

The background features a series of concentric, overlapping circles in shades of blue, red, and green, creating a tunnel-like effect. A semi-transparent map of the state of Georgia is centered within these circles.

TAX INCENTIVES TAX INCENTIVES



**THANK YOU FOR CONSIDERING GEORGIA FOR YOUR FILM,
TELEVISION, OR COMMERCIAL ENTERTAINMENT PROJECT.**

Inside this brochure, you will find information regarding eligibility, qualification, and the application and certification process for the Georgia Entertainment Industry Investment Act (GEIIA). The Georgia Department of Economic Development (GDEcD) certifies projects that meet the qualifications for the incentive. The Georgia Department of Revenue (GDOR) oversees the earning and claiming of the credits. For more information about how the credits are earned, or what types of expenditures will qualify for the credit, please contact the Georgia Department of Revenue.





TABLE OF CONTENTS

OVERVIEW2

HIGHLIGHTS OF THE GEORGIA ENTERTAINMENT
INDUSTRY INVESTMENT ACT5

CERTIFICATION PROCESS6

QUALIFIED COMPANIES AND PROJECTS 11

QUALIFIED PRODUCTION EXPENDITURES 12

CALCULATING YOUR SAVINGS 13

DEPARTMENT OF REVENUE REGISTRATION AND FILING FOR
THE GEORGIA ENTERTAINMENT INDUSTRY TAX CREDIT 14

FREQUENTLY ASKED QUESTIONS 17

FOR PRODUCERS OF FILM & TELEVISION PROJECTS

Georgia is a production-friendly state. You'll find small towns with a welcoming feel and world-class cities with all the resources and amenities you'll need. You can shoot, develop, edit and even score your production with highly-trained professional crews in state-of-the-art facilities, and the state's diverse geography offers countless location choices. Georgia also offers production companies strong financial tools that make working in our state the smart choice.

The Georgia Entertainment Industry Investment Act grants an income tax credit of 20% to qualified productions which include feature films, television movies or series, documentaries, commercials and music videos. Most projects are also eligible to receive an additional 10% Georgia Entertainment Promotion (GEP) tax credit for including an embedded Georgia Entertainment Promotion Logo in the end credits of the finished product and include a link to <http://www.ExploreGeorgia.org/Film> on their promotional website.

Combine these powerful financial tools with the Georgia Film Office's knowledgeable, hands-on staff, the state's diverse locations, the convenience of Hartsfield-Jackson Atlanta International Airport, and a welcoming, pro-business climate, and you have the perfect backdrop for any production.

For more information about the incentives for live action film & television projects, please contact:

Alison Fibben
Georgia Film, Music & Digital Entertainment
Georgia Department of Economic Development
75 Fifth Street, N.W. Suite 1200
Atlanta, Georgia 30308
Phone: 404.962.4052
Fax: 404.962.4053
Email: taxcredit@georgia.org

To Access the forms needed to apply for certification of the tax credits, please follow this link: <http://www.Georgia.org/Film>





HIGHLIGHTS OF THE GEORGIA ENTERTAINMENT INDUSTRY INVESTMENT ACT

The Georgia Entertainment Industry Investment Act (GEIIA) offers an across-the-board flat tax credit of 20 percent to certified projects, based on a minimum investment of \$500,000 over a single tax year on qualified expenditures in Georgia.

An additional 10 percent uplift can be earned by including an embedded animated or static Georgia promotional logo provided by the Georgia Film Office within certain approved projects and include a link to <http://www.ExploreGeorgia.org/Film> on the project's promotional website.

Qualified expenditures include materials, services and labor. The credit applies equally for Georgia residents and non-residents. There is a salary cap of \$500,000 per person, per production, when the employee is paid by "salary," which is defined as being properly paid by W2. If the production company pays an individual for services as a loanout, as a personal services contract, or a 1099 individual meets the criteria for a loanout, then 6% Georgia income tax must be withheld and remitted by the production company.

Eligible productions include: feature films; television films, pilots or series; televised specials; televised commercials; and music videos that are distributed outside of Georgia. Sound recordings used in qualified feature films, television movies or specials and television series including motion picture soundtracks produced in Georgia are qualified expenditures, but license fees cannot be included.

The \$500,000 annual minimum expenditure threshold can be met with one project or the total of multiple projects aggregated by a single production company in a single tax year.

The income tax credit may be used against Georgia income tax liability or the production company's Georgia withholding. If the production company chooses, they can sell or transfer the tax credit to one or more Georgia taxpayers through a one-time only transaction.

