45</sup>

In the *Industry and Commerce* section, the state's economic development is stated in terms of bank resources, which stood at \$500,000,000 in 1927.<sup>46</sup> Business life in the state is illustrated by the volume of retail sales, which stood at \$504,523,000 in 1929.<sup>47</sup> "Building contracts awarded during 1936" increased by 35% over 1935, reaching \$72,587,000.<sup>48</sup>

Florida boasted "[f]ifteen [f]ederal highways, [a] [s]tate highway patrol, [and a] [s]tate gasoline tax [of seven cents]."<sup>49</sup> Passenger steamship lines ran from Miami to Jamaica, the Waterman Line ran from Tampa to Puerto Rico, and the Mobile Oceanic Line embarked from Tampa to Europe.<sup>50</sup> Extensive rail travel stretched the length of the peninsula.<sup>51</sup> But, one word of caution—some lines had "less than 100 miles of track each."<sup>52</sup> At that time, the Atlantic Coast Line and the Florida East Coast Railway were built to "penetrate the Everglades, meeting at Lake Harbor, south of Lake Okeechobee."<sup>53</sup>

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42. See PONTI, *supra* note 11, at 5, 7.

43. See FED. WRITERS' PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, *passim*.

44. *Id.* This was an important moment for Florida. This was the original Film Florida Production Guide—even though the authors, at the time, did not know it. See *id.* at iv; FILM FLORIDA PRODUCTION GUIDE (2003). The spiral bound, color rich guide in 2003, for example, reports in great detail every aspect of transportation, labor—including union and non-union workers—permitting, and tax incentives, as "advantages of relocating or expanding to Florida." FILM FLORIDA PRODUCTION GUIDE, *supra* note 44. *The Guide* from 1939 and the Film Florida Production Guide in the twenty-first century—although worlds apart in presentation—embody the same theme. Compare FED. WRITERS' PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, at ix, with FILM FLORIDA PRODUCTION GUIDE, *supra* note 44.

45. See FED. WRITERS' PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, at 9, 93, 472.

46. *Id.* at 93.

47. *Id.*

48. *Id.*

49. *Id.* at xvii.

50. FED. WRITERS' PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, at xvii.

51. *See id.*

52. *Id.*

53. *Id.*

Labor in Florida included “seven locals [of] the International Cigar Makers’ Union.”<sup>54</sup> The workforce also included Florida longshoremen and dockworkers, citrus workers, factory workers, canners, packers, and boatmen.<sup>55</sup> By the end of 1937, the American Federation of Labor (“AFL”) had an estimated membership of “65,000 craft unionists in 400 locals affiliated with the State Federation of Labor.”<sup>56</sup>

A [s]tate child-labor law, enacted in 1913 and amended in 1915, established minimum wages and maximum hours for the employment of children . . . . A State workmen’s compensation law [was] enacted in 1935 [and] provide[d], with exceptions, for medical care, compensation, and other assistance to workers receiving injuries while gainfully employed . . . . A Florida industrial commission [was] created in 1935 [for the purpose of] exercis[ing] general authority over industrial employment.<sup>57</sup>

Despite union presence in Florida, state laws giving “preference to the *right to work* over union membership” allowed Florida to attract production away from California’s *closed shop* environment.<sup>58</sup>

Beautiful sepia photos in the Guide enticed readers to join in the nightlife of Hollywood Beach, walk the links of the St. Petersburg Golf Course, or visit the Old Slave Market in St. Augustine.<sup>59</sup> An entire chapter is dedicated to giving detailed touring directions.<sup>60</sup> “Tour 5” illustrates the route from Miami to Naples as a 113-mile trip on US 94.<sup>61</sup> The tour promises a “[h]ard-surfaced roadbed throughout” with “[l]imited accommodations [and] camp sites.”<sup>62</sup> This section of the Tamiami Trail was constructed by the State Road Department and opened on April 25, 1928 at a cost of \$13 million.<sup>63</sup>

While traveling Florida in the late 1930s, visitors were encouraged to photograph the wildlife, respectfully visit the Seminole Villages, and use caution along the highways, as “[t]he ’Glades [were] thickly overgrown,” the

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54. *Id.* at 95.

55. *See* FED. WRITERS’ PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, at 98.

56. *Id.*

57. *Id.*

58. NICK HERD, CHASING THE RUNAWAYS 21 (2004).

59. FED. WRITERS’ PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, at 162–63 (photos. reprint), 224–25 (photos. reprint).

60. *See id.* at 297–538.

61. *Id.* at 406.

62. *Id.* at 297, 406.

63. *Id.* at 406.



“mangled corpses of snakes” laid on the road, and alligators and buzzards were everywhere.<sup>64</sup>

Florida’s wiles have tempted and then transformed out-of-staters for decades.<sup>65</sup> The 1939 Guide describes the transformation this way: “The person noted for taciturnity in his home community often becomes loquacious, determined that those about him shall know that he is a man of substance.”<sup>66</sup> A spell, whether brief or extended, in the Florida sunshine was believed to bring out the best in everyone and everything.<sup>67</sup>

Over eighty years ago—just as today—Florida understood the importance of bringing people, industry, and money to Florida: “Regardless of individual circumstances and preference, one desire seems to be common to all—the desire to improve Florida.”<sup>68</sup>

### III. FLORIDA CHARMS A CAPTIVATING CAST OF CHARACTERS

The unspoiled scenery of Florida beckoned to the film industry often in the early 1940s, with exotic potential film locations close to cities with transportation and production-supporting infrastructure.<sup>69</sup> Two films depicting the Second Seminole War of 1835–1842 came out in short order, with all-star casts.<sup>70</sup> The first such film, *Distant Drums* in 1951, featured Gary Cooper and Mari Aldon in which “American soldiers and their rescued companions . . . face[d] the dangerous Everglades and hostile Indians in order to reach safety [in Florida].”<sup>71</sup> The journey into the Everglades was only simulated though, as the actual location of the fort in the film was the historic Castillo de San Marcos in historic St. Augustine, Florida, near the sprawling metropolis of Jacksonville, Florida.<sup>72</sup> Shortly thereafter came *Seminole*, the 1953 American western film directed by Budd Boetticher and starring Rock Hudson as “[nineteenth]-century army officer Lance Caldwell,” born and raised in Florida, and returning from his West Point

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64. FED. WRITERS’ PROJECT OF THE WORK PROJECTS ADMIN. FOR THE STATE OF FLA., *supra* note 40, at 407.

65. *See id.* at 8.

66. *Id.*

67. *See id.* at 8–9.

68. *Id.* at 9.

69. *See* PONTI, *supra* note 11, at 5.

70. *See* *Distant Drums*, IMDB, <http://www.imdb.com/title/tt0043469/> (last visited Jan. 18, 2014); *Seminole*, IMDB, <http://www.imdb.com/title/tt0046294/> (last visited Jan. 18, 2014).

71. *Distant Drums*, *supra* note 70.

72. *See id.*

education to be “assigned to Fort King in the Everglades.”<sup>73</sup> Along with Hudson, notables of the time including Barbara Hale, Anthony Quinn, and Lee Marvin, and the rest of the cast, actually did endure the steamy, humid surroundings of the Everglades National Park for much of the film’s shooting.<sup>74</sup>

In 1954, Ricou Browning emerged from an eminently hospitable Wakulla Springs in a \$12,000 half-man, half-fish monster suit.<sup>75</sup> The *Creature from the Black Lagoon* emerged from the murky depths and “saved Universal [Studios] from impending bankruptcy.”<sup>76</sup> “Browning, a swimming champion, was able to hold his breath for up to four minutes . . . [and] is credited with creating the . . . torso-twisting *creature swimming technique*.”<sup>77</sup> *Creature from the Black Lagoon* grossed \$3 million<sup>78</sup> and helped resuscitate Florida’s film industry through audiences drawn to its 3-D horror film appeal, if not for the dramatic acting or scenery.<sup>79</sup>

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73. *Seminole* (1953), TURNER CLASSIC MOVIES, <http://www.tcm.com/tcmdb/title/89538/seminole/> (last visited Jan. 18, 2014).

74. See *Seminole*, *supra* note 70. At least forty-four other movies, television shows, and documentaries to date have similarly featured and have been filmed in the 1.4 million acre UNESCO World Heritage Site at the southern tip of Florida, “the largest designated sub-tropical wilderness reserve on the North American continent.” *Everglades National Park*, UNESCO, <http://whc.unesco.org/en/list/76> (last visited Jan. 18, 2014); see also *Clambake*, *Distant Drums*, *Gentle Ben*, *Gone Fishin’*, *Only Fools and Horses*. . . , *Stardom*, *The Amazing Race*, *The Mean Season—Filming Locations*, IMDB, <http://www.imdb.com/> (search “filmname”; select “filmname”; select “filming locations”) (last visited Jan. 18, 2014).

75. PONTI, *supra* note 11, at 35–36. Speaking of springs, [b]eginning in 1916, when *The Seven Swans* was filmed in the Silver Springs area of Central Florida, six Tarzan movies, *Creature from the Black Lagoon*, *Rebel Without a Cause*, and *Thunderball*, among many movies have been filmed there, as well as over a hundred episodes of the TV series *Sea Hunt*, an episode of *I Spy*, an episode of *Crocodile Hunter* with Steve Irwin, and various vacation episodes of a range of series.

Michael Segers, *The Wild Monkeys of Central Florida*, YAHOO! VOICES (June 13, 2008), <http://voices.yahoo.com/the-wild-monkeys-central-florida-1530285.html>.

76. PONTI, *supra* note 11, at 6, 36.

77. *Id.* at 36.

78. *Id.*

79. See *id.* at 6, 36; Blair Davis, *The 1950s B-Movie: The Economics of Cultural Production* 73 (Jan. 2007) (unpublished Ph.D. thesis, McGill University), available at [http://digitool.library.McGill.ca/webclient/streamgate?folder\\_id=0&dvs=1384119620758~312](http://digitool.library.McGill.ca/webclient/streamgate?folder_id=0&dvs=1384119620758~312); Brian Douglas, *Top 10 Horror Films of the 1950s*, TOPTENZ (Feb. 14, 2011), <http://www.toptenz.net/top-10-horror-fims-1950s.php>. Davis noted that these three-dimensional, or 3-D, movies “utilized stereoscopic cinematography to create the illusion of greater image depth and a spatially separated foreground, [as seen in] 3-D films such as *Bwana Devil* (1952), *House of Wax* (1953), *It Came From Outer Space* (1953), and *Creature From the Black Lagoon* (1954).” Davis, *supra* note 79, at 73. The 3-D process in *Creature from the Black Lagoon* “was dubbed Thrill Wonder 3-D Horrorscope” as a bit of cinematographic hyperbole. PONTI, *supra* note 11, at 35–36.

What the terrorizing *Man-Eating Gill Creature* did to help the industry, the *Chairman of the Board* succeeded in spoiling.<sup>80</sup> In 1959, Frank Sinatra arrived at the Cardozo Hotel on Miami Beach.<sup>81</sup> *A Hole in the Head* was the story of a widower—played by Sinatra—who had “dreams of opening a giant . . . amusement park” in Florida.<sup>82</sup> With a star-studded cast, including Edward G. Robinson and Keenan Wynn, the movie was sure to be a hit, but Sinatra’s temper tantrums, dame chasing, missed appearances, and nuisance lawsuits filed by a rival hotel brought more notoriety than good publicity.<sup>83</sup> “[T]he film went on to win an Oscar for [Sinatra’s] song *High Hopes*,” but it did not win many friends in Florida.<sup>84</sup>

Florida’s courtship with the film industry definitely was not boring.<sup>85</sup> As she lured a bevy of eligible bachelors, ranging from Ol’ Blue Eyes to Elvis Presley, she lacked any boundaries in the relationship.<sup>86</sup> She needed rules in order to make the relationship work.<sup>87</sup>

#### IV. FLORIDA’S ALLURING CALL REACHES NEW YORK CITY

During a brutal winter in the 1950s, twenty-seven year old James Pergola exited his New York City apartment and looked down his street.<sup>88</sup> Two blizzards, back-to-back, had buried his car and everyone else’s, in a pristine blanket of icy snow.<sup>89</sup> James shoveled for two days until he finally found his car.<sup>90</sup> He proceeded to pack all of his worldly belongings and headed south in search of sunshine, beaches, balmy breezes, and a job.<sup>91</sup>

James had apprenticed under Jack Painter, A.S.C.—the American Society of Cinematographers—a world-renowned New York cameraman in the New York local union of the International Alliance of Theatrical Stage

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80. PONTI, *supra* note 11 at 6, 63.

