

Bill No. SB 750

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CHAMBER ACTION

Senate

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The Committee on Regulated Industries (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Part VII of chapter 468, Florida Statutes, consisting of sections 468.401, 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412, 468.413, 468.414, and 468.415, is repealed.

Section 2. Definitions.--As used in sections 2 through 7 of this act, the term:

(1) "Advance-fee talent service" means a service practiced by a person or business entity, or the person's or business entity's employees or authorized agents, which charges, attempts to charge, or receives an advance fee from an artist for the purpose of promoting, but not procuring, the employment or engagement of the artist. Promoting the employment or engagement of an artist includes, but is not limited to, the following activities:

Bill No. SB 750

Barcode 802550

1       (a) Promoting or advertising an artist to a casting  
2 director, talent agency, talent manager, or any other person  
3 represented to be in a position to offer assistance in  
4 procuring engagements or employment for the artist.

5       (b) Promoting or advertising an artist by using the  
6 Internet, trade publications, or other media.

7       (c) Registering or listing an artist for employment in  
8 the entertainment industry or as a customer of the advance-fee  
9 talent service.

10       (d) Managing, directing, developing, or advancing the  
11 artist's career.

12       (e) Preparing the artist for employment through career  
13 counseling or consulting, vocational guidance, aptitude  
14 testing, or evaluation.

15       (2) "Advance fee" means a fee that is due from or paid  
16 by an artist before the artist obtains employment as an artist  
17 or before the artist receives earnings as an artist. An  
18 advance fee also includes money received by the artist which  
19 exceeds the earnings received by the artist.

20       (a) An advance fee does not include reimbursement for  
21 out-of-pocket costs actually incurred by an advance-fee talent  
22 service on behalf of the artist when paying for services  
23 rendered or goods provided to the artist by an independent  
24 third party unless all of the following conditions are met:

25           1. The advance-fee talent service does not have a  
26 direct or an indirect financial interest in the third party.

27           2. The advance-fee talent service does not accept a  
28 referral fee or other consideration from the third party.

29           3. The services rendered or goods provided for the  
30 out-of-pocket costs are not represented to be, and are not, a  
31 condition for the advance-fee talent service to register or

Bill No. SB 750

Barcode 802550

1 list the artist with the advance-fee talent service.

2       4. The advance-fee talent service maintains adequate  
3 records documenting that any amount to be reimbursed to the  
4 advance-fee talent service was actually advanced or owed to a  
5 third party, that the third party is not a person in which the  
6 advance-fee talent service has a direct or indirect financial  
7 interest, and that the advance-fee talent service did not  
8 receive any consideration for referring the artist.

9       (b) The burden of producing evidence to support a  
10 defense based upon an exemption or an exception provided in  
11 paragraph (a) is on the advance-fee talent service claiming  
12 the exemption or exception.

13       (3) "Artist" means a person who seeks to become or is  
14 an actor, actress, director, writer, cinematographer,  
15 composer, lyricist, arranger, model, extra, or other person  
16 rendering professional services on the legitimate stage or in  
17 the production of motion pictures, radio productions,  
18 musicals, television productions, print advertisements, or  
19 other entertainment enterprises.

20       (4) "Buyer" or "employer" means a person, company,  
21 partnership, corporation, or other business entity that uses  
22 the services of a talent agency or advance-fee talent service.

23       (5) "Compensation" means any one or more of the  
24 following:

25       (a) Money or other valuable consideration paid or  
26 promised to be paid for services rendered by an individual  
27 conducting the business of a talent agency or an advance-fee  
28 talent service;

29       (b) Money received by a person in excess of that which  
30 has been paid by the person for transportation, transfer of  
31 baggage, or board and lodging for an applicant for employment;

Bill No. SB 750

Barcode 802550

1 or

2       (c) The difference between the amount of money  
3 received by a person who furnishes employees, performers, or  
4 entertainers for circus, vaudeville, theatrical, or other  
5 entertainments, exhibitions, engagements, or performances and  
6 the amount paid by the person to an employee, performer, or  
7 entertainer.

