



Form FP Application for Payroll/Production Credit

2013
Massachusetts
Department of
Revenue

For calendar year 2013 or taxable year beginning

and ending

General Information

Motion picture production company name ("Company")		Federal Identification number	
Mailing address	City/Town	State	Zip
Name of production		Expected or actual release or premiere date of this production	
Type of production <input type="checkbox"/> Feature film <input type="checkbox"/> Television series <input type="checkbox"/> Documentary <input type="checkbox"/> Commercial/advertisement <input type="checkbox"/> Other (explain)			
Designated production company representative		Telephone	E-mail address
Massachusetts qualifying period start date		Massachusetts qualifying period end date	
Name of payroll service provider (if any)		Federal Identification number	
Mailing address	City/Town	State	Zip

Production Information

	Everywhere		Massachusetts	
	Start date	End date	Start date	End date
Pre-production				
Production				
Post-production				

- 1 Type of entity: ☐ Corporation ☐ Trust ☐ Partnership ☐ Sole proprietorship ☐ LLC
- 2 Did Company apply for a sales tax exemption for this production? ☐ Yes ☐ No
- 3 Is Company or its payroll service provider registered for withholding of Massachusetts personal income tax on salaries paid to its employees?
☐ Yes ☐ No. If no, use our Webfile for Business application to register for withholding and wage reporting and pay over any amounts owed.
- 3a Have you met all withholding obligations outlined in the film credit regulation 830 CMR 62B.2.3 (see instructions)? ☐ Yes ☐ No
- 4 Is Company (including the parent or an affiliate of the company) in default on a loan made or guaranteed by the Commonwealth (see TIR 06-01)?
☐ Yes ☐ No
- 5 Is the Company including on this application qualified expenses (e.g., filming costs clearly and demonstrably incurred in Massachusetts) incurred by another entity in conjunction with this production? ☐ Yes ☐ No
- 6 If Yes, the Company must certify by signing below that the other entity has allowed the Company to:
 1. Include such expenses with the understanding that only one film production company can claim the credit per production and therefore,
 2. The other qualifying film production entity cannot also claim the film credit for such expenses, and
 3. That the film production company filing this film credit application has a written waiver given by the other qualifying film production entity evidencing their intent to allow the film production company to claim the credit for such expenses; further
 4. That the film production company filing this film credit application has records available (including the written waiver referenced above) upon audit that substantiate the qualified expenses incurred by the other qualifying film production entity with the same level of detail required for expenses directly incurred by the film production company filing this film credit application (for example, payroll, production expense, proration if multistate production or unqualified portion such as insurance, etc.); and the expenses are qualified for this one production under this application and not for other productions or joint endeavors between the company and the other entity.
- 7 Company's total actual qualifying production costs everywhere 7
- 8 Company's total actual qualifying production costs in the Commonwealth during the qualification period (see TIR 06-01) . . . 8

Payroll Credit

9a	Payroll processed through payroll company	9a	
9b	Payroll paid to a loan-out company	9b	
9c	Payroll paid by production company on Form 1099	9c	
9	Total qualifying payroll (add lines 9a through 9c).	9	
10	Wages and salaries of \$1,000,000 or over included in line 9	10	
11	Qualifying Massachusetts payroll. Subtract line 10 from line 9.	11	
12	Payroll credit. Multiply line 11 by .25	12	

Production Credit

13a	Wages over \$1,000,000 paid using payroll company	13a	
13b	Wages over \$1,000,000 paid to a loan-out company	13b	
13c	Wages over \$1,000,000 paid by production company on Form 1099	13c	
13	Wages and salaries over \$1,000,000 (add lines 13a through 13c) Do not include wages used in line 11	13	
14	Cost of set construction	14	
15	Location fees and cost of rental or purchased facilities and equipment	15	
16	Other Massachusetts production expenses	16	
17	Total Massachusetts production expenses. Add lines 13 through 16	17	
18	Production credit. Multiply line 17 by .25	18	
19	Number of principal photography days for the film	19	
20	Number of principal photography days referenced in line 19 taking place in the Massachusetts	20	
21	Total credit. Add lines 12 and 18	21	

Additional Requirements

Please submit the following along with this application (see instructions):

- Detailed identification of the production;
- Detailed list of all sources of funds used to finance the production as well as identification of any parent or affiliated companies;
- A list of names and addresses of entities included in lines 5 and 6 along with a list of all such expenditures;
- List of any tangible personal property for which costs were included that was not transferred or otherwise disposed of at the end of the production;
- All required Film Production Loan-Out Affidavits.