CERTIFICATION PROCESS FOR THE 20 PERCENT GEORGIA FILM TAX CREDIT

For a project to be eligible for the 20% transferable tax credit, the Georgia Department of Economic Development must certify the project. Certification for live action projects will be through the Georgia Film Office. Certification must be applied for within 90 days of the start of principal photography but before the end of principal photography.

If the project does not begin filming within thirty (30) days of the date of the certification letter; amendments to the application must be made in writing to GDEcD.

The best time to submit the application is when the project is green-lit, fully funded and is opening the production office in Georgia to start preproduction.

To apply for the 20% certification for feature films, television pilots, television series and music videos a production company must:

- a) Complete the 20% certification application for each project
- b) Attach a final shooting script and also provide story boards for commercials and music videos

To review the rules and regulations that apply to the GEIIA or to download an application, please visit: <http://www.Georgia.org/Film>

An additional 10% uplift can be earned by including an embedded animated or static Georgia logo within certain approved projects.

CERTIFICATION PROCESS FOR THE 10 PERCENT GEORGIA ENTERTAINMENT PROMOTION (GEP) UPLIFT

A separate application must be completed for the Georgia Entertainment Promotion (GEP) Uplift, which is an additional 10% tax credit earned for certain approved projects that include a five-second-long, embedded Georgia logo in the finished product from the initial public screening, and a link to <http://www.ExploreGeorgia.org/Film> on the project's promotional website. For features and indies, this placement is in the end title credits scroll after contractual agreements and the cast and stunt scroll, and before the start of the below-the-line production crew. Television and music video projects placement is in the body of the program; or in the opening title sequence; or as a bumper into and out of a commercial break or the end title credits. The GEP Uplift logo application must be submitted simultaneously with the 20% Georgia Entertainment Industry Tax Credit application.

In lieu of the inclusion of the GEP Uplift logo, the production company may offer alternative marketing promotion opportunities acceptable to Georgia Department of Economic Development.

The GEP uplift will be allowed for projects which GDEcD has determined will create valuable promotions that will enhance the state's brand. GDEcD will review applications and will notify the applicant of the decision. If the GEP Uplift application is approved, GDEcD will provide all necessary copies of the conformed logo for inclusion in the project at no cost to the applicant.

If the applicant has claimed the GEP tax credit and fails to meet all of the obligations and fulfillment requirements or alternative marketing opportunities agreement with GDEcD, the GEP tax credit will be disallowed. Additionally, if GDEcD has not received proof that the GEP Uplift logo placement or agreed upon alternative marketing promotion has been fulfilled within twenty-four months from the end of principal photography, the GEP tax credit certification will be retracted.

This GEP uplift is available for feature films, television series, pilots, television movies and music videos.

To apply for 10% GEP Uplift certification for feature films, television pilots, television series and music videos each project must:

- a) Complete the 20% certification application per project
- b) Attach a final shooting script and storyboards for music videos
- c) Complete the 10% GEP Uplift application

Commercials are not eligible for the 10% GEP uplift.

Once the project is certified, the production company will receive a certification letter from GDEcD to attach to its Georgia income tax return to claim the earned tax credit. The letter will indicate whether the tax credit should be awarded at the 20% or 30% level, based on approval of the GEP Uplift. Please attach the letter, description of qualified production activities and expenditures proving the base investment has been met, a list of employees including names, Social Security numbers and Georgia wages, and completed GDOR FORM IT-FC to the tax return to claim the film tax credit. The credit can be claimed once the base investment requirement has been met.

If the GEP Uplift has been awarded, a digital version illustrating the placement of the GEP logo must be submitted to GDEcD after completion of the project and within twenty-four months from the end of principal photography.

Please forward DVD copies of film, television and music videos which have included the GEP logo to the Georgia Film Office.

Completed certification applications for film, television, commercial and music video projects may be mailed or emailed to:

Alison Fibben

Georgia Film Office
Georgia Department of Economic Development
75 Fifth Street, N.W. Suite 1200
Atlanta, Georgia 30308
Phone: 404.962.4052
Fax: 404.962.4053
Email: taxcredit@georgia.org

In the case of a denial of a certification application, an appeal may be made to:

General Counsel

Georgia Department of Economic Development,
75 Fifth Street N.W., Suite 1200 Atlanta, GA 30308

Within thirty (30) days from the issuance of the denial by GDEcD. Failure to request an appeal within thirty (30) days will finalize the denial decision and/or the percentage of the tax credit and reapplications will not be accepted.



