

COMMERCIAL PARKING & SPECIAL EVENTS

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Films & Photography on State Property



Administrative Guide &  
Handbook

# Film Administrative Sheet Guide

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## **Advance Notice Requirements:**

The Texas Facilities Commission (TFC) requires a minimum of three (3) business days advance notice to process Film applications. Multiple agencies may be involved and approvals are based on the proposed projects' impact to the property and agency operations. Advanced notice is required to better coordinate site preparation between multiple state agencies.

## **Insurance Requirements:**

It is the responsibility of TFC employees to vet the Texas Film Commission application for accuracy and for conflicts with any scheduled events on state properties and/or conflicts with internal policy.

Production Companies must provide current Certificate of Liability Insurance on file at the TFC in the amount and of the type required by the State of Texas. All certificates must name the State of Texas as the additional insured.

Production companies requesting to film on State owned or operated property must submit the following insurance documentation to the Texas Film Commission:

**1) Certificate(s) of Insurance** will oblige as evidence of General Liability, as well as Automobile Liability and/or Aircraft Liability, if auto or aircraft will be used. The certificate(s) must be in U.S. dollars.

**The policy(ies) must be endorsed to include:** "The State of Texas, including its officers, agents, employees and servants is named as additional insured, with respect to liability arising out of the operations related to filming on Texas State-owned or operated property." The additional insured endorsement(s) must be submitted with the certificate(s).

## **Certificate Holder:**

The State of Texas  
Texas Facilities Commission  
1711 San Jacinto Blvd.  
Austin, TX 78701

**General Liability** coverage in an amount not less than \$1,000,000 each occurrence.

**Umbrella** coverage in an amount not less than \$1,000,000.

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**Automobile Liability** "Owned", "Hired" and "Non-Owned" coverage in an amount not less than \$1,000,000 per each accident. (No Automobile Liability is required if no vehicle will be used in or for filming.)

**2) Endorsement Form** (as described in #1 above).

**3) Workers Compensation** - Proof of workers compensation and employers' liability with a limit of \$1,000,000, is required. If a company has no employees, a workers compensation waiver letter must be submitted to the TFC.

**Fees:**

HB 374 allows for the Texas Facilities Commission to recoup from the Production Company the time spent on-site by TFC employees during filming activities and/or any damage done to state property during this time period. However, the Texas Film Commission does not charge for its services, and the State of Texas does not charge location fees.

The Texas Film Commission has a fees form in its application packet which TFC may utilize to submit a written reimbursement to the Production Company involved which will be used to reimburse the Texas Facilities Commission. This process is handled by the Commercial Parking and Special Events Division of the Texas Facilities Commission.

**Supervision Assignments:**

A TFC representative must be on site for all filming during production on State property. Additionally, filming and/or photography activities may necessitate the assignment of inspection and/or law-enforcement personnel. State employee reimbursements may vary depending on the property and use, as required.

**Security:**

Security officers are not automatically assigned and, if not requested by the film company in advance, this may prevent the filming from taking place. It is the film company's responsibility to contact the local law-enforcement a minimum of 72 hours prior to filming or photo shoot to determine whether officers are needed and available, and to determine if local law-enforcement should be involved.

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# Commercial Filming & Photography Policy

## *Texas Facilities Commission's Managed Properties*

State of Texas properties have been approved for commercial filming productions. The purpose of this policy is to provide a unified course of action and to alleviate confusion for Texas Facilities Commission Employees involved in the oversight of film development on state property. It is the policy of the State of Texas to allow filming and photography on State property when possible.

Texas Facilities Commission (TFC) policy requires consideration to be given to potential disruption of State business.

To assure protection of the diverse cultural, historic, and natural resources, all commercial filming requests involving the use of State properties managed by TFC must be approved through a permitting process initiated by the Texas Film Commission.

The following policies are established by the Texas Facilities Commission's Commercial Parking and Special Events Office as they relate to filming and photography activities on TFC-managed State properties.

The authority for the management of commercial filming activities can be found in Title 10 of the Texas Government Code, under Section 2165.008.

## Rules and Regulation

**Sec. 1**      **Authorization to Film.** The Texas Film Commission may authorize the use of State of Texas property managed by the TFC for filming motion pictures or television productions under a Temporary Use of State Property Location Agreement. It shall be at the discretion of the TFC or the tenant agency to determine if film use shall be granted. Requests to film a motion picture or television production shall be reviewed and considered on a case-by-case basis. The use and safety of the general public, the agency, and their staff; the potential damage to State facilities or property, and the potential for disruption of State business or other scheduled activities; and the subject matter of the film shall be of primary consideration in determining whether to grant a filming request.