81. *Id.* at 63.

82. *Id.*

83. *Id.* at 63–64.

84. *Id.* at 64.

85. *See* PONTI, *supra* note 11 at 2–3.

86. *See id.* at 2–6, 63–64.

87. *See id.*

88. Interview with James C. Pergola (Sept. 1, 2012) (on file with Nova Southeastern University, Shepard Broad Law Center Library). Pergola worked in the film and television industry for fifty years. *Id.* He shot the original pilot episode of *Baywatch* for NBC and continued as both a Producer and the Director of Photography of the television series for ten years. *Id.* He retired after the conclusion of the final episode of *Baywatch* in 1999. *Id.* For a time, *Baywatch* was the number one syndicated television show in the world. *Id.*

89. Interview with James C. Pergola, *supra* note 88.

90. *Id.*

91. *See id.*

Employees (“IATSE”).<sup>92</sup> James took his union card with him, which would entitle him to work as an assistant cameraman in Florida and earn a lucrative salary of \$400 to \$500 per week; but, that was contingent upon the work available in Florida at the time.<sup>93</sup> His departure surprised everyone and, much to the dismay of his colleagues in New York, James left.<sup>94</sup> James was the number one camera assistant in New York; he was making top dollar and had a sterling reputation based on his incredible work ethic and talent, but something was calling him, luring him to Florida.<sup>95</sup> He remembered that his father, Jimmy V. Pergola, had worked in Florida in the 1920s and 1930s shooting newsreel movie shorts and had also worked on one of bathing beauty Esther Williams’ aqua ballets in Miami Beach.<sup>96</sup>

What followed James to Miami was an enormous influx of talent and the explosive growth of the Florida film industry.<sup>97</sup> James had heard the siren call from the waves off the shore of that lush tropical paradise.<sup>98</sup> At that time, Miami had only one Florida-based assistant cameraman and his name was Eddie Gibson.<sup>99</sup> When James Pergola arrived in Miami, the total number of Florida film industry, union-card-carrying, New York trained, assistant cameramen doubled to two.<sup>100</sup> Gibson did not mind Pergola’s entrance into Miami at all.<sup>101</sup> He respected James immensely.<sup>102</sup> James Pergola and Eddie Gibson’s fathers had been great friends that worked together on covering the Cuban Revolution, Mussolini’s rise to power in Italy, and the hottest car races in Daytona Beach.<sup>103</sup>

The friendship between Eddie Gibson’s father and James Pergola’s father abruptly ended on October 17, 1937.<sup>104</sup> Veteran Pathé News and Fox Movietone News cameraman Jimmy V. Pergola was killed when a United Airlines “Mainliner . . . crashed . . . into . . . Hayden Peak, high in the Uinta

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92. *Id.*

93. *Id.*

94. Interview with James C. Pergola, *supra* note 88.

95. *Id.*

96. *See Life on the American Newsfront: Worst Air Crash in U.S. History Takes 19 Lives*, LIFE, Nov. 1, 1937, at 32, 38; Interview with James C. Pergola, *supra* note 88.

97. *See* Interview with James C. Pergola, *supra* note 88.

98. *See id.*

99. *Id.*

100. *Id.*

101. *Id.*

102. Interview with James C. Pergola, *supra* note 88.

103. *Id.*

104. *See Life on the American Newsfront: Worst Air Crash in U.S. History Takes 19 Lives*, *supra* note 96, at 38; James Pergola, *Father’s Footsteps: Becoming a Filmmaker Like His Father*, NAPLESNEWS.COM (June 21, 2009), <http://www.naplesnews.com/news/2009/jun/21/fathers-footsteps-becoming-filmmaker-his-father/?print=1>.

Range” resulting in the worst air crash in U.S. history.<sup>105</sup> He was shooting a newsreel story entitled, *The Safety of Transcontinental Flying*.<sup>106</sup> This left young James with only memories of his dad, now a legend, but he was embraced by all who had known and worked with his father.<sup>107</sup> Florida opened her arms as well.<sup>108</sup>

## V. MESMERIZING MIAMI

By the 1950s and early 1960s, Miami had reached international recognition as a thriving hub for both television and film.<sup>109</sup> Paul Newman and Joanne Woodward sizzled in *The Long, Hot Summer* (1958) and Elvis Presley raised the temperature in the Sunshine State in *Follow That Dream* (1962).<sup>110</sup> From 1966 to 1970, Jackie Gleason filmed his eponymous *Jackie Gleason Show* in Miami.<sup>111</sup> From short comedy and melodrama to dramatic action, the James Bond series thriller *Goldfinger* (1964) featured luxurious shots of Millionaire’s Row located at the Morris Lapidus-designed Fontainebleau Hotel in Miami Beach.<sup>112</sup>

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105. *Life on the American Newsfront: Worst Air Crash in U.S. History Takes 19 Lives*, *supra* note 96, at 38.

106. *Id.*

107. Interview with James C. Pergola, *supra* note 88; *see also* Pergola, *supra* note 104.

108. Interview with James C. Pergola, *supra* note 88; *see also* Pergola, *supra* note 104.

109. PONTI, *supra* note 11, at 6.

110. *See Follow That Dream*, IMDB, <http://www.imdb.com/title/tt0055992/> (last visited Jan. 18, 2014); *The Long, Hot Summer*, IMDB, <http://www.imdb.com/title/tt0051878/> (last visited Jan. 18, 2014).

111. *The Jackie Gleason Show*, IMDB, <http://www.imdb.com/title/tt0195466/> (last visited Jan. 18, 2014).

112. GOLDFINGER (Eon Productions 1964); *see also Overview*, FONTAINEBLEAU MIAMI BEACH, [www.fontainebleau.com/web/about\\_bleau](http://www.fontainebleau.com/web/about_bleau) (last visited Jan. 18, 2014). Some 161 road miles and a world apart from Miami, Key West was the film site for a sizeable portion of another Bond film. *See Licence to Kill*, IMDB, <http://www.imdb.com/title/tt0097742/> (last visited Jan. 18, 2014). Just ninety-seven road miles north of Key West lies the island that gained fame as the setting for the 1948 film *Key Largo*; apart from background filming used for establishing shots, however, the film was shot on a Warner Brothers sound stage in Hollywood. *See Key Largo—Filming Locations*, IMDB, <http://www.imdb.com/title/tt0040506/locations> (last visited Jan. 18, 2014). Although not a filming location for the 1951 Lauren Bacall and Humphrey Bogart movie, *The African Queen*, Key Largo is also home port to a newly restored 100-year-old riverboat figuring prominently in the movie’s plot and after which the movie was named. *See The African Queen Sets Sail Again*, CBSNEWS (Apr. 13, 2012, 3:23 PM), [http://www.cbsnews.com/8301-31749\\_162-57413816-10391698/the-african-queen-sets-sail-again/](http://www.cbsnews.com/8301-31749_162-57413816-10391698/the-african-queen-sets-sail-again/).

Elsewhere in Miami, Ivan Tors Studios was producing *Flipper* and *Gentle Ben*, two of the hottest prime time shows on television.<sup>113</sup> Ivan was born in Budapest in 1916 and immigrated to the United States just prior to World War II.<sup>114</sup> He produced the smash hit motion picture *Flipper* for MGM and the film grossed over \$23 million.<sup>115</sup> To put this success in perspective, MGM had produced *Mutiny on the Bounty*, starring Marlon Brando, that same year, and *Mutiny* lost \$23 million at the box office.<sup>116</sup>

“The television series *Flipper* [aired] on Saturday night[s] at 7:30 p.m.” on CBS and was the number one show on television; it upstaged *The Jackie Gleason Show*, which had to be moved to a later time slot in order to survive.<sup>117</sup> That friendly dolphin, along with Ranger Porter Ricks and his sons, Sandy and Bud, turned all eyes to Miami, Florida.<sup>118</sup> Luke Halpin, who played teen heartthrob Sandy, was featured on the cover of the debut issue of *Tiger Beat* magazine in September 1965, sending millions of teenage girls to the newsstands and making the fictitious town of Coral Key Park their dream destination.<sup>119</sup> Today, at fifty years and counting, the ripple effect of *Flipper’s* success is still impacting Florida.<sup>120</sup> The Miami Seaquarium still boasts “[television] [s]uperstar Flipper and his Atlantic bottlenose dolphin friends” in their daily live show *Flipper’s Beach Bash*.<sup>121</sup> Prior to this huge boon, friendly Florida provided the gorgeous scenery, but only to local craftsmen.<sup>122</sup> The *keys*—or team-leaders of the various crews—were still being sent down from New York or east from California.<sup>123</sup> The key-electricians and key-grips brought their top assistants with them from New York City or Hollywood, “and hired locals for the third or fourth

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113. PONTI, *supra* note 11, at 6; *see Flipper*, IMDB, <http://www.imdb.com/title/tt0057748/> (last visited Jan. 18, 2014); *Gentle Ben*, IMDB, <http://www.imdb.com/title/tt0061255/> (last visited Jan. 18, 2014).

114. Interview with James C. Pergola, *supra* note 88.

115. *Id.*

116. *Id.*; *Mutiny on the Bounty*, IMDB, [http://www.imdb.com/title/tt0056264/?ref\\_=fn\\_al\\_tt\\_1](http://www.imdb.com/title/tt0056264/?ref_=fn_al_tt_1) (last visited Jan. 18, 2014).

117. Interview with James C. Pergola, *supra* note 88; *see also* Paul Mavis, *Flipper—The Original Series: Season One*, DVD TALK (Apr. 24, 2007), <http://www.dvdtalk.com/reviews/27578/flipper-the-original-series-season-one/>.

118. *About Us: History*, MIAMI SEAQUARIUM, <http://www.miamiseaquarium.com/AboutUs/History> (last visited Jan. 18, 2014); *Flipper*, *supra* note 113.

119. *See The Things That Flip “Flipper’s” Friend Luke Halpin!*, LLOYD THAXTON’S TIGER, Sept. 1965, at 48, 49; *see also Flipper*, *supra* note 113.

120. *About Us: History*, *supra* note 118.

121. *Flipper Dolphin*, MIAMI SEAQUARIUM, <http://www.miamiseaquarium.com/Explore/Shows/Flipper-Dolphin> (last visited Jan. 18, 2014).

122. *See* Interview with James C. Pergola, *supra* note 88.

123. *Id.*

electrician,” camera, grip, or set construction positions.<sup>124</sup> James Pergola was quickly hired for his expertise and worked under camera operators and directors of photography from California.<sup>125</sup> As a result of this symbiotic relationship, the local Florida crews became highly skilled technicians, having trained under the best teachers in the industry.<sup>126</sup> It was not long before Florida was boasting that it could provide everything a movie company needed without shipping in entire crews from Los Angeles and New York.<sup>127</sup> By the mid-1960s, “Hollywood was happy to come” to Miami, Florida.<sup>128</sup> There were enough set builders, art directors, soundmen, camera crews, and equipment to fully stock two films simultaneously.<sup>129</sup>

Meanwhile, back in New York City, the movie industry was dying.<sup>130</sup> The unions in New York “had gotten so demanding and difficult that New York [p]roducers went to Los Angeles.”<sup>131</sup> There was a mass exodus from New York, formerly the *television capital of the world*, to California.<sup>132</sup> In order to stop this crippling flight, “New York Mayor, [John] Lindsay, came up with the *Lindsay Plan*.”<sup>133</sup> He instituted a plan that he hoped would enable filmmakers to easily tour locations, have access to fire and police, shoot in museums and government buildings, and secure permits quickly and easily.<sup>134</sup> Mayor Lindsay “made deals with the [International Alliance of Theatrical Stage Employees] (“IATSE”) to hold costs down” and forced them to make sacrifices—no more Triple Golden Time.<sup>135</sup> New York was forced to mend fences and cooperate with the film and television industry.<sup>136</sup> They had to rebuild their relationship from the ground up.<sup>137</sup>

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124. *Id.*

125. *See id.*

126. *Id.*

127. *See* Interview with James C. Pergola, *supra* note 88.