8K

10:06:22:19 TC A018_X006

CAM: DXL2



SSD:0:26

23.98FPS

ISO1600

5600K

180.0°

DXLHSM:15.0V

(L-R) BEN AFFLECK as Joe Coughlin and CHRIS MESSINA as Dion Bartolo in Warner Bros. Pictures' dramatic crime thriller "LIVE BY NIGHT," a Warner Bros. Pictures release.
Photo by Claire Folger

QUALIFIED COMPANIES AND PROJECTS

Only production companies are eligible to apply for the GEIIA. Preproduction, production and postproduction of film, television, commercial or music video projects that are recorded in Georgia and intended for multimarket commercial distribution outside of the state are eligible for the GEIIA tax credit. Only greenlit and fully-funded projects will be considered.

QUALIFIED PROJECTS INCLUDE:

- Feature films
- Television series, pilots or movies
- Televised commercials
- Documentaries
- Music videos

Production companies do not have to be incorporated or headquartered in Georgia or hold a Georgia bank account to qualify for the tax credit. Production companies or corporations formed for a specific project are eligible to apply. To claim the credit, production companies must not be in default on any tax obligation to the state or default on any loan guaranteed by the state.

COMMERCIALS AND MUSIC VIDEOS

Televised commercial and music video productions qualify for the 20% income tax credit if qualified expenditures by a single production company on one or more projects reach at least \$500,000 in a single tax year. Music videos are also eligible to be considered for the 10% GEP Uplift.

COMPANIES AND PROJECTS THAT DO NOT QUALIFY

Service companies, including postproduction houses, catering companies, rental houses and other service providers are not eligible to apply for the film tax credit.

Live coverage of events, including news and sports; industrial and corporate marketing or training videos; commercials that are distributed solely via the Internet; infomercials; infotainment; solicitation-based productions; TV programs or feature films consisting primarily of stock footage not originally recorded in Georgia; website development; programming not intended for multimarket distribution; and anything that is not original film or television content recorded in Georgia does not qualify for the tax credit. Pornographic content, including sexually explicit content and content designated with an X rating, or in some cases unrated, does not qualify.

For more information about the postproduction film tax credit for eligible postproduction companies, please contact the Georgia Department of Revenue.

Georgia Department of Revenue - Legal Affairs & Tax Policy

1800 Century Blvd., N.E. Suite 15322 • Atlanta, Georgia 30345

Phone: 404.417.6605 • Fax: 404-417-2293

www.dor.ga.gov

More information about eligible and non-eligible projects is provided in the Rules & Regulations at: <http://www.Georgia.org/Film>

QUALIFIED PRODUCTION EXPENDITURES

Qualified production activities include the production of new film, television, theatrical, streaming and broadcast projects produced and recorded in the state. Postproduction that takes place in Georgia on projects shot in Georgia, is a qualified expenditure; however, postproduction on footage shot outside of Georgia does not qualify.

Purchases, rentals and services must satisfy the Georgia vendor rule in Revenue Regulation 560-7-8-45 to be included as production expenditures.

Developmental costs, most fees and marketing and distribution are not a qualified expenditure.

Items that may be included in the company's total Georgia expenditure include, but are not limited to:

- | | | |
|--|--|---|
| <ul style="list-style-type: none">• Camera equipment, supplies and accessories• Motion picture film• Digital discs, masters and hard drives• Lighting equipment, including gels, bulbs and lamps• Stage and studio equipment rentals• Cranes, booms, dollies and jibs, camera cars and picture cars• Electric stands, cables and wires• Generators, fuel and cables• Location fees and location supplies• Sound recording equipment• Costumes, props, scenery and materials to construct them• Design services, materials and equipment• Heating and air conditioning equipment used on the set• Drafting equipment and supplies• Special effects supplies, equipment and services | <ul style="list-style-type: none">• Photographic film• Animation equipment and services• Computer hardware, software, graphic equipment and services• Equipment and supplies for duplication, sound mixing, editing and conforming• Rental of production office space and stage space• Makeup, supplies and accessories• Film processing and color correction services• Film and digital editing and related services• Transfers of film to digital format• Hotel rooms and lodging• One airfare from home state to the production and return if purchased through a Georgia travel agency or company• Insurance and bonding if purchased through a Georgia insurance agency or company | <ul style="list-style-type: none">• Purchase or rental of motor vehicles exclusively used in production (if purchased, depreciation for the time used in Georgia is allowed)• Per diem, box rental• Catered food and beverage• Office supplies and furniture• Shipments to and from the production office via Fed Ex/UPS/USPS• Payroll up to \$500,000 per person, per production if properly paid by W2; no cap if workers are properly paid by 1099 or by personal services contract or are working as a loanout• Sound recordings excluding license fees used in feature films, television specials, television series or game development (including motion picture soundtracks) for projects produced entirely in the State of Georgia |
|--|--|---|

