

1 A bill to be entitled

2 An act relating to talent agencies and advance-fee talent
3 services; repealing part VII of ch. 468, F.S., relating to
4 the regulation of talent agencies; providing definitions;
5 requiring each talent agency and advance-fee talent
6 service to obtain a surety bond for a specified amount;
7 requiring each talent agency and advance-fee talent
8 service to give each artist a copy of the bond; providing
9 criminal penalties for failing to comply with the bonding
10 requirements; requiring each talent agency and advance-fee
11 talent service to maintain a permanent office during
12 certain specified hours; directing that certain records,
13 with specified information in them, be kept for each
14 artist; requiring that records be maintained for a
15 specified period; directing that all records of a talent
16 agency and advance-fee talent service be open to the
17 inspection of a state attorney; requiring that the talent
18 agency or advance-fee talent service give the state
19 attorney a copy of the records when so requested;
20 providing criminal penalties if the talent agency or
21 advance-fee talent service fails or refuses to disclose
22 information to a state attorney; providing criminal
23 penalties for failing to comply with the requirements
24 pertaining to records; directing a talent agency or
25 advance-fee talent service to post an itemized schedule of
26 maximum fees, charges, or commissions that it intends to
27 charge and collect for its services; providing for the
28 location for posting of the schedule; providing criminal

29 penalties for failing to post the fee schedule; requiring
30 that an artist and a talent agency or advance-fee talent
31 service enter into a written contract when such entity
32 agrees to perform services for the artist; providing an
33 exception under specified circumstances; providing for the
34 content of the written contract; requiring that a talent
35 agency or advance-fee talent service provide each artist
36 with a copy of the contract; requiring any person who
37 holds himself or herself out as an employee or agent of a
38 talent agency or advance-fee talent service to meet level
39 1 screening requirements; directing that a talent agency
40 or advance-fee talent service provide each artist with a
41 copy of the level 1 screening; requiring that the
42 screening be completed within a specified period;
43 directing that all money collected by a talent agency from
44 an employer or buyer be paid to the artist within a
45 specified period; providing that a contract is voidable
46 under certain circumstances; permitting an artist to
47 cancel a contract by giving written notice of the
48 cancellation to the talent agency or advance-fee talent
49 service within a specified period; prohibiting an artist
50 from waiving the right to cancel a contract; providing the
51 way in which a talent agency or advance-fee talent service
52 must refund money to an artist; providing criminal
53 penalties for violating provisions relating to
54 contracting; specifying certain prohibited acts by a
55 talent agency or advance-fee talent service; providing
56 criminal penalties for failure to comply; providing for

57 certain specified civil remedies for violations of the
 58 act; removing the authority of the Department of Business
 59 and Professional Regulation to regulate talent agencies;
 60 providing for the use of certain funds after the effective
 61 date of the act; requiring the department to rebate talent
 62 agency license fees; authorizing the department to
 63 continue to prosecute any legal proceedings and related
 64 administrative cases that are pending on the effective
 65 date of the act; providing an effective date.
 66

67 Be It Enacted by the Legislature of the State of Florida:
 68

69 Section 1. Part VII of chapter 468, Florida Statutes,
 70 consisting of sections 468.401, 468.402, 468.403, 468.404,
 71 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411,
 72 468.412, 468.413, 468.414, and 468.415, is repealed.

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

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

83 (a) Promoting or advertising an artist to a casting
 84 director, talent agency, talent manager, or any other person

85 represented to be in a position to offer assistance in procuring
 86 engagements or employment for the artist.

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

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

92 (d) Managing, directing, developing, or advancing the
 93 artist's career.

94 (e) Preparing the artist for employment through career
 95 counseling or consulting, vocational guidance, aptitude testing,
 96 or evaluation.

97 (2) "Advance fee" means a fee that is due from or paid by
 98 an artist before the artist obtains employment as an artist or
 99 before the artist receives earnings as an artist. An advance fee
 100 also includes money received by the artist which exceeds the
 101 earnings received by the artist.

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

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

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

111 3. The services rendered or goods provided for the out-of-
 112 pocket costs are not represented to be, and are not, a condition

113 for the advance-fee talent service to register or list the
 114 artist with the advance-fee talent service.

115 4. The advance-fee talent service maintains adequate
 116 records documenting that any amount to be reimbursed to the
 117 advance-fee talent service was actually advanced or owed to a
 118 third party, that the third party is not a person in which the
 119 advance-fee talent service has a direct or indirect financial
 120 interest, and that the advance-fee talent service did not
 121 receive any consideration for referring the artist.