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

132. LYNN SPIGEL, *TV BY DESIGN: MODERN ART AND THE RISE OF NETWORK TELEVISION* 138 (2008); Interview with James C. Pergola, *supra* note 88.

133. Interview with James C. Pergola, *supra* note 88.

134. *See id.*; The City of N.Y.C. Mayor’s Office of Media & Entm’t, *Office History*, NYC, <http://www.nyc.gov/html/film/html/about/office-history.shtml> (last visited Jan. 18, 2014); *see also* James Sanders, *Adventure Playground: John V. Lindsay and the Transformation of Modern New York*, DESIGN OBSERVER GROUP (May 4, 2010), <http://places.designobserver.com/feature/adventure-playground--john-v-lindsay-and-the-transformation-of-modern-new-york/13338/>.

135. Interview with James C. Pergola, *supra* note 88.

136. *See* The City of N.Y.C Mayor’s Office of Media & Entm’t, *supra* note 134.

As they watched the painful destruction of such a storied and honored industry in the Empire State, the filmmakers and television craftsmen in Florida took action.<sup>138</sup> Greed could have easily destroyed them, too, and then everything they had built would have crumble. James Pergola met with the producers, directors, and government agencies in Florida, and all agreed that it was necessary to use the same idea in Miami.<sup>139</sup> James met with the Stage Hands local and every other specialty union from Miami to Tampa, in order to get a consensus.<sup>140</sup> It took over three months to come up with the *Florida Standard Agreement*.<sup>141</sup>

The Standard Agreement contract fixed the start time, end time, and realistic overtime wages within all the unions across the state.<sup>142</sup> “I sent every producer in the country, in concert with [the] business agents, this standard agreement,” explained Pergola.<sup>143</sup> “As films and television shows came in to Florida, they used our Standard Agreement.”<sup>144</sup> Pergola and his crew formed The Florida Motion Picture and Television Association (“FMPTA”), which grew to seven chapters by the end of the 1970s.<sup>145</sup> The FMPTA wanted to influence the governor.<sup>146</sup> Governor Reubin Askew needed to have a hard sell.<sup>147</sup> Unfortunately, *Deep Throat* and other pornographic films were being shot in Florida,<sup>148</sup> and the Governor was

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137. See *Remembering Steve D’Inzillo*, IATSE (Oct. 20, 2000), <http://www.iatse-intl.org/news/remembering-steve-dinzillo>; see also The City of N.Y.C. Mayor’s Office of Media & Entm’t, *supra* note 134.

138. Interview with James C. Pergola, *supra* note 88.

139. *Id.*

140. *Id.*

141. *Id.*

142. *Id.*

143. Interview with James C. Pergola, *supra* note 88.

144. *Id.* Not to be confused with the Jacksonville, FL newspaper *Florida Standard*. See, e.g., *Florida Newspapers*, FLA. ST. U. LIBR., <http://guides.lib.fsu.edu/content.php?pid=46594&sid=343596> (last updated Nov. 26, 2013).

145. Interview with James C. Pergola, *supra* note 88.

146. See *id.*; *Florida’s Entertainment Industry Success Is Counting on YOU!!!*, FLA. MOTION PICTURE & TELEVISION ASS’N, [http://www.fmpta-mo.com/Home\\_Page.html](http://www.fmpta-mo.com/Home_Page.html) (last visited Jan. 18, 2014) (explaining both the mission and composition of the association). FMPTA is still very much active today. *Florida’s Entertainment Industry Success Is Counting on YOU!!!*, *supra* note 146. For the past thirty-nine years, FMPTA has been a vital part of the motion picture and television industry in Florida. *Id.* FMPTA is organized to promote Florida’s “motion picture, television, audio recording, theater, and digital media” industries, by providing assistance and information to all interested organizations in regards to Florida’s skilled personnel, locations, services and fiscal incentives. *Id.*

147. Interview with James C. Pergola, *supra* note 88.

148. *Id.*; Kyle Munzenrieder, *Coconut Grove Mansion Where Deep Throat’s Most Infamous Scenes Were Filmed is For Sale*, MIAMI NEWTIMES (May 2, 2012, 1:28 PM), [http://blogs.miaminewtimes.com/riptide/2012/05/coconut\\_grove\\_mansion\\_where\\_de.php](http://blogs.miaminewtimes.com/riptide/2012/05/coconut_grove_mansion_where_de.php).



apprehensive about supporting filmmaking in the Sunshine State.<sup>149</sup> It was not until July 1, 1973, that the new Florida Film Coordinator, Sunny Fader, was appointed to change Florida's filmmaking opportunities and image for the better with a modest \$50,000 budget.<sup>150</sup>

The Governor also assigned a man named Ben Harris who was instrumental in the formation of the FMPTA and "ran the nationally envied Florida Film Bureau out of the state's Department of Commerce."<sup>151</sup> Harris explained that the group would have to show the Governor that the Florida film industry was economically beneficial to the state of Florida.<sup>152</sup> And so it did.<sup>153</sup> The group compiled data and appealed to the Governor to supply government assistance to this viable industry.<sup>154</sup> Through the ease of obtaining permits, use of state facilities, access to the Florida Highway Patrol, ability to block off and use state roads, and developing liaisons and healthy relationships with the administrative agencies in Tallahassee—as well as county and city governments—the relationship would thrive.<sup>155</sup>

The Governor agreed and the Florida Film Commission was born.<sup>156</sup> James Pergola and his dedicated group deeply believed they had "[a] sleeping giant just waiting to be awakened," and by all indications, they were right.<sup>157</sup> As with any love story, there are periods of time when lovers may quarrel and stop speaking<sup>158</sup>—possibly because there has been a misunderstanding or because one of them has taken the other for granted.<sup>159</sup> In any event, the relationship between Florida and the film industry is a relationship that has withstood the tests of time, and has survived undulating periods of undying support and unchivalrous repudiation.<sup>160</sup>

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149. Interview with James C. Pergola, *supra* note 88.

150. Fred Wright, *State Urged to Lure Film-Makers*, EVENING INDEPENDENT, May 31, 1973, at 5B, available at <http://news.google.com/newspapers?nid=950&dat=19730531&id=0n1QAAAAIBAJ&sjid=9lcDAAAAIBAJ&pg=7236,5206907>.

151. Jack Zink, *Film Wars Solution: Rewind*, SUN-SENTINEL, May 23, 1999, at 1D; see also Interview with James C. Pergola, *supra* note 88.

152. Interview with James C. Pergola, *supra* note 88.

153. *See id.*

154. *Id.*

155. *Id.*

156. *Id.*

157. Interview with James C. Pergola, *supra* note 88.

158. *See id.*

159. *See id.*

160. *See id.*

## VI. THE GIANT AWAKENS TO CONCEIVE A NEW FILM LAW AND COUNCIL

The Florida Film & Entertainment Advisory Council was formed as a result of legislation signed into law by [then] Governor Jeb Bush, July 1, 1999. Created in accordance with Chapter 288.1252 of the *Florida Statutes*, the . . . Council consists of [seventeen] members, seven appointed by the Governor, five appointed by the President of the Senate, and five appointed by the Speaker of the House of Representatives.<sup>161</sup>

The Florida Office of Film and Entertainment (“OFE”) notes that, “[t]he Film Commissioner, a representative of Enterprise Florida, Inc., a representative of Workforce Florida, Inc., and a representative of the Florida Tourism Industry Marketing Corporation (Visit Florida) serve as ex officio, nonvoting members of the council, and are in addition to the [seventeen] appointed members of the Council.”<sup>162</sup> Aside from the very significant changes to law and bureaucracy intended to grow Florida’s connections to the film industry, Governor Bush also endorsed a five-hundred-page *Film Florida Production Guide*, produced in 2003.<sup>163</sup> The guide provides a “direct link to more than [forty] local film offices throughout the state—from Pensacola to Key West” and lists “producers, post-production facilities, crews, studios, equipment, support services, government assistance, associations, and accommodations . . . all over Florida.”<sup>164</sup> Governor Bush stated, “[t]he Sunshine State’s entertainment industry has grown over the past decade for one reason: [P]roducers find everything they need in Florida.”<sup>165</sup>

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161. The Fla. Office of Film & Entm’t, *About Us: Film & Entertainment Advisory Council*, FILMINFLORIDA.COM, <http://www.filminflorida.com/about/feac.asp> (last visited Jan. 18, 2014) [hereinafter *The Fla. Office of Film & Entm’t, About Us: Film & Entertainment Advisory Council*]; see also FLA. STAT. § 288.1252 (2013). See *supra* notes 150, 156, and accompanying text for previous commentary about the role of the Florida Film Coordinator, as well as the Florida Film Commission.

162. The Fla. Office of Film & Entm’t, *About Us: Film & Entertainment Advisory Council*, *supra* note 161.

163. Letter from Jeb Bush, Governor of Fla., to Friends, (Jan. 2003) (on file with Nova Southeastern University, Shepard Broad Law Center Library); Letter from the Staff of the Governor’s Office of Film & Entm’t, Office of the Governor of Fla., to Friends (Jan. 2003) (on file with Nova Southeastern University, Shepard Broad Law Center Library); see also *FILM FLORIDA PRODUCTION GUIDE*, *supra* note 44.

164. Letter from Jeb Bush to Friends, *supra* note 163.

165. *Id.*

The Staff of the Governor's OFE queries, "[s]ound like a production paradise? It is. From any angle."<sup>166</sup> The Governor's OFE is committed to the mission of functioning as "an effective link between industry and all levels of government to improve the business climate for the growth and expansion of the entertainment industry in Florida."<sup>167</sup> The mission includes accountability, innovation, partnering, and "strategic focus to capitalize on [the] opportunities . . . that set Florida apart from the rest of the world."<sup>168</sup>

In order to encourage success at every level, Florida has instituted major incentives for filmmaking, and empowered administrative agencies to implement them.<sup>169</sup> Introduction of legislation that benefits filmmakers—as well as easy to use permitting forms, and an abundance of grants and assistance—have contributed to the overwhelming success of the film industry in Florida.<sup>170</sup>

#### VII. FLORIDA PROPOSES WITH TAX INCENTIVES AND THE FILM INDUSTRY SAYS, "I DO!"

In May of 2010, Governor Charlie Christ "inked legislation that create[d] a five-year, \$242 million transferable tax credit for the state's film and entertainment industry."<sup>171</sup> Qualified "projects . . . receive a rebate of 20% to 30% on qualified Florida expenditures."<sup>172</sup> There is "an \$8 million cap for major productions."<sup>173</sup> The tax exemption "allocates a 5% bonus for *family-friendly* projects and an additional 5% for activity taking place during hurricane season."<sup>174</sup>

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166. Letter from the Staff of the Governor's Office of Film & Entm't to Friends, *supra* note 163.

167. The Fla. Office of Film & Entm't, *About Us: Vision & Mission*, FILMINFLORIDA.COM, <http://filminflorida.com/about/vm.asp> (last visited Jan. 18, 2014) [hereinafter *The Fla. Office of Film & Entm't, About Us: Vision & Mission*].

168. *Id.*

169. Rebecca Martel Koegel, *Florida's Financial Incentive Program Lures Film & Entertainment Production to the State with Good Ol' Cash*, BRIEFS, Mar. 2008, at 15, 15–16, available at <http://www.hklaw.com/files/Publication/fc1af85a-869e-43f2-9b87-98c071ceb2e7/Presentation/PublicationAttachment/a75426cd-5cc2-4b27-85f7-014a855657a0/51905.PDF>.

170. *See id.*

171. Peter Caranicas, *Florida OKs Tax Breaks for Film, TV*, VARIETY (June 2, 2010, 5:00 AM), <http://www.variety.com/2010/film/news/florida-oks-tax-breaks-for-film-tv-1118020076/>.