8       (6) "Divided fee" means the process by which, without  
9 written contractual approval of the artist, any two or more  
10 persons receive compensation for performing services for an  
11 artist and the total compensation paid to these persons  
12 exceeds the compensation that would have been paid to only one  
13 person acting on behalf of the artist.

14       (7) "Engagement" means any employment or placement of  
15 an artist during which the artist performs in his or her  
16 artistic capacity. The term does not apply to procuring opera,  
17 music, theater, or dance engagements for any nonprofit  
18 organization defined in s. 501(c)(3) of the Internal Revenue  
19 Code or any nonprofit arts organization in this state which  
20 has received a grant from the Division of Cultural Affairs of  
21 the Department of State or has participated in the state  
22 touring program of the Division of Cultural Affairs.

23       (8) "Operator" means the person who is or who will be  
24 in actual charge of a talent agency or an advance-fee talent  
25 service.

26       (9) "Owner" means a partner in a partnership, member  
27 of a firm, or one or more principal officers of a corporation  
28 whose partnership, firm, or corporation owns a talent agency  
29 or an advance-fee talent service, or an individual who is the  
30 sole owner of a talent agency or an advance-fee talent  
31 service.

Bill No. SB 750

Barcode 802550

1       (10) "Talent agency" or "agency" means a business  
 2 entity or person who, for compensation, engages in the  
 3 occupation or business of procuring or attempting to procure  
 4 engagements for an artist and includes the agency's employees  
 5 and authorized agents.

6           Section 3. Bond required.--

7       (1) Each talent agency or advance-fee talent service  
 8 shall obtain a bond in the form of a surety by a reputable  
 9 company engaged in the bonding business which is authorized to  
 10 do business in this state. The bond must be for the penal sum  
 11 of not less than \$10,000 and be conditioned on the talent  
 12 agency or advance-fee talent service conforming to and not  
 13 violating any duty, term, condition, provision, or requirement  
 14 of this act.

15       (2) A talent agency or advance-fee talent service must  
 16 provide the artist with a copy of the bond.

17       (3) If a person fails to maintain a bond according to  
 18 this section, the person commits a misdemeanor of the second  
 19 degree, punishable as provided in section 775.082 or section  
 20 775.083, Florida Statutes.

21           Section 4. Office and records.--

22       (1) A talent agency or advance-fee talent service must  
 23 maintain a permanent office and must maintain regular  
 24 operating hours at that office. The office shall not be  
 25 located on or within any property where intoxicating liquor is  
 26 sold, where gambling is permitted, or where acts of  
 27 prostitution are committed.

28       (2) A talent agency or advance-fee talent service must  
 29 keep on file the application, registration, and fully executed  
 30 contract of each artist that the talent agency or advance-fee  
 31 talent service represents. The artist file of a talent agency

Bill No. SB 750

Barcode 802550

1 must also include the total amount of compensation received by  
2 the artist, the amount of compensation received by the artist  
3 for each performance, and documentation of all attempts made  
4 by the talent agency to procure engagements for the artist.  
5 The artist file of an advance-fee talent service must also  
6 include documentation of all attempts to promote or advertise  
7 the artist.

8 (3) A talent agency or advance-fee talent service  
9 shall not knowingly make a false entry in an applicant's file  
10 or receipt file.

11 (4) Each document in the file must be preserved for a  
12 period of not less than 5 years after the date of the last  
13 entry entered into the file.

14 (5)(a) All books, records, and other papers kept under  
15 this act by a talent agency or advance-fee talent service must  
16 be open to the inspection of a state attorney, or the state  
17 attorney's authorized agent, at any reasonable hour. The  
18 talent agency or advance-fee talent service must give the  
19 state attorney a true copy of the books, records, and papers,  
20 or any portion thereof, when so requested.

21 (b) A person may not refuse to disclose any  
22 information within his or her knowledge as required by this  
23 subsection, or fail or refuse to produce any document, book,  
24 or record for inspection which is in his or her possession, to  
25 a state attorney or the state attorney's authorized agent.