The following requirements should be submitted in electronic format (see instructions):

- Detailed budget and cost report breaking down overall and Massachusetts expenses;
- Detailed list of all personnel and cast working in Massachusetts including dates and salaries earned while in Massachusetts;
- A complete list, including names and addresses of all vendors used on this production;
- List of all Massachusetts principal photography days, including dates and locations;

Note: If an independent auditing company produced an audit report of the expenses included in this application, please provide name and address of the firm and attach a copy of their report.

I declare under the pains and penalties of perjury that to the best of my knowledge, the information contained herein is accurate and complete.

Signature

Date

Mail to: **Massachusetts Department of Revenue, Audit Division, 200 Arlington Street, Room 4300, Chelsea, MA 02150, attn.: Film Credit Unit.**

Schedule FP Instructions

What Is the Film Payroll/Production Credit?

For taxable years beginning on or after January 1, 2006 and before January 1, 2023, Massachusetts allows two credits for motion picture production companies who meet certain qualifications requirements.

Who Is Eligible For the credit?

Production companies who expend over \$50,000 in Massachusetts production costs during a consecutive twelve-month period are eligible if they meet certain requirements. A motion picture production company is a company including its subsidiaries engaged in the business of producing motion pictures, videos, television series, or commercials intended for a theatrical release or for television viewing. The term "motion picture production company" shall not mean or include any company which is more than 25 per cent owned, affiliated, or controlled, by any company or person which is in default on a loan made by the commonwealth or a loan guaranteed by the commonwealth.

Agreed Upon Procedures

Applications that are submitted with at least \$250,000 of qualified film credit expenses must contain an Independent Accountant's Report on Applying Agreed Upon Procedures ("AUPs") or an Audit (see TIR 07-15, footnote 14). The AUPs must be performed by a Massachusetts CPA. Productions with less than \$250,000 of qualified film credit expenses may choose to include the AUPs or an Audit with their film credit applications, but it is not required. The Department will not assert transferee liability if the original film credit application is submitted with the AUPs or Audit.

Amount of Credit

Production companies who incur at least \$50,000 of production costs in the Commonwealth are eligible for income and corporate excise tax credits equal to 25 percent of the total Massachusetts payroll for the production, excluding salaries of \$1 million and higher. In addition, production companies whose Massachusetts production expenses exceed 50 percent of the total production cost receive an income and corporate excise tax credit of 25 percent of the total Massachusetts production expense.

What Is a Qualifying Period?

The \$50,000 qualification period serves as the "determination" period in that the taxpayer must incur in the Commonwealth at least \$50,000 of total production expenses during the consecutive twelve month period to be eligible for the payroll and production credit. Also, this same period serves as the "qualification" period in that only qualified aggregate payroll expenses paid during this determination period qualify for the payroll credit. In some cases, the taxpayer may be able to choose between one or more possible \$50,000 qualification periods. However, only one \$50,000 qualification period is allowed for each motion picture. A taxpayer may choose to have a \$50,000 qualification period that is less than 12 months, but may not subsequently reopen or extend this qualification period in order to claim more qualifying expenses. In addition, the \$50,000 qualification period is the same for the payroll credit, the production expense credit and the sales tax exemption. Consequently, the choice of the \$50,000 qualification period (including choosing a period shorter than 12 months) may have a bearing on the application of the production expense credit and the sales tax exemption.

Line 1

Enter the type of entity and the production company's fiscal or calendar year end.

Line 2

Did the Production Company previously contact the Department and receive approval for sales tax exemption in conjunction with this production? If "Yes," the qualifying period on this application must be the same as the sales tax exemption qualifying period.

Line 3

A taxpayer or its payroll company must be registered for withholding of Massachusetts personal income tax and must withhold from its payroll expenses in order for the payments to qualify as an aggregate payroll expense for purposes of the payroll credit or to qualify as a Massachusetts production expense for purposes of the production expense credit. The Commissioner will require withholding whether or not the amounts paid are to "employees" or constitute "wages" as defined in M.G.L. c. 62B, § 1. See regulation 830 CMR 62B.2.3, Motion Picture Production Company Withholding for further details and requirements.

Line 3a

Motion picture production company registration and withholding is required on payments to individual contractors (Forms 1099) and loan-outs made on or after February 18, 2010. See regulation 830 CMR 62B.2.3, Motion Picture Production Company Withholding for further details and requirements.

Line 4

A taxpayer (including an owner, parent or affiliate of the taxpayer) is not eligible for the payroll or production expense credit or the sales tax exemption if it is in default on a loan made by the Commonwealth or a loan guaranteed by the Commonwealth.