172. *Id.*

173. *Id.*

174. *Id.*

“[This] program covers [both] in-state and out-of-state productions . . . .”<sup>175</sup> It also benefits post-production and digital productions.<sup>176</sup> The governor “authorize[d] \$53.5 million in transferable tax credits for the 2010–[20]11 fiscal year.”<sup>177</sup> The total increased to \$74.5 million for 2011–2012.<sup>178</sup> Suzy Spang, Vice President of the Metro Orlando Film and Entertainment Commission, explained, “[w]e never knew from one year to the next what the rebate would be. . . . This stabilizes everything.”<sup>179</sup> The impact of these tax incentives has far ranging implications from Los Angeles, California to little towns in Florida.<sup>180</sup>

When Warner Brothers executives were budgeting for the hit “rock musical *Rock of Ages*, with Tom Cruise, there was no doubt that [the film would be shot] in Los Angeles . . . where the story is set.”<sup>181</sup> But, as the budgeting process began, producers were scanning the country, even the world, “tabulating tax credits and exchange rates.”<sup>182</sup> Producers looked from Sydney to Louisiana before settling on Miami, Florida; but they had to transform Miami into “Reagan-era [1980s] rock ‘n’ roll Hollywood.”<sup>183</sup> ““We needed to reroute traffic, turn a one-way street into a two-way street, repaint lines and put up traffic signs,” sa[id] producer Garrett Grant, ‘and the city was just fantastic, along with the State of Florida, making sure we got everything we needed.’”<sup>184</sup>

While Florida’s climate, topography, and architecture convincingly doubled for Los Angeles, what “sealed the deal was the state’s production incentive, which offer[ed] a [twenty percent] base tax credit on in-state spend[ing], capped at [eight] million [dollars] per production, with [an] additional [five percent] . . . for shooting . . . off-season.”<sup>185</sup> The potential was a total of thirty percent.<sup>186</sup>

The tax incentives caused an infusion of projects into Florida.<sup>187</sup> The abundance of work came in the “nick of time for local film and [television]

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175. *Id.*

176. Caranicas, *supra* note 171.

177. *Id.*

178. *Id.*

179. *Id.*

180. See Todd Longwell, *Sun Shines, Taxes Fall, Biz Rocks*, VARIETY (Dec. 16, 2011, 4:00 AM), <http://variety.com/2011/film/news/sun-shines-taxes-fall-biz-rocks-1118045382/>.

181. *Id.*

182. *Id.*

183. *Id.*

184. *Id.*

185. Longwell, *supra* note 180.

186. *Id.*

187. *Id.*

workers who [were] underemployed or idle.”<sup>188</sup> “[C]ostume supervisor Emae Villalobos, a [twenty-five]-year veteran of the [movie] biz, [said], ‘I was thinking of getting out of the business completely and going into retail.’”<sup>189</sup> But, then the incentives kicked in, and she was inundated with work for A&E network, including the show *The Glades*, and movies such as *Dolphin Tale* and *Rock of Ages*.<sup>190</sup>

Despite the overwhelming success of the tax incentives, there was an amendment that went into effect on July 1, 2011.<sup>191</sup> It mandated that “no more than [twenty-five percent of] its funds go to *high-impact* television shows.”<sup>192</sup> Although certain series were “grandfathered in through 2015, [it left little room] for any *major* new series or pilots.”<sup>193</sup>

In true Floridian form, Film Florida representatives volunteered to take legislators on a detailed tour of Florida film and television sets.<sup>194</sup> Their goal was to make certain that all members of Florida’s Congress thoroughly understood the significant domino effect of Florida’s film industry.<sup>195</sup> “‘They were blown away by how many people were employed and the amount of construction materials used,’ sa[id] Sandy Lighterman, [F]ilm and [E]ntertainment [I]ndustr[y] [L]iaison for Miami-Dade County. ‘Hopefully, they [will see] those images in their minds at the next legislative session.’”<sup>196</sup>

In addition to monetary incentives, the State of Florida is committed to assisting filmmakers through various administrative agencies.<sup>197</sup> The Florida Department of Environmental Protection (“FDEP”) was instrumental in the production of *Basic*, starring John Travolta and Samuel L. Jackson in 2003.<sup>198</sup> “‘When a . . . set is *doubled* to look like another area of the country, or the world, for that matter, attention to detail is paramount,’ said [*Basic*]

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188. *Id.*

189. *Id.*

190. Longwell, *supra* note 180.

191. Compare FLA. STAT. § 288.1254(4)(b)(1)(b) (2010) (current version at FLA. STAT. § 288.1254 (2013)), with FLA. STAT. § 288.1254(4)(b)(1)(b) (2011) (current version at FLA. STAT. § 288.1254 (2013)). See also Longwell, *supra* note 180.

192. Longwell, *supra* note 180.

193. *Id.* (emphasis added).

194. *Id.*

195. See *id.*

196. *Id.*

197. See Bashirah Muttalib, *Reeling in the Sunshine State*, VARIETY (Mar. 4, 2009, 7:08 PM), <http://www.variety.com/2009/film/news/reeling-in-the-sunshine-state-1118000858/>.

198. See *id.*; *Basic*, IMDB, <http://www.imdb.com/title/tt0264395/> (last visited Jan. 18, 2014).

location manager Mitch Harbeson,” who made the former Naval Air Station at Cecil Field stand in for Panama.<sup>199</sup>

After the tragedy of 9/11, the *Basic* location crew had to refocus and change their international settings to domestic.<sup>200</sup> The plot demanded a location that would allow “several months of filming machine gun firefight scenes” amidst special effects created to produce a hurricane—all without disturbing the peace or alarming local residents.<sup>201</sup> Florida saved the day and provided paradise for the filmmakers.<sup>202</sup> While working in the Florida wetlands, near Jacksonville, the team worked night hours.<sup>203</sup> They had to build “a road that would surround the set and was also strong enough to support production trucks during Florida’s heavy rainfall.”<sup>204</sup> “We had to be very careful how this road was cut into the dense tropical vegetation and forest,” said Harbeson. “Prevention of senseless tree cutting and trimming had to balance with a road designed not to impact camera sight lines during filming.”<sup>205</sup> “To create . . . jungles, . . . the team placed 120 truckloads of dirt into the area . . . and added two truckloads of plant[s] . . . .”<sup>206</sup>

“This was only permitted by the [FDEP] because of my guarantee that I would not introduce foreign soil or water into the area and that it would be brought back to its original condition, within an inch,” Harbeson explained.<sup>207</sup> Based on his relationship with the FDEP and their past experience working together, Harbeson was confident that “*all would go as planned.*”<sup>208</sup>

Years later, Harbeson returned to scout locations for a new HBO project.<sup>209</sup> Navigating these locations would “require[] the assistance of the

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199. Muttalib, *supra* note 197. Other Jacksonville, Florida films not already mentioned include, but are not limited to: *Brenda Starr*, *Forces of Nature*, *G.I. Jane*, *Like Dandelion Dust*, *Lonely Hearts*, *Sunshine State*, *The Devil’s Advocate*, *The Manchurian Candidate*, *The New Adventures of Pippi Longstocking*, *Tigerland*, & *Why Do Fools Fall in Love—Filming Locations*, IMDB, <http://www.imdb.com/> (search “film name”; select “filming locations”) (last visited Jan. 18, 2014); *Projects Filmed in Jacksonville*, OFFICIAL WEBSITE CITY JACKSONVILLE, <http://www.coj.net/departments/office-of-economic-development/film-and-television/projects-filmed-in-jacksonville.aspx> (last visited Jan. 18, 2014).

200. Muttalib, *supra* note 197.

201. *Id.*

202. *See id.*

203. *Id.*

204. *Id.*

205. Muttalib, *supra* note 197.

206. *Id.*

207. *Id.*

208. *Id.* (emphasis added).

209. *Id.*

supervisor of elections, committee leaders, the governor, and [the] mayor.”<sup>210</sup> Towards the end, Harbeson observed that “[r]egardless of what jersey [they] wore, [whether] Democrat or Republican, Floridians wanted to be a part of this film and represented the film well.”<sup>211</sup> Florida’s dedication to the film industry has moved the love affair into a profitable, deeply committed marriage of sorts.<sup>212</sup> And this marriage has been blessed with fertility.<sup>213</sup> Their Florida-born progeny will leave a legacy for generations.<sup>214</sup>

#### VIII. FLORIDA’S FILM INDUSTRY PRODUCES PROGENY

“In the summer of 1980, a group of overeducated, authority-defying comedy writers from the Second City improv[isation] troupe and *National Lampoon* magazine delivered perhaps the funniest sports movie ever made.”<sup>215</sup> *Caddyshack* was born.<sup>216</sup> Over the past thirty years, the low-budget \$6 million movie has generated over \$20 million in video and DVD rentals, \$40 million in sales at the box office, and a place on American Film Institute’s (“AFI”) top one hundred funniest American movies of all time—with the special effects talents of George Lucas and other talented producers and directors enhancing the eleven-week shoot.<sup>217</sup> *Caddyshack* is particularly memorable, amongst other reasons, for Davie’s gorgeous golf greens,<sup>218</sup> Key Biscayne’s blue yachting waters, and, not to mention, some of the funniest lines in film history.<sup>219</sup>

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210. Muttalib, *supra* note 197.

211. *Id.*

212. See FLA. DEP’T OF ECON. OPPORTUNITY & OFFICE OF FILM & ENTMT’T, FISCAL YEAR 2011/2012 FILM AND ENTERTAINMENT INDUSTRY FINANCIAL INCENTIVE PERFORMANCE REPORT 2–3, 10 (2012), available at <http://www.filminflorida.com/ifi/PDFs/annualReports/Entertainment%20Industry%20Financial%20Incentive%20Annual%20Report%202011%202012.pdf>.

213. See *id.* at 2–3.

214. See *id.* at 9–11.

215. Chris Nashawaty, *Caddyshack*, SPORTS ILLUSTRATED, Aug. 2–9, 2010, at 64, 64, available at <http://sportsillustrated.cnn.com/vault/article/magazine/MAG1172571/index.htm>.

216. CADDYSHACK (Orion Pictures 1980).

217. AMERICAN FILM INST., AFI’S 100 YEARS 100 LAUGHS: AMERICA’S FUNNIEST MOVIES (2002), available at <http://www.afi.com/docs/100years/laughs500.pdf>; *Caddyshack—Box Office/Business*, IMDB, <http://www.imdb.com/title/tt0080487/business> (last visited Jan. 18, 2014); see also Nashawaty, *supra* note 215, at 64, 72. Specifically, the animatronic gopher—with the same sound effects voice as *Flipper*, no less—was created at Lucas’ Industrial Light and Magic (“ILM”). Nashawaty, *supra* note 215, at 72; *Caddyshack—Trivia*, IMDB, <http://www.imdb.com/title/tt0080487/trivia> (last visited Jan. 18, 2014).