A list of eligible expenditures can be found at: <http://www.Georgia.org/Film>

CALCULATING YOUR SAVINGS

Determine your base investment or the total amount of all qualified production expenditures in Georgia. This includes expenditures made in Georgia that are directly used in a qualified production.

To calculate your tax credit, simply multiply your qualified Georgia expenditures by .20.

For example, for a base investment in Georgia of \$20,000,000, your savings would be \$4,000,000.

If you include the GEP Uplift in the finished project, your credit would be at the 30% level, or $20,000,000 \times .30 = \$6,000,000$ in Georgia tax credit! Keep in mind that you may use this credit against your Georgia income tax liability or Georgia payroll withholding, or you may transfer (sell) the earned tax credit to any Georgia taxpayer.



DEPARTMENT OF REVENUE REGISTRATION AND FILING FOR THE GEORGIA ENTERTAINMENT INDUSTRY TAX CREDIT

FILM WITHHOLDING ACCOUNT:

The production company must register at the Georgia Tax Center to obtain a film withholding account. The form is online and there is no fee. The loan-out company, 1099 or personal services contract labor must also register at the Georgia Tax Center, for a payroll withholding account, and provide the production company with the loanout company's federal identification number and Georgia withholding identification number. The production company must report the 6% Georgia income tax withheld from the loan-out at the Georgia Tax Center using the account numbers.

REPORTING REQUIREMENT:

Within 90 days of the completion of the base investment or excess base investment in this state, the production company must report and submit through the Georgia Tax Center the following information:

- The estimated base investment or excess base investment on the certified project.
- The film tax credit percentage earned, either 20% or 30%.
- A copy of the GDEcD certification letter.

CLAIMING THE EARNED TAX CREDIT:

To claim the earned tax credit, the certified production company must file a Georgia Income Tax Return with GDOR and substantiate production expenditures made in Georgia. GDOR requires the following:

- A certification letter from GDEcD.
- Form IT-FC, which requires:
 - a) A description of qualified production activities and expenditures, including a detailed breakdown of expenditures to prove that the base investment of \$500,000 has been met;
 - b) A list of employees including names, Social Security numbers and Georgia wages, when payroll is included in the base investment; and
 - c) The amount of credit being claimed for the tax year; any credit previously claimed against withholding; any credit carried forward from previous years; the amount of credit to be used in the current tax year; and the amount of credit to be carried forward. (See DOR's Form IT-FC)
 - d) Tax returns claiming this credit are required to be filed electronically.

TRANSFERABILITY:

Tax credits will be available for use against Georgia income tax liability or the company's Georgia withholding. The production company can make a one-time sale or transfer of the film credit to a Georgia taxpayer(s). (See GDOR IT-TRANS form)

Tax credits can be carried forward for five years. Any transfers must take place within a time frame that will allow the transferee sufficient time to claim the credit. For additional details, please see the Georgia Department of Revenue's Film Tax Credit Rules & Regulations (560-7-8-.45).

The expiration of the carry-forward period is based on the end of the tax year in which the production company claimed the tax credit and not the date of transfer. Therefore, if a production company claimed a credit on a year-end tax return (Dec. 31, 2015), that credit will expire at year-end five years later (Dec. 31, 2020).

Tax credits may only be sold or transferred once; however, the sale or transfer may involve multiple Georgia transferees or buyers as provided in Georgia Department of Revenue's Film Tax Credit Rules & Regulations (560-7-8-.45).