26 (c) If a person fails or refuses to disclose  
27 information to a state attorney as required by this  
28 subsection, the person commits a misdemeanor of the second  
29 degree, punishable as provided in section 775.082 or section  
30 775.083, Florida Statutes.

31 (6) A talent agency must maintain records that contain

Bill No. SB 750

Barcode 802550

1 all of the following information or documents:

2 (a) The name and current address of each artist  
3 employing the talent agency.

4 (b) The amount of commissions the talent agency has  
5 received from each artist.

6 (c) A record sheet for each engagement obtained by the  
7 talent agency. The record sheet is the only record required to  
8 show engagements. The record sheet must be kept in the  
9 artist's file for a period of not less than 5 years after the  
10 date of the last record sheet that was posted in the artist's  
11 file.

12 (d) The engagement the artist was performing in at the  
13 time the artist was retained by the talent agency. The  
14 documents must include the amount of compensation received by  
15 the artist from this engagement.

16 (e) The engagements the talent agency procured for the  
17 artist after the artist and talent agency entered into a  
18 contract. The documents must include the amount of  
19 compensation received by the artist from the engagements  
20 obtained for the artist during the life of the contract.

21 (7) An advance-fee talent service must maintain  
22 records that contain all of the following information or  
23 documents:

24 (a) The name and current address of each artist  
25 employing the advance-fee talent service.

26 (b) The amount of the advance fees paid by or for the  
27 artist during the term of the contract with the advance-fee  
28 talent service.

29 (c) A record of all efforts made in promoting the  
30 artist. A record of each effort to promote the artist must be  
31 maintained in the artist's file for a period of not less than

Bill No. SB 750

Barcode 802550

1 5 years after the effort to promote the artist was made.

2 (8)(a) If a person fails to maintain a permanent  
3 office and keep regular hours at that office, fails to  
4 maintain records and files as required by this section, or  
5 knowingly makes false entries in an artist's files, the person  
6 commits a misdemeanor of the second degree, punishable as  
7 provided in section 775.082 or section 775.083, Florida  
8 Statutes.

9 (b) If a person establishes or keeps an office where  
10 intoxicating liquor is sold, where gambling is permitted, or  
11 where acts of prostitution are committed, the person commits a  
12 felony of the second degree, punishable as provided in section  
13 775.082, section 775.083, or section 775.084, Florida  
14 Statutes.

15 Section 5. Contracts and fees.--

16 (1)(a) A talent agency or advance-fee talent service  
17 shall post an itemized schedule of maximum fees, charges, or  
18 commissions that it intends to charge and collect for its  
19 services. The schedule must be posted in a conspicuous place  
20 in each place of business. The schedule must be printed in not  
21 less than 30-point boldfaced type.

22 (b) A talent agency that uses a written contract  
23 containing a schedule of its maximum fees, charges, and  
24 commissions is not required to post the schedule.

25 (c) If a person fails to post in a conspicuous place a  
26 schedule of the itemized fees, charges, and commissions, if  
27 required, the person commits a misdemeanor of the second  
28 degree, punishable as provided in section 775.082 or section  
29 775.083, Florida Statutes.

30 (2) An artist and a talent agency or advance-fee  
31 talent service must enter into a written contract when the



Bill No. SB 750

Barcode 802550

1 parties agree that a talent agency or advance-fee talent  
2 service shall perform services for the artist. If the  
3 circumstances of the arrangement between the artist and the  
4 talent agency or advance-fee talent service prevent the  
5 execution of a contract before the artist performs, the artist  
6 and the talent agency or advance-fee talent service must  
7 execute the contract no later than 7 days after the first  
8 performance.

9       (3) The contract must incorporate the full agreement  
10 between the artist and the talent agency or advance-fee talent  
11 service, be contained in a single document, and include the  
12 elements set forth in this section.

13       (4) Each contract between an artist and an advance-fee  
14 talent service must contain all of the following provisions:

15           (a) A description of the specific services to be  
16 performed by the advance-fee talent service, the duration of  
17 the contract, and the refund provisions if the services are  
18 not provided according to the contract.