218. *On Location . . . Caddyshack Filming Locations*, ‘80S MOVIES REWIND, [http://www.fast-rewind.com/locations\\_caddyshack.htm](http://www.fast-rewind.com/locations_caddyshack.htm) (last visited Jan. 18, 2014). Although “[t]he gates to the country club where Danny rides his bike [in] the opening” scene were

In addition to the aforementioned comedies, the AFI compilation of the top one hundred funniest American movies also includes another Florida sibling from 1994: *Ace Ventura, Pet Detective*.<sup>220</sup> *Ace Ventura*—played by Jim Carrey—is a private detective who is hired when the Miami Dolphins’ mascot, Snowflake, the bottle-nosed dolphin, is kidnapped.<sup>221</sup> *Ace* embarks on a veritable tour of Miami and Collier County as he searches for clues to the kidnapper’s identity and Snowflake’s location.<sup>222</sup> *Ace Ventura* grossed over \$12 million when released in theatres the first weekend.<sup>223</sup> With a production budget of \$12 million,<sup>224</sup> the film went on to gross over \$107 million worldwide.<sup>225</sup> Former Miami Dolphins’ quarterback Dan Marino, Courtney Cox, and Tone Loc helped to make *Ace Ventura* a splashing success, as priceless gems of dialogue flowed from Jim Carey’s lips.<sup>226</sup>

*Caddyshack* and *Ace Ventura* were not award winning for acting or cinematography, but are excellent examples of small budget Florida films with major impact.<sup>227</sup> Together, grossing over \$100 million at the box office

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filmed in Bel Air, California on Sunset Boulevard, “*Caddyshack* was filmed on location at the Boca Raton Hotel [and] Country Club, Boca Raton and The Rolling Hills Golf & Tennis Club, Davie, Florida.” *Id.* “The pool scene was filmed at the Plantation Preserve Golf Course in Plantation, [Florida]” and clubhouse scenes at Rolling Hills. *Id.* “The yacht club scene was filmed at the Rusty Pelican Restaurant . . . [in] Key Biscayne, . . . Florida.” *Id.*

219. See *CADDYSHACK*, *supra* note 216. For example, the line uttered by Carl the greens keeper: “On your deathbed, you will receive total consciousness. So I got that going for me, which is nice.” *Id.* Another nice—but some would argue utterly forgettable—movie made in St. Petersburg was *Summer Rental*, a 1985 comedy film directed by Carl Reiner, starring John Candy. *Summer Rental*, IMDB, <http://www.imdb.com/title/tt0090098/> (last visited Jan. 18, 2014). It was filmed in St. Petersburg Beach near St. Petersburg, and includes as part of its soundtrack one of the only Jimmy Buffett songs which is impossible to get on iTunes or in any legitimate—non-bootleg—album: “Turn It Around.” See Mikey Hersh, *Out There!: “Turning Around” by Jimmy Buffet*, MISENPOPIC (Jan. 2, 2010), <http://misenpopic.blogspot.com/2010/01/out-there-turning-around-by-jimmy.html>; *Summer Rental—Filming Locations*, IMDB, <http://www.imdb.com/title/tt0090098/locations> (last visited Jan. 18, 2014).

220. AMERICAN FILM INST., *supra* note 217; *Ace Ventura: Pet Detective*, IMDB, <http://www.imdb.com/title/tt0109040> (last visited Jan. 18, 2014).

221. ACE VENTURA: PET DETECTIVE (Warner Bros. Pictures 1994).

222. See *id.*

223. *Ace Ventura: Pet Detective—Box Office/Business*, IMDB, <http://www.imdb.com/title/tt0109040/business> (last visited Jan. 18, 2014).

224. *Id.*

225. *Ace Ventura: Pet Detective*, NUMBERS, <http://www.the-numbers.com/movies/1994/0ACV1.php> (last visited Jan. 18, 2014).

226. *Ace Ventura: Pet Detective*, *supra* note 220.

227. See PHYLLIS K. POOLEY, HAAS CTR. FOR BUS. RESEARCH & ECON. DEV., UNIV. OF W. FLA., ANALYSIS OF THE FLORIDA FILM AND ENTERTAINMENT INDUSTRY 179 (2009), available at <http://www.filminflorida.com/docs/pdf/Analysis%20of%20the%20Florida%20Film%20and%20Entertainment%20Industry.pdf>; *Ace*



and landing on AFI's top one hundred funniest films of all time are accomplishments that any parent could be proud of.<sup>228</sup>

And the dolphin does it again.<sup>229</sup> A 2012 study conducted by the University of South Florida College of Business shows that the little Florida movie "*Dolphin Tale*, which was shot on location in Pinellas County and produced a direct local economic impact of more than \$18 million during the three-month shoot alone," is set to generate "an economic impact of \$580 million in 2013."<sup>230</sup> In addition to Pinellas County's St. Petersburg/Clearwater Film Commission assessment,<sup>231</sup> the University of South Florida report shows the far-reaching impact of the film across all sectors of Florida's economy, but especially in Clearwater, and most directly at the Clearwater Marine Aquarium, where Winter, the dolphin star, resides.<sup>232</sup> The film has generated jobs and increased tourism, with a forecasted 2.3 million visitors to the St. Petersburg/Clearwater area and to the Aquarium in 2016.<sup>233</sup> The economic impact of these visitors totals \$5 billion to the Florida economy<sup>234</sup> including actual *on location vacation* tourism around Florida and those pursuing cast extra opportunities.<sup>235</sup>

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*Ventura: Pet Detective—Box Office/Business*, *supra* note 223; *Caddyshack—Box Office/Business*, *supra* note 217.

228. AMERICAN FILM INST., *supra* note 217; *Ace Ventura: Pet Detective—Box Office/Business*, *supra* note 223; *Caddyshack—Box Office/Business*, *supra* note 217. And if grossing over \$40 million dollars is not honor enough, *Caddyshack* prominently appears in a law review article entitled *Lightning: A Double Hit for Golf Course Operators*, by Michael Flynn, quoting Carl Spackler—in the middle of a torrential thunder and lightning storm—"I'd keep playing, I don't think the heavy stuff is going to come down for quite a while." The Bishop responded, 'you're right, anyway the good Lord would never disrupt the best game of my life.' The Bishop was then struck down by lightning." Michael Flynn, *Lightning: A Double Hit for Golf Course Operators*, 6 MARQUETTE SPORTS L.J. 133, 134–35 n.11 (1995) (quoting CADDYSHACK, *supra* note 216).

229. *See Study: 'Dolphin Tale' Creates Millions in Economic Impact*, TAMPA BAY BUS. J. (Aug. 16, 2012, 2:07 PM), <http://www.bizjournals.com/tampabay/news/2012/08/16/study-dolphin-tale-creates.html>.

230. *Id.*; VISIT ST. PETE CLEARWATER, PINELLAS CNTY. GOV'T, 2013 VISIT ST. PETE/CLEARWATER ANNUAL PLAN 9 (2013), *available at* [http://www.pinellascvb.com/files/2013\\_visit\\_st.\\_petersburg\\_clearwater\\_annual\\_plan\(reduced\).pdf](http://www.pinellascvb.com/files/2013_visit_st._petersburg_clearwater_annual_plan(reduced).pdf).

231. VISIT ST. PETE CLEARWATER, *supra* note 230, at 9.

232. MARIA LUISA CORTON & MALING EBRAHIMPOUR, UNIV. OF S. FLA., THE ECONOMIC IMPACT OF DOLPHIN TALE: ON THE ST. PETERSBURG/CLEARWATER LOCAL ECONOMY 2 (2012).

233. *Id.*

234. *Study: 'Dolphin Tale' Creates Millions in Economic Impact*, *supra* note 229.

235. *See* CORTON & EBRAHIMPOUR, *supra* note 232, at 2; 'Chu and Blossom' Needs Extras in Largo, FL This Weekend, OLV (Aug. 18, 2012), [www.onlocationvacations.com/2012/08/18/chu-and-blossom-needs-extras-in-largo-fl-this-weekend/](http://www.onlocationvacations.com/2012/08/18/chu-and-blossom-needs-extras-in-largo-fl-this-weekend/).

One of the longest running, if not most flattering, depictions of Miami in film or television, were “[t]he adventures of the vice squad detectives of the Miami Police Department,” as portrayed over seven seasons from 1984 through 1990 in *Miami Vice*, and the movie adaptation by the same name in 2006.<sup>236</sup> This “massively successful national and international hit” featured “[t]he Art Deco buildings of South Beach . . . as a backdrop for much of the show,” the plot “glamorized the very real crime problems the area was suffering, and city officials were concerned about the image it was giving of their community.”<sup>237</sup> As tourists came to visit the *exotic splendor* of the series’ locations and other Miami area movies and television shows,<sup>238</sup> businesses invested more in renovating South Beach and city leaders increased law enforcement vigilance.<sup>239</sup> By 2008, “[t]he Art Deco District and South Beach were the top tourist attractions in Miami-Dade County . . . visited by nearly 52% of its 12 million visitors.”<sup>240</sup> During a fourteen year period “[f]rom 1995–2009, these visitors to Miami Beach spent . . . \$15 billion for food, drinks and lodging, with historic South Beach [accounting for] nearly 75% of [that] spending.”<sup>241</sup>

## IX. FLORIDA AND THE FILM INDUSTRY IN THE 21ST CENTURY

More than any other time in filmmaking history, the latter portions of the twentieth and early twenty-first centuries were marked by the cinematographic equivalent of outsourcing, also known in the film industry as runaway productions.<sup>242</sup> This term describes filmmaking and television productions that are “intended for initial release/exhibition or television

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236. *Miami Vice (1984–1990)*, IMDB, <http://www.imdb.com/title/tt0086759/> (last visited Jan. 18, 2014); *Miami Vice (2006)*, IMDB, <http://www.imdb.com/title/tt0430357/> (last visited Jan. 18, 2014).

237. Jedediah Drolet et al., *Chapter Seven: South Beach, Miami Beach, Florida Case Study: Synthesis of Historic Preservation and Economic Development*, in *ECONOMIC IMPACTS OF HISTORIC PRESERVATION UPDATE 2010* 83, 96–97 (2010), available at <http://mimoonthebeach.com/pdfs/South%20Beach%20Economic%20Case%20Study.pdf>.

238. *Id.* at 97; see also *Bad Boys*, *Bad Boys II*, *The Bird Cage*, & *True Lies—Filming Locations*, IMDB, <http://www.imdb.com/> (search “film name”; select “film name”; select “filming locations”) (last visited Jan. 18, 2014).

239. See Drolet et al., *supra* note 237, at 96–97.

240. *Id.* at foreword.

241. *Id.*

242. See STEPHEN M. KATZ, CTR. FOR ENTM’T INDUS. DATA & RESEARCH, *THE GLOBAL SUCCESS OF PRODUCTION TAX INCENTIVES AND THE MIGRATION OF FEATURE FILM PRODUCTION FROM THE U.S. TO THE WORLD: YEAR 2005 PRODUCTION REPORT 1–2* (Mark A. Rosenthal ed., 2006), available at <http://www.ceidr.org/2005CEIDRRReport.pdf>; SCREEN ACTORS GUILD & DIRS. GUILD OF AM., *U.S. RUNAWAY FILM AND TELEVISION PRODUCTION STUDY REPORT 2* (n.d.), available at [http://www.hhill.org/images/uploads/monitor\\_report.pdf](http://www.hhill.org/images/uploads/monitor_report.pdf).

broadcast in the U.S., but are actually filmed in another country.”<sup>243</sup> Hardly a new complaint in the media industry, film crews often “left Los Angeles to shoot in exotic [often overseas] locales—creative runaways—but in the 1970s and 1980s, technological changes related to the advent of television production methods made filmmaking more mobile.”<sup>244</sup> In some instances, the choice to produce creative runaways was based on requirements of the script, setting, or due to preferences of the actors or director.<sup>245</sup> Alternatively, economic runaways are and have been productions made in other countries to reduce costs.<sup>246</sup> For instance, in 2002, only one of the five Best Picture nominees, *The Hours*, for that year’s Academy Awards was shot in Hollywood—Hollywood, Florida, that is.<sup>247</sup>

The United States Federal Government and many states, including Florida, recognized “the substantial economic damage inflicted by [r]unaway [p]roductions” proliferating in the 1980s and beyond.<sup>248</sup> In turn, “Congress enacted section 181 of the *Internal Revenue Code* of 1986, as amended (“the Code”),<sup>249</sup> as part of the American Jobs Creation Act of 2004.”<sup>250</sup> “Section 181 allows for certain expenses associated with films and television productions costing less than \$15 million to be immediately deducted in the

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243. SCREEN ACTORS GUILD & DIRS. GUILD OF AM., *supra* note 242, at 2; *see also* HERD, *supra* note 58, at 40–41 (U.S. production went *offshore* to Australia, in part, because of government incentives). For runaway productions in Canada, see Debra Felstead, *Toronto TV Production Is Fading to Black; Actors Scrambling to Find Work Funding Cuts, SARS to Blame*, TORONTO STAR, July 6, 2003, at D03. For an appreciation of the global effect of creative and economic runaways, see KATZ, *supra* note 242, at 1–2.