122 (b) The burden of producing evidence to support a defense
 123 based upon an exemption or an exception provided in paragraph
 124 (a) is on the advance-fee talent service claiming the exemption
 125 or exception.

126 (3) "Artist" means a person who seeks to become or is an
 127 actor, actress, director, writer, cinematographer, composer,
 128 lyricist, arranger, model, extra, or other person rendering
 129 professional services on the legitimate stage or in the
 130 production of motion pictures, radio productions, musicals,
 131 television productions, print advertisements, or other
 132 entertainment enterprises.

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

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

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

140 (b) Money received by a person in excess of that which has

141 been paid by the person for transportation, transfer of baggage,
142 or board and lodging for an applicant for employment; or

143 (c) The difference between the amount of money received by
144 a person who furnishes employees, performers, or entertainers
145 for circus, vaudeville, theatrical, or other entertainments,
146 exhibitions, engagements, or performances and the amount paid by
147 the person to an employee, performer, or entertainer.

148 (6) "Divided fee" means the process by which, without
149 written contractual approval of the artist, any two or more
150 persons receive compensation for performing services for an
151 artist and the total compensation paid to these persons exceeds
152 the compensation that would have been paid to only one person
153 acting on behalf of the artist.

154 (7) "Engagement" means any employment or placement of an
155 artist during which the artist performs in his or her artistic
156 capacity. The term does not apply to procuring opera, music,
157 theater, or dance engagements for any nonprofit organization
158 defined in s. 501(c)(3) of the Internal Revenue Code or any
159 nonprofit arts organization in this state which has received a
160 grant from the Division of Cultural Affairs of the Department of
161 State or has participated in the state touring program of the
162 Division of Cultural Affairs.

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

166 (9) "Owner" means a partner in a partnership, member of a
167 firm, or one or more principal officers of a corporation whose
168 partnership, firm, or corporation owns a talent agency or an

169 advance-fee talent service, or an individual who is the sole
 170 owner of a talent agency or an advance-fee talent service.

171 (10) "Talent agency" or "agency" means a business entity
 172 or person who, for compensation, engages in the occupation or
 173 business of procuring or attempting to procure engagements for
 174 an artist and includes the agency's employees and authorized
 175 agents.

176 Section 3. Bond required.--

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

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

186 (3) If a person fails to maintain a bond according to this
 187 section, the person commits a misdemeanor of the second degree,
 188 punishable as provided in section 775.082 or section 775.083,
 189 Florida Statutes.

190 Section 4. Office and records.--

191 (1) A talent agency or advance-fee talent service must
 192 maintain a permanent office and must maintain regular operating
 193 hours at that office. The office shall not be located on or
 194 within any property where intoxicating liquor is sold, where
 195 gambling is permitted, or where acts of prostitution are
 196 committed.

197 (2) A talent agency or advance-fee talent service must
198 keep on file the application, registration, and fully executed
199 contract of each artist that the talent agency or advance-fee
200 talent service represents. The artist file of a talent agency
201 must also include the total amount of compensation received by
202 the artist, the amount of compensation received by the artist
203 for each performance, and documentation of all attempts made by
204 the talent agency to procure engagements for the artist. The
205 artist file of an advance-fee talent service must also include
206 documentation of all attempts to promote or advertise the
207 artist.

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

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

214 (5)(a) All books, records, and other papers kept under
215 this act by a talent agency or advance-fee talent service must
216 be open to the inspection of a state attorney, or the state
217 attorney's authorized agent, at any reasonable hour. The talent
218 agency or advance-fee talent service must give the state
219 attorney a true copy of the books, records, and papers, or any
220 portion thereof, when so requested.

221 (b) A person may not refuse to disclose any information
222 within his or her knowledge as required by this subsection, or
223 fail or refuse to produce any document, book, or record for
224 inspection which is in his or her possession, to a state

225 attorney or the state attorney's authorized agent.

226 (c) If a person fails or refuses to disclose information
 227 to a state attorney as required by this subsection, the person
 228 commits a misdemeanor of the second degree, punishable as
 229 provided in section 775.082 or section 775.083, Florida
 230 Statutes.

231 (6) A talent agency must maintain records that contain all
 232 of the following information or documents:

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

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

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

242 (d) The engagement the artist was performing in at the
 243 time the artist was retained by the talent agency. The documents
 244 must include the amount of compensation received by the artist
 245 from this engagement.