19           (b) A statement of the fees that the advance-fee  
20 talent service will charge to or collect from the artist  
21 receiving the services and the date or dates when the artist  
22 must pay the fees.

23           (c) The following statement, in type no smaller than  
24 10-point boldfaced type and in close proximity to the artist's  
25 signature, must be included in each advance-fee talent service  
26 contract:

27           RIGHT TO REFUND

28           If you pay in advance all or any portion of a fee  
29 charged to you by (name of advance-fee talent service) and you  
30 fail to receive the services promised to you or that you were  
31 led to believe would be performed, (name of advance-fee talent

Bill No. SB 750

Barcode 802550

1 service) shall, upon your request, return the full amount paid  
 2 by you within 48 hours after your request for a refund. If the  
 3 refund is not made within 48 hours, (name of advance-fee  
 4 talent service) shall also pay to you, in addition to the  
 5 refund due to you, a sum equal to the amount of the refund.

6 YOUR RIGHT TO CANCEL (enter date of transaction)  
 7 You may cancel this contract for advance-fee talent  
 8 services without any penalty or obligation if you give notice  
 9 of the cancellation, in writing, no later than 14 days after  
 10 the date of the transaction stated above. If you wish to  
 11 cancel the contract, you must mail or deliver a signed and  
 12 dated copy of the following cancellation notice, another  
 13 written document notifying the advance-fee talent service that  
 14 you intend to cancel the contract, or send a telegram, fax, or  
 15 e-mail notifying the advance-fee talent service that you  
 16 intend to cancel the contract, to (name of advance-fee talent  
 17 service) at (address of its place of business) NOT LATER THAN  
 18 MIDNIGHT AFTER (enter the date).

19 ONLY A TALENT AGENCY MAY ENGAGE IN THE OCCUPATION OF  
 20 PROCURING, OFFERING, PROMISING, OR ATTEMPTING TO PROCURE  
 21 EMPLOYMENT OR ENGAGEMENTS FOR AN ARTIST.

22 CANCELLATION NOTICE  
 23 I hereby cancel this contract.  
 24 Dated:

25 \_\_\_\_\_  
 26 Artist Signature.

27 (5) A talent agency or advance-fee talent service must  
 28 give each artist a copy of the signed or authenticated  
 29 contract listing the services to be provided and the fees,  
 30 charges, or commissions to be charged at the time the contract  
 31 is signed.

Bill No. SB 750

Barcode 802550

1       (6) A talent agency or advance-fee talent service must  
2 give each artist a copy of this act at the time the contract  
3 is signed.

4       (7)(a) Pursuant to chapter 435, Florida Statutes, any  
5 person who holds himself or herself out as an employee or  
6 agent of a talent agency or advance-fee talent service must  
7 meet level 1 screening requirements as described in section  
8 435.03, Florida Statutes.

9       (b) Each talent agency and advance-fee talent service  
10 must give the artist a copy of the level 1 screening for each  
11 owner and operator of the talent agency or advance-fee talent  
12 service before executing a contract with an artist. The level  
13 1 screening must have been completed within the previous 12  
14 months.

15       (8)(a) All money collected by a talent agency from an  
16 employer or buyer for the benefit of an artist must be paid to  
17 the artist within 7 business days after receiving the money  
18 from the employer. The talent agency may reduce the amount  
19 paid to the artist by the talent agency's commission.

20       (b) A talent agency is not required to pay money to an  
21 artist until the talent agency receives payment from the  
22 employer or buyer.

23       (9) A contract entered into by a talent agency or  
24 advance-fee talent service which does not conform to this act  
25 is voidable by the artist. If an artist voids a contract with  
26 a talent agency or advance-fee talent service, the artist is  
27 not required to pay or return any consideration received from  
28 the talent agency or advance-fee talent service to induce the  
29 artist to enter into the contract.

30       (10) An artist may cancel a contract with a talent  
31 agency or advance-fee talent service by giving written notice

Bill No. SB 750

Barcode 802550

1 of the cancellation to the talent agency or advance-fee talent  
2 service no later than 14 days after the date of transaction.