244. Susan Christopherson, *Divide and Conquer: Regional Competition in a Concentrated Media Industry*, in CONTRACTING OUT HOLLYWOOD: RUNAWAY PRODUCTIONS AND FOREIGN LOCATION SHOOTING 21, 21 (Greg Elmer & Mike Gasher eds., 2005).

245. SCREEN ACTORS GUILD & DIRS. GUILD OF AM., *supra* note 242, at 6.

246. *Id.*

247. CONTRACTING OUT HOLLYWOOD: RUNAWAY PRODUCTIONS AND FOREIGN LOCATION SHOOTING 1, 3 (Greg Elmer & Mike Gasher eds., 2005).

248. KATZ, *supra* note 242, at 57; JORGE MEDINA & PATRICK S. KLEIN, TAX DEDUCTIONS FOR FILM AND TELEVISION PRODUCTIONS UNDER SECTION 181, 2 (n.d.), *available at* <http://www.lacba.org/files/main%20Folder/sections/taxation/files/8.pdf>. “U.S. states offering significant incentives include: Arizona, Florida, Georgia, Illinois, Louisiana, Massachusetts, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, South Carolina, with more are [sic] on the way.” KATZ, *supra* note 242, at 2.

249. MEDINA & KLEIN, *supra* note 248, at 2 (emphasis added). See T.D. 9603, 2013-3 I.R.B., 273, for “final regulations that amend[ed] 26 CFR part 1 to reflect amendments made to [the] . . . Code by section 502 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008, Public Law No. 110-343 (122 Stat. 3765) (October 3, 2008).”

250. MEDINA & KLEIN, *supra* note 247, at 2; *see also* KATZ, *supra* note 242, at 60 (“The language allows producers of films with budgets under \$15 million to immediately write off their costs in a single year—if 75% of their principal costs are incurred via shooting in the [United States]. Previously, producers had to amortize those costs over several years.”).

year incurred.”<sup>251</sup> At present, section 181 of the Code—Treatment of certain qualified film and television productions—provides that “[a] taxpayer may elect to treat the cost of any qualified film or television production as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction.”<sup>252</sup> As currently in force, “[s]ection 181 has the potential to be very effective in limiting the negative economic impact of [r]unaway [p]roductions,”<sup>253</sup> encouraging television and film productions in the United States in general and, with economic enticements, in Florida in particular.<sup>254</sup>

The Governor’s OFE commissioned an independent assessment of Florida’s film and entertainment industry, conducted by the Haas Center for Business Research and Economic Development.<sup>255</sup> The study revealed that “[t]he estimated . . . impact of . . . Florida[’s] [f]ilm and [e]ntertainment [i]ndustry grew from . . . \$27 billion in 2003 to [almost \$30] billion in 2007.”<sup>256</sup> In no small part, this growth was fueled by Florida’s own financial incentive program for the entertainment industry, codified in section 288.1254 of the *Florida Statutes*.<sup>257</sup> Florida’s Entertainment Industry Financial Incentive Program—which became effective July 1, 2007—“was created within the Governor’s . . . (OFE) to ‘encourage the use of this state as a site for filming and to develop and sustain the workforce and infrastructure for film and entertainment production.’”<sup>258</sup> “To further support this mission [of maximizing film and entertainment production in Florida], the Governor and the Florida Legislature provided \$25 [million] in funding for the 2007–2008 fiscal year, . . . up \$5 million from the previous fiscal year.”<sup>259</sup> In its present inception as a six-year program—which “began on July 1, 2010 and sunsets June 30, 2016”—some \$12 million have been allocated by the State Legislature in tax credits beyond the initial 2010 allocation of \$242 million.<sup>260</sup> In “2012, the legislature allocated an additional \$42 million in tax credits to the program, totaling \$296 million.”<sup>261</sup> As a cost-to-benefit *bottom*

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251. MEDINA & KLEIN, *supra* note 247, at 2.

252. I.R.C. § 181(a)(1) (2006).

253. MEDINA & KLEIN, *supra* note 247, at 2.

254. *Id.*; see also KATZ, *supra* note 242, at 62; Koegel, *supra* note 169, at 15.

255. POOLEY, *supra* note 227, at 1.

256. *Id.* at 20.

257. FLA. STAT. § 288.1254 (2013); see also Koegel, *supra* note 169, at 15.

258. Koegel, *supra* note 169, at 15 (quoting FLA. STAT. § 288.1254(2) (2007) (current version at FLA. STAT. § 288.1254(2) (2013))).

259. *Id.*

260. FLA. DEP’T OF ECON. OPPORTUNITY & OFFICE OF FILM & ENTM’T, *supra* note 212, at 2.

261. *Id.*

line, Florida's Department of Economic Opportunity claims that since the program's inception, the OFE has:

- [S]ubmitted and processed 481 applications;
- [Q]ualified and certified 230 of those productions for tax credits with projected Florida expenditures of approximately \$1.3 billion; [and]
- [Estimated that] [w]ages to Floridians associated with the 230 productions are currently projected to be close to \$760 million and are associated with 161,000 positions for Florida residents.<sup>262</sup>

Governor Charlie Crist renewed and re-enforced his public commitment to the program by stating: “As we continue to seek growth opportunities for Florida’s economy, it is important to remember the significant role film and entertainment plays in our state, directly employing more than 100,000 Floridians.”<sup>263</sup> Crist was well aware that “[t]hese findings highlight how important it is for Florida’s businesses and workforce to ensure this revenue stream continues flowing into our state.”<sup>264</sup>

The study reiterated the unique benefits that are generated by the film and entertainment industry.<sup>265</sup> “[T]he economic benefits extend into other industries: . . . [R]estaurants, lodging, retail, construction, and tourism.”<sup>266</sup> The economic benefits set in motion “an additional estimated 105,000 related spinoff jobs in 2007 [alone].”<sup>267</sup> “[I]n 2007, the [film and entertainment] industry [in Florida] accounted for: \$17.9 billion in Gross State Product (“GSP”); \$8.5 billion in income to Floridians; and \$498 million in tax revenue.”<sup>268</sup>

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262. *Id.*

The production types certified to date [as of 2011/2012] include: 58 motion pictures (theatrical, made for [television], direct to video, documentaries, visual effects sequences in conjunction with a motion picture); 42 digital media productions; and 101 television productions ([television] series, including high-impact, drama, comedy, game shows, variety, entertainment shows, reality), [television] series pilots, telenovelas, and award shows; and 29 commercials.

*Id.*

263. *Study Shows \$29.2 Billion Economic Impact for Film and Entertainment Industry in Florida*, FILM FLA. (Mar. 2, 2009), <http://www.filmflorida.org/news/view.aspx?item=86>.

264. *Id.*

265. *Id.*

266. *Id.*

267. *Id.*

268. *Study Shows \$29.2 Billion Economic Impact for Film and Entertainment Industry in Florida*, *supra* note 263.

In 2012, Ernst & Young was commissioned by the Motion Picture Association of America (“MPAA”) to complete a study evaluating the effectiveness of film tax credits.<sup>269</sup> In that report, Ernst & Young noted

[t]he net fiscal benefit for state and local budgets is generally determined by comparing the cost of incentives to the additional state and local taxes generated by the film industry expansion. The net fiscal effect could be positive or negative depending upon both the features of state film credits and the economic characteristics of each production.<sup>270</sup>

Elsewhere in the report, Ernst & Young found Florida comparable to California when comparing “film tax credit programs in selected states with highest FY2010 credit program expenditures,” yet not as generous as eight of its peer-competitor film-making states—Connecticut, Georgia, Louisiana, Massachusetts, Michigan, New Mexico, New York, and Pennsylvania—with respect to “[s]tatutory credit rates by type of qualified expenditure.”<sup>271</sup>

The Association of National Advertisers (“ANA”) published a white paper titled *The Found Money of State Commercial Production Incentives* highlighting that:

The list of states that offer commercial production incentives and the specific details for each state, are continually evolving. Commercial production incentives are currently available from Alaska, Connecticut, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Mississippi, Missouri,

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269. ANDREW PHILLIPS ET AL., ERNST & YOUNG, EVALUATING THE EFFECTIVENESS OF STATE FILM TAX CREDIT PROGRAMS: ISSUES THAT NEED TO BE CONSIDERED (2012), available at [http://www.ey.com/Publication/vwLUAssetsPI/Evaluating\\_the\\_effectiveness\\_of\\_state\\_film\\_tax\\_credit\\_programs/\\$FILE/1203-1342731%20Motion%20Picture%20assoc.%20film%20credit%20study.pdf](http://www.ey.com/Publication/vwLUAssetsPI/Evaluating_the_effectiveness_of_state_film_tax_credit_programs/$FILE/1203-1342731%20Motion%20Picture%20assoc.%20film%20credit%20study.pdf).

270. *Id.* at 7. In the report, Ernst & Young cited how [t]he advertising value of film and television productions, at a minimum, can be evaluated by comparing the costs of generating similar awareness of a state through paid advertising. For decades, states have purchased advertising in magazines and on television to promote awareness of their states as a destination for tourists. Examples include Michigan’s “Pure Michigan” campaign, which cost nearly \$30 million in 2009; California’s “Find Yourself Here” campaign, which has cost \$50 million annually since 2007–08; Hawaii’s leisure and sports marketing budget of \$44 million in 2010; Florida’s marketing cost of \$23 million in 2002; and Las Vegas’ \$87 million spent on advertising in 2009, including its “What Happens in Vegas, Stays in Vegas” campaign.

*Id.*

271. *Id.* at 21 tbl. A-2.

Montana, New Mexico, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Texas, Washington, and West Virginia.<sup>272</sup>

The Florida Film and Entertainment Industry Financial Incentive Program, overseen by the Governor's Office of Tourism, Trade, and Economic Development—in the Governor's OFE—builds, supports and markets the high-wage, high-growth motion picture and entertainment industry sectors in Florida.<sup>273</sup> With offices in Tallahassee and Los Angeles, Florida is able to implement innovative strategies to attract world-class productions to the state that provide economic benefits to residents and businesses.<sup>274</sup> A study released in March 2013

on the economic impact of The Florida Film and Entertainment Industry Financial Incentive Program found a return on investment ("ROI") of 4.7, with estimated state and local tax revenues in Florida last fiscal year totaling \$547 million and the present value

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272. Bill Duggan, *The Found Money of State Commercial Production Incentives*, ASS'N NAT'L ADVERTISERS (Apr. 23, 2012), <http://www.ana.net/blogs/show/id/23341>. The ANA cross-references "*The Official Guide to United States Production Incentives* at <http://www.easecommercial.com/>" as "[o]ne resource available to help stay up to date on the various state policies." *Id.*; see also DAMA CLAIRE & MIKE ROSE, *THE OFFICIAL GUIDE TO U.S. PRODUCTION INCENTIVES FOR THE ADVERTISING INDUSTRY 6* (Russ Nissen & Garrett Hauenstein eds., 2013), available at [http://easeentertainment.com/wp-content/themes/ease/images/ECS\\_Incentives\\_Guide\\_Summer\\_2013.pdf](http://easeentertainment.com/wp-content/themes/ease/images/ECS_Incentives_Guide_Summer_2013.pdf). For other updates by jurisdiction—within the United States and abroad—see also *Updates by Jurisdiction*, ENT. PARTNERS (May 30, 2012), <http://www.entertainmentpartners.com/result/?nid=6872>.

273. See The Fla. Office of Film & Entm't, *Florida Film & Entertainment Industry Financial Incentive Program*, *supra* note 2. A brief overview of the program benefits identified included:

20%–30% transferable tax credit; 20% base percentage; 5% Off Season Bonus (for certain production types); 5% Family Friendly Bonus (for certain production types); 5% Underutilized Region Bonus (for General Production Queue only); 5% Qualified Production Facility/Digital Media Facility Bonus (for General Production Queue, on expenditures associated with production activity at a Qualified Production Facility/Digital Media Facility); 15% Florida Student/Recent Graduate Bonus (for General Production Queue, on student/recent grad wages and other compensation). The priority for qualifying/certifying projects for tax credit awards is determined on a first-come, first-served basis within its appropriate queue.