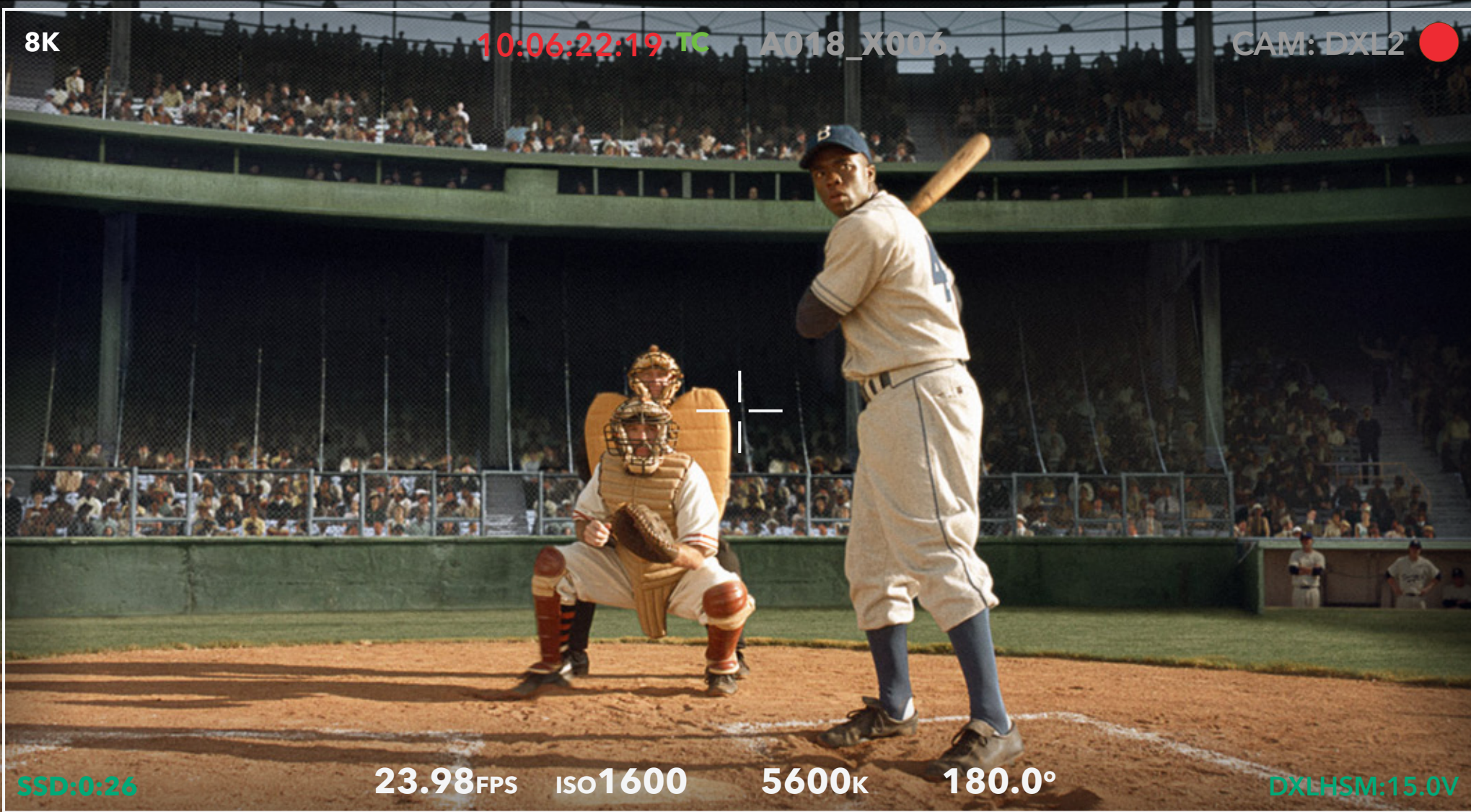
The credit must be sold for a minimum of 60% of the credit amount and Form IT-TRANS (Notice of Credit Transfer) must be filed with both the GDEcD and GDOR at the Georgia Tax Center within 30 days of transfer or sale of the film tax credit. Once a company claims the income tax credit, the materials will be reviewed by the GDOR. Should the production company wish to apply the excess credit against withholding, for taxable years beginning before January 1, 2017, Form IT-WH (Notice of Intent) must be filed with DOR at least 30 days prior to the earlier of the due date of the return or the date the return is filed; for taxable years beginning on or after January 1, 2017, Form IT-WH (Notice of Intent) must be filed through the Georgia Tax Center within thirty (30) days after a timely filed return. GDOR will then notify the production company of the amount available to utilize against withholding.

8K

10:06:22:19 TC

A018_X006

CAM: DXL2



SSD:0:26

23.98FPS

ISO1600

5600K

180.0°

DXLHSM:15.0V

FREQUENTLY ASKED QUESTIONS - GEORGIA ENTERTAINMENT INDUSTRY INVESTMENT ACT

HOW DOES THE PRODUCTION COMPANY APPLY FOR THE 20% INCOME TAX CREDIT?