3 If an artist cancels a contract, the artist is not required to  
4 pay or return any consideration received from the talent  
5 agency or advance-fee talent service to induce the artist to  
6 enter into the contract.

7 (11) An artist shall not waive the right to cancel a  
8 contract with a talent agency or advance-fee talent service as  
9 provided in this act. Any attempt by a talent agency or  
10 advance-fee talent service to induce an artist to waive the  
11 artist's right to cancel the contract is a violation of this  
12 act.

13 (12)(a) If an artist gives consideration to a talent  
14 agency to be used for expenses to obtain a specific engagement  
15 or employment and the talent agency fails to procure the  
16 specific engagement or employment for the artist, the talent  
17 agency shall, upon the artist's demand, repay all  
18 consideration paid by the artist.

19 (b) The talent agency must refund the consideration to  
20 the artist no later than 48 hours after receiving the demand  
21 from the artist. If the talent agency does not refund the  
22 artist within the prescribed time period, the talent agency  
23 must pay the artist a penalty that is equal to the amount of  
24 all consideration paid to the talent agency.

25 (13) An advance-fee talent service must refund fees as  
26 follows:

27 (a) If the artist does not receive the services  
28 promised or the services the artist was led to believe would  
29 be performed, the advance-fee talent service must, upon the  
30 artist's demand, refund the artist any fees collected by the  
31 advance-fee talent service for those services. The advance-fee

Bill No. SB 750

Barcode 802550

1 talent service must make the refund to the artist no later  
2 than 48 hours after the artist demands the refund. If the  
3 advance-fee talent service does not refund the artist within  
4 the prescribed time period, the advance-fee talent service  
5 must pay the artist a penalty that is equal to the amount of  
6 all fees paid to the advance-fee talent service.

7 (b) If an artist cancels the contract, the advance-fee  
8 talent service must refund in full all fees paid by the  
9 artist. The advance-fee talent service must refund the fees no  
10 later than 14 days after the artist cancels the contract. If  
11 the advance-fee talent service does not refund the artist  
12 within the prescribed time period, the advance-fee talent  
13 service must pay the artist a penalty that is equal to the  
14 amount of all fees paid to the advance-fee talent service.

15 (14) A talent agency or advance-fee talent service  
16 that violates any provision of this section commits a  
17 misdemeanor of the second degree, punishable as provided in  
18 section 775.082 or section 775.083, Florida Statutes.

19 Section 6. Prohibitions and penalties.--

20 (1)(a) A person, business entity, talent agency, or  
21 advance-fee talent service shall not accept an advance fee for  
22 procuring, offering, promising, or attempting to procure  
23 employment or engagements for an artist.

24 (b) A person, business entity, talent agency, or  
25 advance-fee talent service that violates this subsection  
26 commits a felony of the second degree, punishable as provided  
27 in section 775.082, section 775.083, or section 775.084,  
28 Florida Statutes.

29 (2)(a) An advance-fee talent service shall not make  
30 any false statement, representation, promise, or implication  
31 by its choice of name that it is a talent agency. An

Bill No. SB 750

Barcode 802550

1 advance-fee talent service shall not state, promise, or  
2 represent that it will procure, or attempt to procure,  
3 employment or engagements for the artist.

4 (b) A person or advance-fee talent service that  
5 violates this subsection commits a felony of the second  
6 degree, punishable as provided in section 775.082, section  
7 775.083, or section 775.084, Florida Statutes.

8 (3)(a) A person, talent agency, or advance-fee talent  
9 service, or an owner, operator, employee, or agent of a talent  
10 agency or advance-fee talent service, shall not:

11 1. Give an artist false information, make a false  
12 promise or misrepresentation concerning any engagement or  
13 employment, or make a false or misleading verbal or written  
14 promise or guarantee of any engagement as an artist.

15 2. Print, publish, distribute, or cause, authorize, or  
16 knowingly permit the making, printing, publication, or  
17 distribution of any false statement, description, or promise  
18 that would reasonably induce a person to act to his or her  
19 damage or injury.