*Id.* For a comparison and contrast of Florida's peer-competitor states seeking film industry revenues, and second-order-of-effect tourism and service industry benefits, see, for example, EMILY PATRICIA GRAHAM, *COMPILED COMPARISON OF FILM TAX INCENTIVES IN LOUISIANA, FLORIDA, TEXAS AND NEW MEXICO* (n.d.), available at [http://www.americanbar.org/content/dam/aba/migrated/2011\\_build/entertainment\\_sports/film\\_incentives\\_compiled\\_comparison.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/2011_build/entertainment_sports/film_incentives_compiled_comparison.authcheckdam.pdf).

274. See The Fla. Office of Film & Entm't, *Florida Film & Entertainment Industry Financial Incentive Program*, *supra* note 2; The Fla. Office of Film & Entm't, *Location Resources*, FILMINFLORIDA.COM, <http://www.filminflorida.com/lr/default.asp> (last visited Jan. 18, 2014) [hereinafter The Fla. Office of Film & Entm't, *Location Resources*].

of the tax credit totaling \$117 million. The ROI is 4.7 when the state and local tax revenue effects of film-induced tourism, production spending, and infrastructure spending are taken into account.<sup>275</sup>

That means, “for every \$1.00 of credit distributed, the state and local governments received a combined \$4.70 in taxes.”<sup>276</sup> The incentive also supported an estimated 87,870 jobs and \$7.2 billion in economic spending across the state, both through production spending and induced tourism.<sup>277</sup>

Vans Stevenson, Senior Vice President for State Government Affairs at the MPAA, aptly pointed out in 2013 that the range of “major theatrical releases like *Magic Mike* and *Dolphin Tale* to some of television’s most watched shows like *Burn Notice* and *The Glades* [in] the entertainment industry is a fundamental element to Florida’s economy.”<sup>278</sup> Indeed, “[t]he Emmy-nominated show [*Burn Notice*] infused more than \$28.6 million into South Florida’s economy during [its] first two seasons [alone of a seven season run], and . . . created more than 2700 jobs”<sup>279</sup> while receiving \$5.2 million of the 2009 State of Florida incentive budget totaling \$10.8 million.<sup>280</sup> “[H]oliday box office [hit] *Marley & Me* . . . injected more than \$10 million into South Florida’s economy, employing nearly 1400 Floridians,” as the number one hit at the box office for two weeks and “effectively market[ed] South Florida[] [as the perfect] . . . destination[] [for] millions of winter moviegoers.”<sup>281</sup>

For over a billion warm climate moviegoers in India, Mumbai’s so-called Bollywood has traditionally satisfied cinematic cravings,<sup>282</sup> at least

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275. Press Release, Motion Picture Ass’n of Am., Inc., Motion Picture & Television Production Incentive Program Results in Significant Economic Impact, Investment Return in Florida (Mar. 20, 2013), available at <http://www.mpa.org/resources/53dedf92-dbf0-45f1-9d63-dce86a488c70.pdf>.

276. *Id.*

277. *Id.*

278. *Id.*

279. *Study Shows \$29.2 Billion Economic Impact for Film and Entertainment Industry in Florida*, *supra* note 263.

280. Lee Logan, *Burn Notice Star Stumps for Film Tax Credits*, MIAMI HERALD (Nov. 3, 2009, 1:30 PM), <http://miamiherald.typepad.com/nakedpolitics/2009/11/burn-notice-star-stumps-for-film-tax-credits.html>.

281. *Study Shows \$29.2 Billion Economic Impact for Film and Entertainment Industry in Florida*, *supra* note 263.

282. See Richard Corliss, *Hooray for Bollywood!*, TIME MAG., Sept. 16, 1996, at 88. *Bollywood* is the informal term popularly used for the Hindi-language film industry based in Mumbai (Bombay), Maharashtra, India. EJVIND VOGG, DANSK INDUSTRI, THE INDIAN BOLLYWOOD INDUSTRY (2012), available at [http://di.dk/SiteCollectionDocuments/DIBD/sektoanalyser/The%20Indian%20Bollywood%20Industry\\_2013.pdf](http://di.dk/SiteCollectionDocuments/DIBD/sektoanalyser/The%20Indian%20Bollywood%20Industry_2013.pdf).



until Miami beckoned for a creative runaway<sup>283</sup> to its sandy shores and hot nightlife.<sup>284</sup> Dharma Productions' feature film *Dostana—Friendship* in Hindi and Urdu—starring John Abraham, Abhishek Bachchan, and Priyanka Chopra, produced by Karan Johar, was “the first major Bollywood [f]ilm to shoot in Miami-Dade County.”<sup>285</sup> The romantic-comedy *Dostana* went on to become the eighth highest grossing film at the Indian box office,<sup>286</sup> grossing one billion Indian rupees, or \$16.8 million, in its first four weeks alone at the box office<sup>287</sup>—no small measure in the world's largest movie market—which “had a revenue of . . . \$3 [billion] in 2011, and has been growing at approx[imately] 10.1% a year. The revenue is expected to reach . . . \$4.5 [billion] by 2016.”<sup>288</sup> As a *low budget* sequel of five hundred and six thousand—compared to two million dollars for the original *Dostana*<sup>289</sup>—actor “John Abraham promises [a] kid-friendly *Dostana 2*,” with Abraham and Bachchan “migrat[ing] from Miami to Punjab,”<sup>290</sup> as only a partial creative runaway.<sup>291</sup>

Because of this unprecedented governmental support, “there is an established film office and film liaison infrastructure within Florida.”<sup>292</sup> In addition to the “Florida[] film office . . . housed in the Governor's office, . . . there are [fifty-four] film liaisons located throughout the [s]tate.”<sup>293</sup> The Sunshine State is also the only state with a full time Los Angeles film office

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283. For a discussion of creative versus economic runaways, see SCREEN ACTORS GUILD & DIRS. GUILD OF AM., *supra* note 242, at 2.

284. M. BARRON STOFIK, *SAVING SOUTH BEACH* 239–41 (2005).

285. *Don't Miss the Miami Premiere of the Bollywood Feature Film Dostana* . . . , FILMIAMI.ORG, <http://www.miamidade.gov/filmiami/home-TS-110608-1.asp> (last visited Jan. 18, 2014); *Dostana Grosses Rs 1 Billion Worldwide in Four Weeks*, BUS. CINEMA (Dec. 11, 2008), <http://businessofcinema.com/bollywood-news/dostana-grosses-rs-1-billion-worldwide-in-four-weeks/26099>.

286. *Box Office 2008*, BOXOFFICEINDIA.COM, <http://www.boxofficeindia.com/showProd.php?itemCat=215> (last visited Jan. 18, 2014).

287. *Dostana Grosses Rs 1 Billion Worldwide in Four Weeks*, *supra* note 285. Conversion calculated based upon June 23, 2013 foreign currency exchange rate of one Indian rupee to .0168703764625 United States dollars. *INR to USD Rate*, FOREX MONEY CHANGER, <http://www.fxmoneychanger.com/inr/usd/rate/?q=180> (last updated Nov. 10, 2013).

288. Vogg, *supra* note 282.

289. See *Dostana—Box Office/Business*, IMDB, [http://www.imdb.com/title/tt1185420/business?ref\\_=tt\\_dt\\_bus](http://www.imdb.com/title/tt1185420/business?ref_=tt_dt_bus) (last visited Jan. 18, 2014).

290. Shalvi Mangaokar, *John Abraham Promises Kid-Friendly Dostana 2*, HINDUSTAN TIMES (June 20, 2013), <http://www.hindustantimes.com/Entertainment/Bollywood/John-Abraham-promises-kid-friendly-Dostana-2/Article1-1079368.aspx>.

291. *Id.*; see also SCREEN ACTORS GUILD & DIRS. GUILD OF AM., *supra* note 241, at 2.

292. POOLEY, *supra* note 227, at 22.

293. *Id.*

whose goal is to bridge the gap between Hollywood and Florida.<sup>294</sup> Extending Florida's reach to California cements a strong and enduring relationship with Hollywood and exemplifies Florida's steadfast commitment to the film industry.<sup>295</sup> Florida is aggressively implementing innovative strategies to attract productions from all over the world.<sup>296</sup> World-class productions provide billions of dollars of economic benefits to Florida residents and businesses.<sup>297</sup>

#### X. FLORIDA'S FUTURE: FAITHFULNESS AND FIDELITY TO THE FILM INDUSTRY

Florida is not about to take its relationship with the movie industry for granted.<sup>298</sup> Dedicated to the successful growth of the industry, Florida continues to find ways to reinforce the bonds, reveal weaknesses and reaffirm its strengths.<sup>299</sup> The Tourism Committee of the Florida House of Representatives State Infrastructure Council authored a report in 2006, entitled *Florida's Entertainment Industry Infrastructure: Are We Growing the Indigenous Industry as well as Supporting Production?*<sup>300</sup> The report made recommendations for the operations within the Governor's Office and the film industry within the state.<sup>301</sup> Recommendations included re-evaluation of Florida's tax incentives, fully funding and staffing the Governor's Office of Film and Entertainment, and aggressively bringing in production from other states.<sup>302</sup>

The 2009 Haas *Analysis of the Florida Film and Entertainment Industry* ("Haas Analysis") explored Florida's strengths, weaknesses, and opportunities.<sup>303</sup> Florida's "[u]niqueness of place . . . offers a wide variety of filming locations," and Miami is now internationally recognizable because of Florida's film industry.<sup>304</sup> Notably, Matt Nix, Executive Producer of *Burn*

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294. *Id.*

295. *See id.*

296. *See, e.g.*, FLA. H.R. COMM. ON TOURISM, FLORIDA'S ENTERTAINMENT INDUSTRY INFRASTRUCTURE: ARE WE GROWING THE INDIGENOUS INDUSTRY AS WELL AS SUPPORTING PRODUCTION? i–iii (2006), available at <http://www.myfloridahouse.gov/sections/Documents/loaddoc.aspx?PublicationType=Committees&committeeId=2235&Session=2006&DocumentType=Reports&FileName=Entertainment%20Industry%20Infrastructureonline.pdf>.

297. POOLEY, *supra* note 227, at 19–20.

298. *See* FLA. H.R. COMM. ON TOURISM, *supra* note 296, at i.

299. *Id.*

300. *Id.*

301. *Id.* at i, v, xi–xv.

302. *Id.* at v, xi–xv.

303. POOLEY, *supra* note 227, at 21–24.

304. *Id.* at 21.

*Notice*, explained about Miami, “Miami [is] just a very convenient place for [the lead character, Michael]. It [is] a place where you can blow things up and nobody notices.”<sup>305</sup>

The Haas Analysis report points out a weakness in labor rates.<sup>306</sup> “[T]he current structuring of labor rates by unions, [especially the] IATSE, results in wage rates [of] \$5.25 to \$6.00 . . . higher on productions taking place in Florida as compared to . . . competing states. There is also a[] . . . perception that unions are [hard] to deal with in Florida.”<sup>307</sup> Also, recent severe weather, tropical storms, and hurricanes add an additional concern to productions choosing Florida.<sup>308</sup>

But, there are opportunities for increased production in niche markets.<sup>309</sup> Florida is looking to get a competitive edge by appealing to Spanish-language television and the Spanish-language workforce.<sup>310</sup> The overall conclusion, as a result of all the industry analysis, is that if Florida wants to attract on-location filming to the Sunshine State, it will have to provide the most attractive incentive programs.<sup>311</sup> A statement from Warner Brothers Worldwide Television summed this up: “[I]n the past few years, financial incentives have overwhelmed the *where to shoot* equation. Major studios and smart independents are going to locations that have the best incentives. It [is] as simple as that.”<sup>312</sup>

The Film in Florida website—[www.filminflorida.com](http://www.filminflorida.com)—is the new *guide* to the Florida Film Industry for 2013, highlighting the Florida OFE’s mission to support, build, and market Florida’s entertainment industry.<sup>313</sup> The mission reaffirms the importance of “collaborat[ion] with the indigenous . . . community [and dedication] to implement[ation of] innovative ways to grow [the] industry.”<sup>314</sup> The OFE strives to provide “hands-on, world-class service that our clients need and deserve, and exceed our annual business goals to become the number two global . . . leader.”<sup>315</sup> They are committed

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305. April MacIntyre, *USA’s ‘Burn Notice’ Matt Nix Interview*, M & C (Aug. 5, 2008), [http://www.monstersandcritics.com/smallscreen/features/article\\_1421668.php/USA\\_s\\_Burn\\_Notice\\_Matt\\_Nix\\_interview](http://www.monstersandcritics.com/smallscreen/features/article_1421668.php/USA_s_Burn_Notice_Matt_Nix_interview).