## FILM & PHOTOGRAPHY ON STATE PROPERTY

- Sec. 2 Scheduling.** The TFC's Commercial Parking and Special Events Office, in conjunction with property managers, shall be responsible for ensuring that scheduled time(s) and location(s) for filming do not interfere with State business or other scheduled activities of the tenant agencies and/or TFC.
- Sec. 3 Insurance Requirements.** The Production Company must provide a Certificate of Liability Insurance providing protection against all liability, to the extent possible, with a minimum of comprehensive general liability, umbrella, and property damage insurance. All insurance must be issued by a company authorized to do business in the State of Texas, naming the Texas Facilities Commission and the officers and employees of each as additional insured, and providing coverage for injury and death of persons and damage to property which result directly or indirectly from the negligent or intentional act or omission of, or from the use or condition of any property, equipment, machinery, or vehicle used, operated, or controlled by, the Production Company or its officers, employees, agents, or subcontractors while on State property managed by the TFC. The scope and limits of coverage shall be determined by the Texas Film Commission on the basis of the nature and extent of the activities to be conducted by the production company and the property, buildings, or facilities to be utilized.
- Sec. 4 Space Usage Fee.** A use or location fee shall not be charged for use of State property. TFC shall be reimbursed for direct cost associated with personnel, parking or excess use of State utilities.

## Film Application Process

1. Prior to commencement of production activity at the requested location, the Temporary use of State Property Location Agreement is submitted to the Texas Film Commission, along with a Certificate of Liability Insurance showing amounts and the types of coverage mandated by the State of Texas.
2. Once the Location Agreement and Certificate of Insurance are received from the Texas Film Commission, the TFC staff verifies that all of the information on the application is correct and routes the application internally for signatures of approval.
3. The Texas Film Commission and TFC staff will determine if the request is feasible based on location availability, description of production activity, and the location's capabilities. At that time, the TFC will contact the applicant to inform them whether or not their request has been approved.
4. TFC shall be reimbursed for direct costs associated with personnel, parking or excess use of State utilities.

## Still Photography Application Process

1. Prior to the commencement of all photography activity at the requested location, a Request for Use Application must be received by the TFC's Commercial Parking and Special Events Office, along with a Certificate of Liability Insurance showing amounts and the types of coverage mandated by the State of Texas.
2. The Texas Film Commission and the TFC staff will contact the applicant to verify that all the information on the application is correct.
3. The TFC, and the state agency governing the applicant's requested location, will determine if the request is feasible, based on location availability, description of production activity, and the location's capabilities. At that time, the TFC will notify the Texas Film Commission as to whether or not the request has been approved.
4. TFC shall be reimbursed for direct costs associated with personnel, parking or excess use of State utilities.

## TFC Supervision and Costs

Authorized filming activities will be supervised by TFC staff to assure full compliance with all terms of the agreement. Personnel and any unforeseen charges will be reimbursed by the Production Company after the completion of filming activities.

## Disruption of State Business

The following list represents the sequence of events generally followed by production companies and provided by the Texas Film Commission, listed in the order in which they occur. A production company may complete the steps of inquiry through the step of acquiring a photo package without the need of assistance from the Texas Facilities Commission, but, if necessary, a Facilities employee can be made available at the discretion of the Texas Facilities Commission Property Management Director. However, any scouting or filming activity which will have a determined impact on State property will require a Facilities employee to be present. If there is no discernible State impact from the filming activity, the Texas Facilities Commission Property Management Director may determine at his or her discretion whether the presence of a Facilities employee is necessary.

- ▣ Project Inquiry
- ▣ Photo Package
- ▣ Preliminary Scout
- ▣ Filmmaker Scout
- ▣ Technical Scout
- ▣ Filming Activity

▣ Prep / Wrap

Filming activity must not unduly disrupt normal State business activities. Requests from film companies for temporary, brief closures or interruptions of State business activities will be considered on a case-by-case basis. Filming on State property is generally required to occur after normal State business hours or on weekends.