20 3. Knowingly commit, or be a party to, any material  
21 fraud, misrepresentation, concealment, conspiracy, collusion,  
22 trick, scheme, or device whereby any other person lawfully  
23 relying upon the work, representation, or conduct of the  
24 talent agency or advance-fee talent service acts or has acted  
25 to his or her injury or damage.

26 4. Commit fraud or deceit in the operation of a talent  
27 agency or advance-fee talent service.

28 5. Conspire with another talent agency or advance-fee  
29 talent service or with another person to commit an act that  
30 coerces, intimidates, or precludes another talent agency or  
31 advance-fee talent service from advertising its services.

Bill No. SB 750

Barcode 802550

1           6. Solicit business, either personally or through any  
2 other person, using fraud, deception, or misleading statements  
3 or through the exercise of intimidation or undue influence.

4           7. Exercise undue influence on the artist in order to  
5 exploit the artist for the financial gain of the talent  
6 agency, advance-fee talent service, or a third party.

7           8. Commit sexual misconduct with an artist. An owner,  
8 operator, employee, or agent of the talent agency or  
9 advance-fee talent service shall not use the artist-agent  
10 relationship to induce or attempt to induce the artist to  
11 engage or attempt to engage in sexual activity.

12           9. Employ an employee, agent, owner, operator, or  
13 other person with a financial interest who has been convicted  
14 of sexual battery, lewd acts, or other sexual misconduct  
15 proscribed in chapter 800, Florida Statutes, or in section  
16 794.011, section 827.071, section 847.012, section 847.0125,  
17 section 847.013, section 847.0133, or section 847.0145,  
18 Florida Statutes.

19           10.a. Send, or cause to send, an artist to a house of  
20 ill fame, a house or place of amusement for immoral purposes,  
21 a place where prostitution is performed, or a place for the  
22 modeling or photographing of a minor in the nude, the  
23 character of which could have been ascertained upon reasonable  
24 inquiry by the talent agency or advance-fee talent service.

25           b. For the purposes of this paragraph, the term  
26 "modeling or photographing of a minor in the nude" means the  
27 visual display of the buttocks, genitals, or female breast,  
28 areolae, or nipples of a person younger than 18 years of age.

29           c. This subparagraph does not apply if both parents or  
30 the legal guardian of the minor are fully advised of the  
31 intended activity and both parents or the guardian execute a

Bill No. SB 750

Barcode 802550

1 written consent for the visual display of their child or ward.

2 (b) A person, talent agency, or advance-fee talent  
3 service that violates this subsection commits a felony of the  
4 second degree, punishable as provided in section 775.082,  
5 section 775.083, or section 775.084, Florida Statutes.

6 (4)(a) A person, talent agency, or advance-fee talent  
7 service shall not:

8 1. Make, or cause to be made, any false, misleading,  
9 or deceptive advertisement or representation concerning the  
10 services the artist will receive or the costs the artist will  
11 incur.

12 2. Publish or cause to be published any false,  
13 fraudulent, or misleading information, representation, notice,  
14 or advertisement.

15 3. Charge, collect, or receive compensation for any  
16 service performed by the talent agency or advance-fee talent  
17 service greater than the charge, fee, or compensation  
18 specified in its schedule of maximum fees, charges, and  
19 commissions.

20 4. Advertise goods or services in a manner that is  
21 fraudulent, false, deceptive, or misleading in form or  
22 content.

23 5. Permit, aid, assist, procure, or advise a person to  
24 operate a talent agency or advance-fee talent service contrary  
25 to this act.

26 6. Fail to perform any statutory or legal obligation  
27 required by law for a talent agency or advance-fee talent  
28 service.

29 7. Require the applicant or artist to subscribe to or  
30 purchase any publication, postcard service, advertisement,  
31 resume service, photography service, website service, or video



Bill No. SB 750

Barcode 802550

1 or audiotapes, or attend any school, acting school, workshop,  
2 or acting class as a condition to performing services for an  
3 applicant or artist.

4 8. Charge or attempt to charge, directly or  
5 indirectly, an artist for creating or providing photographs,  
6 filmstrips, videotapes, audition tapes, demonstration reels,  
7 talent brochures, or other reproductions of the artist, or for  
8 providing costumes, lessons, coaching, or similar training for  
9 the artist.