The company will submit an application to the GDEcD for certification of the project. The application can be emailed to taxcredit@georgia.org. The best time to submit the application is when the project is green-lit, fully funded, and is opening the production office in Georgia to start preproduction.

ARE PREPRODUCTION LOCATION SCOUTING AND EXPENSES ELIGIBLE?

Yes. Eligible scouting expenses are allowed but not to exceed 2 weeks before the production office opens.

HOW DOES THE COMPANY APPLY FOR THE ADDITIONAL 10% GEORGIA ENTERTAINMENT PROMOTION UPLIFT?

Feature films and television projects must submit the final shooting scripts along with a completed GEP Uplift application to GDEcD. Music videos must submit the song lyrics and storyboards, along with a completed GEP Uplift application. TV commercials do not qualify for the GEP Uplift.

HOW DOES A COMPANY GET THE GEORGIA ENTERTAINMENT LOGO TO INCLUDE IN THEIR PROJECTS?

After being approved for the GEP Uplift, GDEcD will provide electronic versions of the promotional logo.

WHAT IF A PRODUCTION COMPANY CANNOT OR DOES NOT WANT TO INCLUDE THE LOGO IN THEIR PROJECT?

Projects can apply for the 20% income tax credit only, or in lieu of the inclusion of the GEP Uplift logo, the production company may offer alternative marketing promotion opportunities (form GDEcD-A) acceptable to GDEcD.

WHAT IF A COMPANY RECEIVES THE CREDIT FOR THE GEP UPLIFT BUT DOES NOT SATISFY THE REQUIREMENTS FOR THE ADDITIONAL 10%?

If a production company files their tax return and claims the full 30% tax credit, but does not include the GEP Uplift logo as defined or does not complete the alternative marketing opportunities, the Georgia Department of Revenue will be notified and will disallow the 10% uplift. The production company has 24 months from the end of principal photography to provide proof the obligation has been met.

DOES THE COMPANY APPLY AND BECOME CERTIFIED ON A PER-PROJECT BASIS?

Yes. An application must be submitted for each specific project for each year that credits will be claimed.

HOW DO YOU DEFINE WHAT IS A PROJECT?

A project may be a single televised commercial, a music video, studio feature film, indie feature film, TV pilot or episode or an entire TV series season produced in Georgia.

WHEN DOES THE COMPANY APPLY FOR THE 20% INCOME TAX CREDIT?

Application for certification of the project can be made to GDECD as soon as the Georgia preproduction begins; generally, at the time the production office opens in Georgia when key personnel crew are being hired. Applications must not be submitted earlier than 90 days prior to the start of principle photography. The tax credit may be claimed once a minimum of \$500,000 of qualified expenditures have been made and the tax return covering those expenditures is filed with the GDOR.

DO TELEVISED COMMERCIALS AND MUSIC VIDEO COMPANIES QUALIFY? IF SO, HOW?

Yes, if the qualified in-state production expenditures on a project or series of projects is at least \$500,000 in a single tax year. Music video producers may also submit the GEP Uplift application for consideration of the 10%. Commercials do not qualify for the GEP Uplift.

IF AN INDIVIDUAL WANTS TO INVEST IN A FILM, HOW IS THIS HANDLED? DOES HE OR SHE QUALIFY?

There is no investor credit in Georgia for film projects. In order for the investor to be able to claim any of the tax credit generated by the production company, the investor would have to be an owner (or part owner) of the production company and the production company be a flow-through entity (i.e., S-Corp., LLC or partnership). Otherwise, the investor would have to buy the credits in order to be eligible to claim them on his/her tax return.

WHO BECOMES CERTIFIED OR APPLIES FOR THE CREDIT, THE LLC OR THE PARENT COMPANY?

The entity generating the tax credit (the production company) must have the project(s) certified – for example the LLC. The generating entity-the LLC-not the parent, can sell or transfer the film tax credit to a Georgia taxpayer. The generating entity-the LLC-not the parent, can elect to use the credit against its withholding account. For a disregarded single member LLC, the parent may use the credit against its income tax liability. For LLCs that choose to be taxed as a corporation, the credits can be claimed at the LLC level and will not be allowed to be utilized by the parent company. However, the credit can be assigned to an affiliated entity on an original return (see next question). In an S-Corp. or partnership configuration, the credits may flow through to the shareholders or partners.