306. POOLEY, *supra* note 227, at 23.

307. *Id.*

308. *Id.*

309. *Id.* at 170–71.

310. *Id.* at 24, 31.

311. *See* POOLEY, *supra* note 227, at 30.

312. *Id.*

313. FILMINFLORIDA.COM, <http://www.filminflorida.com> (last visited Jan. 18, 2014); The Fla. Office of Film & Entm’t, *About Us: Vision & Mission*, *supra* note 167.

314. The Fla. Office of Film & Entm’t, *About Us: Vision & Mission*, *supra* note 167.

315. *Id.*

to integrity, inclusiveness, accountability, partnering, empowerment, and innovation.<sup>316</sup> Links from the website include easy on-line permitting, federal incentive programs, and contact information to guilds, unions and associations.<sup>317</sup>

The film office website has launched the *Florida Green Production Plan*, which includes guidance to production companies so that they can “make environmentally-wise decisions at every phase of production” in Florida.<sup>318</sup> This initiative involves interaction with multiple Florida agencies.<sup>319</sup> The Forest Stewardship Council, recycling centers, the Florida Green Lodging program, hazardous waste centers, and regulations are clearly linked and articulated to ease production companies in going green in Florida.<sup>320</sup>

The Governor’s Office also provides, through the Film in Florida organization, a *Hurricane Preparedness Plan* for filmmakers.<sup>321</sup> It explains specific insurance provisions through Insuring Florida, links to the Central Florida Hurricane Center, numerous phone numbers and links for emergency evacuation assistance, mayors’ offices, disaster preparedness centers, and storm surge evacuation maps.<sup>322</sup>

The website includes an almost limitless library of photographs and a rich inventory of locations that showcase the expansive diversity of Florida.<sup>323</sup> This is incredibly helpful to out-of-state producers, who can scout locations in cyberspace without the expense of physically traveling to Florida during the early phase of production planning.<sup>324</sup>

It appears that by 2014 and beyond, the Governor’s Office, Florida administrative agencies, and film liaisons will have covered every conceivable whim, wish, want, *sine qua non*, and exigency.<sup>325</sup> The Film in Florida website is a fascinating display of Florida’s undying dedication to Hollywood and the film industry.<sup>326</sup>

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316. *Id.*

317. *Id.*

318. The Fla. Office of Film & Entm’t, *Florida Green Production Plan*, FILMINFLORIDA.COM, <http://www.filminflorida.com/prl/gpp.asp> (last visited Jan. 18, 2014).

319. *See id.*

320. *Id.*

321. FILM FLA. & GOVERNOR’S OFFICE OF FILM & ENTM’T, FLORIDA FILM, TELEVISION, AND ENTERTAINMENT HURRICANE PREPAREDNESS PLAN 1 (n.d.), *available at* <http://www.miamidade.gov/filmiami/hurricane-preparedness.pdf>.

322. *Id.* at 8–10.

323. The Fla. Office of Film & Entm’t, *Location Resources*, *supra* note 274.

324. *See id.*

325. *See* FILM FLA. & GOVERNOR’S OFFICE OF FILM & ENTM’T, *supra* note 321, at 1–3; FILMINFLORIDA.COM, *supra* note 313; The Fla. Office of Film & Entm’t, *Location Resources*, *supra* note 274.

326. *See* FILMINFLORIDA.COM, *supra* note 313.

A recent study commissioned by the MPAA is a revealing quantification of the economic impact of the film industry in Florida, as already experienced in fiscal year (“FY”) 2011/2012.<sup>327</sup>

Florida Impacts FY 2011/2012	Production Impacts
Production Expenditure (\$2005 millions)	\$1512
Output (\$2005 millions)	\$2536
Gross State Product (\$2005 millions)	\$1507
Employment (FTEs)	19,308
Labor Income (\$2005 millions)	\$761
State and Local Taxes (Nominal \$ millions)	\$140.44

Figure 1—Estimated Florida Economic Impacts of Production Spending in FY 2011/2012<sup>328</sup>

What may well be most telling of the future economic impact of Florida’s film industry was the study’s estimates for the exponential revenue growth, employment increases, and raised tax revenues in the five-year period beginning in 2011 forward.<sup>329</sup>

Florida Impacts (2011–2016)	IMPLAN Estimates	REMI Tax-PI Estimates	Midpoint
Production Expenditure (\$2005 millions)	\$3769	\$3769	\$3769
Output (\$2005 millions)	\$6235	\$6389	\$6321
Gross State Product (\$2005 millions)	\$3631	\$3885	\$3758
Employment (FTEs)	53,466	42,803	48,134
Labor Income (\$2005 millions)	\$1984	\$1812	\$1898
State and Local Taxes (Nominal \$ millions)	\$350.1	Not Reported	\$350.1

Figure 2—Midpoint of IMPLAN and REMI TAX-PI Estimated Florida Economic Impacts of Production Spending<sup>330</sup>

327. MNP, ECONOMIC AND SOCIAL IMPACTS OF THE FLORIDA FILM AND ENTERTAINMENT INDUSTRY FINANCIAL INCENTIVE PROGRAM 2 (2013), available at <http://www.mpaa.org/Resources/0a432ae0-5b5e-4c7f-b3de-dc6693722914.pdf>.

328. *Id.*

329. *See id.* at 1.

330. *Id.* Note: IMPLAN=Impact Analysis for Planning; REMI=Regional Economic Models, Inc.; TAX-PI=a ready-to-use, “dynamic fiscal and economic impact model” that captures the direct, indirect, and induced “fiscal and economic effects of

## XI. CONCLUSION

Florida and the film industry: A match made in heaven, or rather, paradise. Florida's ineradicable dedication to the needs and desires of the film industry proves her unwavering commitment to this treasured relationship.<sup>331</sup> Globally, grateful members of the film industry show respect and loyalty in return.<sup>332</sup> This allegiance allows the benefits of the relationship to flow both ways, and ultimately the citizens of the Sunshine State reap the greatest rewards.<sup>333</sup>

Proof of Florida's steadfastness continues as Governor Rick Scott highlighted *Dolphin Tale 2*'s production in Florida highlighted earlier.<sup>334</sup> *Dolphin Tale 2* is the true story of baby dolphin, named Hope, who was rescued and rehabilitated by the Clearwater Marine Aquarium in 2010. Florida Representative Ed Hooper said, "Its' great news that *Dolphin Tale 2* will be filmed in Clearwater, creating an economic benefit to the entire area."<sup>335</sup> Hooper went on to thank Governor Scott for "focusing on creating jobs in Florida."<sup>336</sup> According to the Governor's Office, the 2013-2014 Florida Families First budget includes \$5 million in general revenue funds to be allocated to the production.<sup>337</sup> Also anxiously anticipated for its entertainment prospects, and much appreciated from a jobs and revenue perspective, is the May 2015 release of an upcoming science fiction mystery film, *Tomorrowland*; it is being filmed at various Disney theme parks, and directed, co-written, and produced by Brad Bird and produced and co-written by Damon Lindelof, starring the non-*Delphinidae* human actors Britt Robertson and George Clooney, with Hugh Laurie as the primary villain.<sup>338</sup>

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tax[ation] [and other] policy changes" over multiple years. *Statewide Policy Analysis Tools*, FLA. OFF. ECON. & DEMOGRAPHIC RES., <http://edr.state.fl.us/Content/statewide-policy-analysis-tools/index.cfm> (last visited Jan. 18, 2014).

331. See FLA. H.R. COMM. ON TOURISM, *supra* note 296, at i–ii.

332. See *id.* at ii, iv, viii; Longwell, *supra* note 180.

333. See FLA. H.R. COMM. ON TOURISM, *supra* note 296, at v; Longwell, *supra* note 180.

334. Visit St. Pete Clearwater, *supra* note 230, at 9.

335. Governor Rick Scott Announces *Dolphin Tale 2* to be Filmed in Clearwater, RICK SCOTT (July 26, 2013), <http://www.flgov.com/governor-rick-scott-announces-dolphin-tale-2-to-be-filmed-in-clearwater>.

336. *Id.*

337. *Id.*

338. *Tomorrowland*, is being filmed at the *Tomorrowland* attraction at Walt Disney World, Lake Buena Vista, Florida, as well as various locations around Titusville and New Smyrna Beach, Florida. See, e.g., Anthony Breznican, *Disney's Mysterious '1952' Movie Has a New Name . . . 'Tomorrowland'—Exclusive*, ENT. WKLY. (Jan. 28, 2013, 3:15 PM), <http://insidemovies.ew.com/2013/01/28/disneys-1952-is-tomorrowland/>; Mike Fleming, *'Lost's Damon Lindelof Makes 7-Figure Disney Deal to Write Secret Sci-Fi Feature*,

As this multi-billion dollar relationship continues into its second century, with over 120 films and television shows and counting,<sup>339</sup> filmmakers and Floridians can look forward to many more success stories—especially if they focus on diligent collaboration, economic incentives, and absolutely any tale about a bottlenose dolphin.<sup>340</sup>

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DEADLINE HOLLYWOOD (June 9, 2011, 11:43 AM), <http://www.deadline.com/2011/06/lostsdamon-lindelof-makes-7-figure-disney-deal-to-write-secret-sci-fi-feature/>; Eugene Garcia, *Is 'Tomorrowland' Movie Tied to Disneyland Area?*, ORANGE COUNTY REG. (Jan. 28, 2013), <http://www.oregister.com/news/movie-409540-disney-tomorrowland.html>; *Tomorrowland—Filming Locations*, IMBD, [http://www.imdb.com/title/tt1964418/locations?ref\\_=tt\\_dt\\_dt](http://www.imdb.com/title/tt1964418/locations?ref_=tt_dt_dt) (last visited Jan. 18, 2014). For those unfamiliar with the *Delphinidae* family by its Latin name, Bottlenose dolphins, the genus *Tursiops*, are the most common and well-known members of oceanic dolphins. See *Scientific Classification: Bottlenose Dolphins*, SEAWORLD PARKS & ENT., <http://seaworld.org/en/Animal-Info/Animal-InfoBooks/Bottlenose-Dolphins/Scientific-Classification> (last visited Jan. 18, 2014).

339. See The Fla. Office of Film & Entm't, *Florida Entertainment Industry Financial Incentive Recipients*, FILMINFLORIDA.COM, <http://www.filminflorida.com/ifi/fir.asp> (last visited Jan. 18, 2014); *Films Made in Florida*, WORLDWIDE GUIDE TO MOVIE LOCATIONS, <http://www.movie-locations.com/places/usa/florida.html> (last updated Oct. 2, 2013). This has been an incomplete and non-exclusive chronicling of movies and television shows in Florida. *Films Made in Florida*, *supra* note 339. For more resources for cinephiles to explore noted movies, television shows, and more, see *'Chu and Blossom' Needs Extras in Largo, FL This Weekend*, *supra* note 235, and see J.A. Jones, *Florida on Film*, FLORIDA MOVIES, SPRING 2013, <http://faculty.scf.edu/jonesj/hum2230/FLORIDAMOVIES.html#pre>, and Pictures: Movies Filmed in Orlando, Orlando Sentinel, October 11, 2013, <http://www.orlandosentinel.com/entertainment/movies/os-movies-filmed-in-orlando-pictures,0,6105676.photogallery>. For information on the sixty-two film festivals in Florida, and counting, see, e.g., *Film Festivals*, filminflorida.com, 2014, <http://www.filminflorida.com/wh/ff.asp>.

340. See FLA. H.R. COMM. ON TOURISM, *supra* note 296, at ii; *Flipper Dolphin*, *supra* note 121.