10 9. Refer an artist to a person who charges the artist  
11 a fee for the services described in this act in which the  
12 talent agency or advance-fee talent service has a direct or  
13 indirect financial interest.

14 10. Accept any compensation for referring an artist to  
15 a person charging the artist a fee for the services described  
16 in this act.

17 11. Knowingly issue a contract containing any term or  
18 condition that, if complied with, would be in violation of  
19 law.

20 12. Knowingly send or influence an artist to go to a  
21 prospective employer or place of business the character or  
22 operation of which the talent agency or advance-fee talent  
23 service knows to be in violation of the laws of the United  
24 States or this state.

25 13. Divide fees with anyone, including, but not  
26 limited to, an agent or other employee of an employer, buyer,  
27 casting director, producer, or director.

28 14. Fail to maintain records required by this act or  
29 knowingly making false entries in the records.

30 15. Fail, either before or at the time of executing a  
31 contract, to give the artist a copy of the signed or

Bill No. SB 750

Barcode 802550

1 authenticated contract listing the services to be provided; an  
2 itemized schedule of maximum fees, charges, and commissions  
3 that it intends to charge and collect for its services; a copy  
4 of this act; a copy of a criminal background check; and a copy  
5 of a bond.

6 16. Charge a registration fee, except as permitted for  
7 advance-fee talent services.

8 17. Fail to notify an artist that there is a strike,  
9 lockout, or other labor dispute in active progress before  
10 sending the artist to an engagement.

11 (b) A person, talent agency, or advance-fee talent  
12 service that violates this subsection commits a misdemeanor of  
13 the second degree, punishable as provided in section 775.082  
14 or section 775.083, Florida Statutes.

15 Section 7. Remedies.--

16 (1)(a) If a state attorney believes there is probable  
17 cause that a talent agency, advanced-fee talent service, or  
18 other person has violated subsection (1), subsection (2), or  
19 subsection (3) of section 6 of this act, the state attorney  
20 may file a civil action in the circuit court to enjoin the  
21 talent agency, advanced-fee talent service, or other person  
22 from continuing the violation or doing any act in furtherance  
23 thereof, and for such other relief as the court deems  
24 appropriate.

25 (b) A state attorney may file a civil action in  
26 circuit court upon the sworn affidavit of a person alleging a  
27 violation of this act. The court may grant a temporary or  
28 permanent injunction restraining any talent agency,  
29 advanced-fee talent service, or other person from violating  
30 this act and the injunction shall issue without bond.

31 (2)(a) If an artist or other person is injured by the

Bill No. SB 750

Barcode 802550

1 misconduct of a talent agency or advance-fee talent service,  
2 the artist may file a civil action in his or her own name upon  
3 the bond of the talent agency or advance-fee talent service in  
4 any court having jurisdiction of the amount claimed.

5 (b) The artist or other person filing the complaint  
6 may bring the action for temporary or permanent injunctive  
7 relief and may seek other relief, including, but not limited  
8 to, restitution for damages, court costs, a civil penalty not  
9 to exceed \$5,000 for each violation, treble damages for  
10 injured parties, and reasonable attorney's fees.

11 (c) Any claim made by an artist or other person is  
12 assignable, and the assignee is entitled to the same remedies  
13 upon the bond of the talent agency or advance-fee talent  
14 service or otherwise as the artist or other person aggrieved  
15 would be entitled to if the claim had not been assigned. A  
16 claim so assigned may be enforced in the name of the assignee.

17 (3) The remedies provided in this section are  
18 cumulative and not exclusive of any other remedy provided by  
19 law.