CAN THE TAX CREDIT BE ASSIGNED TO SUBSIDIARIES?

The film credit may be assigned to affiliated entities under O.C.G.A. §48-7-42. If the production company assigns the credit to an affiliated entity, the affiliated entity can only utilize the credit against their income tax liability; the affiliated entity cannot use the credit against withholding. The affiliated entity cannot sell the credit. An assignment must be done on or before the due date of the return including extensions.

WHAT IF A COMPANY RENTS OR BUYS EQUIPMENT OUTSIDE OF GEORGIA?

Expenditures made outside the State of Georgia do not qualify for the tax credit. Rentals and purchases that count towards the credit are made with companies that meet the Georgia vendor rule requirement.

DO WAGES THAT ARE PAID ON BEHALF OF THE PRODUCTION COMPANY BY AN OUT-OF-STATE PAYROLL COMPANY TO AN INDIVIDUAL WORKING IN GEORGIA ON A CERTIFIED PRODUCTION QUALIFY?

The wages qualify if paid to an individual working in Georgia.

IF A DIRECTOR, ACTOR, OR OTHER PRODUCTION PERSONNEL IS EMPLOYED ON A PRODUCTION AS A “LOAN OUT”, WILL THE COSTS BE ELIGIBLE FOR THE TAX CREDIT WHILE HE/SHE IS WORKING IN GEORGIA?

Yes.

WOULD PAYMENTS TO A LOANOUT COMPANY, 1099 OR PERSONAL SERVICES CONTRACT INDIVIDUAL BE SUBJECT TO GEORGIA WITHHOLDING?

Yes, the production company will withhold 6% Georgia income tax for services performed in Georgia to claim the costs towards the qualified expenditures. If a 1099 individual or personal services contract individual performs service in Georgia and meets the criteria of a loan out then the 6% Georgia income tax will be withheld.

DOES THE PRODUCTION COMPANY OR THE LOAN OUT COMPANY NEED TO REGISTER IN GEORGIA?

Yes, both the production company making payments to a loanout company and the loanout company must electronically register through the Georgia Tax Center. The registration is an online form with no fee. The production company will register to obtain a film withholding account. The loanout company will register to obtain a payroll withholding account.

ARE FRINGES CONSIDERED QUALIFIED EXPENDITURES?

FICA, SUI, FUI, are qualified expenditures but must be attributed to Georgia as provided in Revenue Regulation 560-7-8-.45. Hotel and meal per diems if incurred in Georgia are qualified expenditures up to the amount set forth by the United States General Services Administration (any excess must be included in the loanout company's or the person's income in order to be qualified). Union pension and welfare are qualified expenditures if the amounts are paid to the union as part of pension, health, and

welfare (these would not be required to be paid to a vendor with a Georgia location since they are part of compensation), but they must be attributed to Georgia as provided in Revenue Regulation 560-7-8-.45. Health insurance premiums are qualified expenditures if these amounts are paid to the union as part of pension, health, and welfare (these would not be required to be paid to a Georgia based insurance company since they are part of compensation) but they must be attributed to Georgia as provided in Revenue Regulation 560-7-8-.45. Service fees paid to a payroll company (this includes workers compensation) qualify as qualified expenditures, but only if the payroll company is a Georgia vendor and if and only to the extent the service is rendered in Georgia.

WOULD THE PAYROLL PROCESSING FEES BE A QUALIFIED EXPENDITURE?

The fees would qualify if the payroll company is a Georgia vendor and if and only to the extent the service is rendered in Georgia.

IF I SET UP A POST OFFICE BOX IN GEORGIA, WOULD THAT QUALIFY ME AS A GEORGIA VENDOR?

No. To qualify as a Georgia vendor, a company must have a physical address in Georgia, employees in Georgia, and inventory on site to meet the requirements in Revenue Regulation 560-7-8-45.

IF ONE PERSON SERVES SEVERAL ROLES IN A PROJECT, I.E., WRITER, DIRECTOR, ACTOR, ETC., WILL THEY BE ELIGIBLE FOR AS MANY SEPARATE SALARY CAPS?

No. No matter how many roles an individual has in the production of the project, the salary cap of \$500,000 per person per project will apply if the person is paid by W2.