Line 5

A production company can claim expenses incurred by another company in conjunction with a production, but the company must certify by signing that the other entity has allowed the company to include such expenses. Only one Production Company can claim the credit per production.

Line 6

If you answered Yes on line 5, an authorized representative must sign and date to certify that the Production Company has authorization to claim the expenses.

Line 7

Enter the total overall production costs for the production. This should include both Massachusetts and non Massachusetts costs.

Line 8

Enter the total actual qualifying production costs incurred in Massachusetts during the qualifying period.

Payroll Credit

Line 9

Enter the total qualifying payroll amount. Only actual payments to employees may be used to determine the qualifying aggregate payroll, and only in the instance in which the payment constitutes Massachusetts source income to the recipient. Qualifying aggregate payroll may also include fringe benefits to employees to the extent such benefits constitute Massachusetts source income. Any amounts included on Line 9 must have met all Performer withholding requirements.

Line 10

Enter the wages and salaries of "high Salary employees", where the employee's salary is \$1,000,000 or more.

Line 11

Subtract line 10 from line 9 and enter the total. The qualifying aggregate payroll shall not include any payments made to an employee when the total payments made to, or to be made to, such employee in connection with the motion picture are equal to or greater than \$1,000,000 ("High Salary Employee"). Such High Salary Employee's entire salary, not merely the amount of his or her salary equal to or greater than \$1,000,000, is excluded from the payroll credit. These wages should be entered on Line 13 of the production credit below.

Line 12

Multiply line 11 by .25 and enter the total payroll credit.

Production Credit**Line 13**

Enter the wages and salaries of the "High Salary Employees". These are individuals whose total compensation is \$1,000,000 or more. This amount can be less than \$1,000,000 if a portion of the compensation was earned outside of Massachusetts. All amounts entered on Line 13 must have met all Performer Withholding requirements.

Line 14

Enter the cost of set construction in Massachusetts.

Line 15

Enter Massachusetts location fees and cost rental or purchased facilities and equipment used in Massachusetts.

Line 16

Enter other qualified Massachusetts production expenses.

Line 17

Enter the total Massachusetts Production expenses by adding lines 13 through 16.

Line 18

Multiply line 17 by .25 and enter the total production credit.

Line 19

Enter the total number of principal photography days for the production.

Line 20

Enter the total number of principal photography days in Massachusetts.

Line 21

Add lines 12 and 18 and enter the total credit for this production.

Additional Requirements

Please submit the following along with this application.

A detailed identification of the production. This should include the title of the production and a general description of what it is about. It should also include where it will be shown or available for viewing. If the production company was hired by someone, please include the name or names of the companies or individuals that hired the production company.

A detailed list of all sources of funds used to finance the production as well as identification of any parent or affiliated companies. This should include names, addresses and contact information.

A list of all Massachusetts principal photography days. The list should include dates and locations. Include copies of all daily call sheets.

A list of names and address of entities included in lines 5 and 6 of the application. This list should include a detailed breakdown of costs for each entity.

A list of any tangible personal property for which costs were included that was not transferred or otherwise disposed of at the end of the production. The list should include the original acquisition cost as well as the amount claimed on the application.

All required Film Production Loan-Out Affidavits. These forms must be signed with original signatures by an authorized representative of the production company, an authorized representative of the loan-out company and the artist/performer. Forms received without all three original signatures will disallow all wages on the form from being eligible for film credit.

The following requirements should be submitted in electronic format.

Note: This must be in a standard database spreadsheet format.

A detailed budget and cost report breaking down overall and Massachusetts expenses.

A detailed list of all personnel and cast working in Massachusetts. This list should include name, address, Social Security number, position or title, start and end date as well as all information relating to hours worked and payroll. The list must also include the total amount of withholding tax for each employee.

A complete list of all vendors used on this production. The list should include the names and full address of all vendors. The date range of all payments made to each vendor and the total qualifying expenditure to each vendor.

A list of all location fees paid in connection with the production. This list should include all locations used and the amount paid for each location. The list should also include all contact information for the location. Location fees paid to governmental agencies should also be listed and noted.

Note: If an independent auditing company produced an Audit report of expenses included in this application, please provide a copy of the report along with the name and address of the firm preparing the report.

Questions or concerns relating to the Film Credit Application should be directed to the Film Credit Unit at 617-887-6725.

Mail completed application to: **Massachusetts Department of Revenue, Audit Division 200 Arlington Street, Room 4300, Chelsea, MA 02150, Attn.: Film Credit Unit.**