20 Section 8. The regulation of talent agencies by the  
21 Department of Business and Professional Regulation is  
22 abolished. Any funds and balances associated with the  
23 regulation of talent agencies remaining in the Professional  
24 Regulation Trust Fund after July 1, 2005, shall be used to pay  
25 any remaining expenses associated with this regulation. The  
26 department shall rebate talent agency license fees, on a pro  
27 rata basis, for the period beginning July 1, 2005, through the  
28 period for which license fees have been paid. If the account  
29 is in a deficit balance, the funds shall be provided from the  
30 General Revenue Fund. Another profession regulated by the  
31 Department of Business and Professional Regulation shall not

Bill No. SB 750

Barcode 802550

1 be assessed the cost of any refund. Any funds or balances  
2 remaining in the trust fund after January 1, 2006, shall be  
3 transferred to the General Revenue Fund.

4 Section 9. The Department of Business and Professional  
5 Regulation may continue to prosecute any legal proceedings and  
6 related administrative cases that are pending on July 1, 2005.

7 Section 10. This act shall take effect July 1, 2005.

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9

10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15

A bill to be entitled

16

An act relating to talent agencies and  
advance-fee talent services; repealing part VII  
of ch. 468, F.S., relating to the regulation of  
talent agencies; providing definitions;  
requiring each talent agency and advance-fee  
talent service to obtain a surety bond for a  
specified amount; requiring each talent agency  
and advance-fee talent service to give each  
artist a copy of the bond; providing criminal  
penalties for failing to comply with the  
bonding requirements; requiring each talent  
agency and advance-fee talent service to  
maintain a permanent office during certain  
specified hours; directing that certain  
records, with specified information in them, be  
kept for each artist; requiring that records be

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Bill No. SB 750

Barcode 802550

1 maintained for a specified period; directing  
2 that all records of a talent agency and  
3 advance-fee talent service be open to the  
4 inspection of a state attorney; requiring that  
5 the talent agency or advance-fee talent service  
6 give the state attorney a copy of the records  
7 when so requested; providing criminal penalties  
8 if the talent agency or advance-fee talent  
9 service fails or refuses to disclose  
10 information to a state attorney; providing  
11 criminal penalties for failing to comply with  
12 the requirements pertaining to records;  
13 directing a talent agency or advance-fee talent  
14 service to post an itemized schedule of maximum  
15 fees, charges, or commissions that it intends  
16 to charge and collect for its services;  
17 providing for the location for posting of the  
18 schedule; providing criminal penalties for  
19 failing to post the fee schedule; requiring  
20 that an artist and a talent agency or  
21 advance-fee talent service enter into a written  
22 contract when such entity agrees to perform  
23 services for the artist; providing an exception  
24 under specified circumstances; providing for  
25 the content of the written contract; requiring  
26 that a talent agency or advance-fee talent  
27 service provide each artist with a copy of the  
28 contract; requiring any person who holds  
29 himself or herself out as an employee or agent  
30 of a talent agency or advance-fee talent  
31 service to meet level 1 screening requirements;

Bill No. SB 750

Barcode 802550

1 directing that a talent agency or advance-fee  
2 talent service provide each artist with a copy  
3 of the level 1 screening; requiring that the  
4 screening be completed within a specified  
5 period; directing that all money collected by a  
6 talent agency from an employer or buyer be paid  
7 to the artist within a specified period;  
8 providing that a contract is voidable under  
9 certain circumstances; permitting an artist to  
10 cancel a contract by giving written notice of  
11 the cancellation to the talent agency or  
12 advance-fee talent service within a specified  
13 period; prohibiting an artist from waiving the  
14 right to cancel a contract; providing the way  
15 in which a talent agency or advance-fee talent  
16 service must refund money to an artist;  
17 providing criminal penalties for violating  
18 provisions relating to contracting; specifying  
19 certain prohibited acts by a talent agency or  
20 advance-fee talent service; providing criminal  
21 penalties for failure to comply; providing for  
22 certain specified civil remedies for violations  
23 of the act; removing the authority of the  
24 Department of Business and Professional  
25 Regulation to regulate talent agencies;  
26 providing for the use of certain funds after  
27 the effective date of the act; requiring the  
28 department to rebate talent agency license  
29 fees; authorizing the department to continue to  
30 prosecute any legal proceedings and related  
31 administrative cases that are pending on the

Bill No. SB 750

Barcode 802550

1 effective date of the act; providing an  
2 effective date.  
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