DOES AN INSURANCE COMPANY OR TRAVEL AGENCY HAVE TO BE BASED IN GEORGIA, OR SIMPLY HAVE A GEORGIA PRESENCE TO QUALIFY FOR THE TAX CREDIT?

The insurance company or agency and travel agency or company must meet the Georgia vendor requirement but does not have to be headquartered in Georgia.

IF WE PAY FOR OUR PRODUCTION CREW TO FLY OUT OF STATE, AND USE A GEORGIA COMPANY TO PURCHASE THE AIRLINE TICKETS, WILL THE TICKETS QUALIFY FOR THE FILM TAX CREDIT?

One round-trip airfare directly associated with qualified production activity in Georgia, purchased through a Georgia travel agency or travel company, will qualify as a production expenditure for the film tax credit. To be directly associated a flight must transport someone to the qualified production activity in Georgia, and will include returning them to their point of origin. If a crew member was flown out of Georgia to another location to work, and flown back to Georgia, neither leg of the flight would qualify for the film tax credit.

DOES THE PRODUCTION COMPANY TAKE THE CREDITS AT THE COMPLETION OF THE PROJECT?

The tax credit may not be claimed until the tax return is filed for the tax year in which the expenditures are incurred and the \$500,000 minimum spend is met.



DOES GEORGIA REQUIRE AN INDEPENDENT AUDIT OF EACH PRODUCTION PRIOR TO SUBMITTING ITS TAX RETURN?

An audit is not required but is strongly encouraged. Once the tax credit is earned, an audit could help sell your tax credits faster and at a higher price. The GDOR offers a review and verification of transactions that are eligible for the Georgia Film Tax Credit. This is a voluntary program and verification reviews will be done a first come/first serve basis for a fee (the fee reimburses the Department for the costs of the audit).

TO WHOM CAN THE CREDITS BE TRANSFERRED?

Any Georgia taxpayer whether an individual or corporation.

WHO HANDLES THE BROKERAGE OF THESE CREDITS?

Private companies only, not state agencies.

HOW LONG DO THEY HAVE TO CARRY FORWARD THE CREDITS?

Tax credits may be carried forward for five years from the end of the tax year in which the tax credit was claimed by the production company.

HOW WOULD A COMPANY UTILIZE THEIR CREDITS AGAINST THEIR WITHHOLDING TAX?

Once a company files for the tax credit, the materials will be reviewed by GDOR. Should the production company wish to apply the excess credit against withholding, for taxable years beginning before January 1, 2017, Form IT-WH (Notice of Intent) must be filed with GDOR at least 30 days prior to the earlier of the due date of the return or the date the return is filed; for taxable years beginning on or after January 1, 2017, Form IT-WH (Notice of Intent) must be filed through the Georgia Tax Center within thirty (30) days after a timely filed return. GDOR will then notify the production company specifying the amounts available to utilize against withholding.

WHAT DEPARTMENT OR OFFICE WOULD BE THE MAIN POINT OF CONTACT TO ANSWER QUESTIONS OR RESOLVE DISPUTES?

GDEcD handles the certification of the production project and awards the GEP Uplift. GDOR manages the calculation, utilization of, and compliance with the tax credit.

**THANK YOU FOR CONSIDERING GEORGIA
FOR YOUR FILM, TELEVISION OR
COMMERCIAL ENTERTAINMENT PROJECT.**



8K

03:19:56:21 TC

A018_X006

CAM: DXL2



SSD: 0:26

23.98FPS

ISO 1600

5600K

180.0°

DXLH3M-15.0V

“

THERE'S SORT OF A SMALL TOWN HOMEY FEEL TO IT HERE.

HOWEVER, WITH THAT IS A HUGE AMOUNT OF INFRASTRUCTURE.
IT'S A TRAVEL CENTER, SO IT'S EASY TO GET IN AND OUT OF, THE CREW
IS HIGHLY EXPERIENCED AND PROFESSIONAL, AND THE ATTITUDE LEVEL
IS JUST WONDERFUL. NOT TO MENTION YOU HAVE THE CANVAS OF
GEORGIA TO USE AND PAINT MAGNIFICENT PICTURES WITH.

”

— Timothy M. Bourne, producer of the Georgia-lensed films
“The Blind Side,” “Drumline,” “ATL,” “Footloose,” “Joyful Noise,” “The Hate U Give,”
“Love, Simon,” “Goosebumps 2,” “The Lottery Ticket,” “Diary of a Wimpy Kid,” among many others.





For more information, please visit:
Georgia.org/Film OR call **404.962.4052**