## **Parking**

Parking in the Capitol Complex is restricted and limited. TFC will work with film companies to accommodate parking as allowed for a fee. The parking fee is currently set at the rate of \$7.00 per space per day. It is the responsibility of the film company to notify TFC of parking, loading and unloading needs and to request approval for use.

## **Utilities**

If electricity or water is required, the TFC will make a reasonable accommodation. TFC shall be reimbursed for direct costs associated with excessive use of state utilities.

## **Damage to State Property**

The film company will be liable for all damages to State property which occurs during the film company's utilization of State facilities. After the extent of damages is assessed, the appropriate amount will be billed to the film company by TFC through the Written Reimbursement Form. This process is handled by the Commercial Parking and Special Events Office of the Texas Facilities Commission.

## **Walk-Throughs/Scouting**

Prior to the approval of utilizing State property managed by TFC, a representative from TFC and/or representatives from the Texas Film Commission and the film company will undergo a formal walk-through of the State property to determine whether use of the property will be feasible for the film project. An additional walk-through may also be performed, upon completion of the project, to assess any damages.

During the scouting and filming phases, TFC staff must be on-site to supervise and to ensure both the safety and the maintenance of State property. Depending on the time of the film activity, either a property manager or a member of the Commercial Parking and Special Events Office will be available for the needs of the Production Company and the safety of State property.



## Use of State Property

The following activities may be restricted and/or may require approval on a case-by-case basis:

- 1) Use of animals
- 2) Discharge of blank ammunition and use of any and all black powder weapons
- 3) Mechanical or pyrotechnic special effects
- 4) Stunts
- 5) Amplified music or sound
- 6) Placing of large set dressings
- 7) Filming photography inside interiors of government administrative work areas
- 8) Film equipment or activities on roadways

The authority to film on State property does not include the authority to film or photograph individuals. Obtaining model releases is the responsibility of the Production Company.

# Appendix

**FILM & PHOTOGRAPHY ON STATE PROPERTY**

**SEC. 2165.008. TEMPORARY USE OF STATE BUILDING OR GROUNDS  
BY TELEVISION OR FILM PRODUCTION COMPANY.**

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(a) In this section:

(1) "Office" means the Music, Film, Television, and Multimedia Office.

(2) "Production company" means a film production company, television production company, or film and television production company.

(b) A state agency or other state governmental entity shall allow a production company to use any state building or grounds under the agency's or other entity's charge and control to produce a film, national broadcast, episodic television series, or commercial that is approved by the office and the agency or other entity under Subsection (c).

(c) The office shall review each proposal by a production company to use a state building or grounds. The office may approve a proposal, subject to the final approval of the state agency or other state governmental entity that occupies the building or uses the grounds, if:

(1) the office and the state agency or other state governmental entity that occupies the building or uses the grounds determine, after the office consults with each agency or entity, that the use will not significantly interfere with the conduct of state business;

(2) the production company provides a certificate of insurance covering the production:

(A) in an amount required by the office; and

(B) that names the state as an insured; and

(3) the proposal is to produce:

(A) a film, national broadcast, or episodic television series with a total production cost of \$250,000 or more; or

(B) a commercial with a total production cost of \$100,000 or more.

**FILM & PHOTOGRAPHY ON STATE PROPERTY**

(d) The office shall supervise each use of a state building or grounds by a production company subject to the control and final authority of the state agency or other state governmental entity that occupies the building or uses the grounds.

(e) The office shall determine the fee to be charged for each day that a state building or grounds are used by a production company. The office may allow each state building or grounds to be used without charge, other than the reimbursement of expenses under Subsection (f), for seven days during each state fiscal year and may determine the allocation of those days. Fees collected under this subsection shall be deposited to the credit of the general revenue fund.

(f) The production company shall reimburse:

(1) a state agency or other state governmental entity for any cost incurred by the agency or other entity as a result of the use of a state building or grounds by the company; and

(2) the state agency or other state governmental entity having charge and control of a state building or grounds for the cost of repairing damage to the building or grounds resulting from use by the company.

(g) A state agency or other state governmental entity shall notify the production company in writing of any cost subject to reimbursement under Subsection (f). The production company shall reimburse the cost not later than the 21st day after the date on which it receives notice from the agency or other entity.

Added by Acts 2007, 80th Leg., R.S., Ch. [57](#), Sec. 1, eff. September 1, 2007



Commercial Parking & Special Events Office

Texas Facilities Commission

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