246 (e) The engagements the talent agency procured for the
 247 artist after the artist and talent agency entered into a
 248 contract. The documents must include the amount of compensation
 249 received by the artist from the engagements obtained for the
 250 artist during the life of the contract.

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

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

255 (b) The amount of the advance fees paid by or for the
 256 artist during the term of the contract with the advance-fee
 257 talent service.

258 (c) A record of all efforts made in promoting the artist.
 259 A record of each effort to promote the artist must be maintained
 260 in the artist's file for a period of not less than 5 years after
 261 the effort to promote the artist was made.

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

268 (b) If a person establishes or keeps an office where
 269 intoxicating liquor is sold, where gambling is permitted, or
 270 where acts of prostitution are committed, the person commits a
 271 felony of the second degree, punishable as provided in section
 272 775.082, section 775.083, or section 775.084, Florida Statutes.

273 Section 5. Contracts and fees.--

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

280 (b) A talent agency that uses a written contract

281 containing a schedule of its maximum fees, charges, and
 282 commissions is not required to post the schedule.

283 (c) If a person fails to post in a conspicuous place a
 284 schedule of the itemized fees, charges, and commissions, if
 285 required, the person commits a misdemeanor of the second degree,
 286 punishable as provided in section 775.082 or section 775.083,
 287 Florida Statutes.

288 (2) An artist and a talent agency or advance-fee talent
 289 service must enter into a written contract when the parties
 290 agree that a talent agency or advance-fee talent service shall
 291 perform services for the artist. If the circumstances of the
 292 arrangement between the artist and the talent agency or advance-
 293 fee talent service prevent the execution of a contract before
 294 the artist performs, the artist and the talent agency or
 295 advance-fee talent service must execute the contract no later
 296 than 7 days after the first performance.

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

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

303 (a) A description of the specific services to be performed
 304 by the advance-fee talent service, the duration of the contract,
 305 and the refund provisions if the services are not provided
 306 according to the contract.

307 (b) A statement of the fees that the advance-fee talent
 308 service will charge to or collect from the artist receiving the

309 services and the date or dates when the artist must pay the
 310 fees.

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

315 RIGHT TO REFUND

316
 317 If you pay in advance all or any portion of a fee
 318 charged to you by (name of advance-fee talent service)
 319 and you fail to receive the services promised to you
 320 or that you were led to believe would be performed,
 321 (name of advance-fee talent service) shall, upon your
 322 request, return the full amount paid by you within 48
 323 hours after your request for a refund. If the refund
 324 is not made within 48 hours, (name of advance-fee
 325 talent service) shall also pay to you, in addition to
 326 the refund due to you, a sum equal to the amount of
 327 the refund.

328
 329 YOUR RIGHT TO CANCEL (enter date of transaction)

330
 331 You may cancel this contract for advance-fee talent
 332 services without any penalty or obligation if you give
 333 notice of the cancellation, in writing, no later than
 334 14 days after the date of the transaction stated
 335 above. If you wish to cancel the contract, you must
 336 mail or deliver a signed and dated copy of the

337 following cancellation notice, another written
 338 document notifying the advance-fee talent service that
 339 you intend to cancel the contract, or send a telegram,
 340 fax, or e-mail notifying the advance-fee talent
 341 service that you intend to cancel the contract, to
 342 (name of advance-fee talent service) at (address of
 343 its place of business) NOT LATER THAN MIDNIGHT AFTER
 344 (enter the date).

345
 346 ONLY A TALENT AGENCY MAY ENGAGE IN THE OCCUPATION OF
 347 PROCURING, OFFERING, PROMISING, OR ATTEMPTING TO
 348 PROCURE EMPLOYMENT OR ENGAGEMENTS FOR AN ARTIST.

349
 350 CANCELLATION NOTICE

351
 352
 353 I hereby cancel this contract.

354
 355 Dated:

356
 357 _____
 358 Artist Signature.

359
 360 (5) A talent agency or advance-fee talent service must
 361 give each artist a copy of the signed or authenticated contract
 362 listing the services to be provided and the fees, charges, or
 363 commissions to be charged at the time the contract is signed.

364 (6) A talent agency or advance-fee talent service must

365 give each artist a copy of this act at the time the contract is
366 signed.

367 (7)(a) Pursuant to chapter 435, Florida Statutes, any
368 person who holds himself or herself out as an employee or agent
369 of a talent agency or advance-fee talent service must meet level
370 1 screening requirements as described in section 435.03, Florida
371 Statutes.

372 (b) Each talent agency and advance-fee talent service must
373 give the artist a copy of the level 1 screening for each owner
374 and operator of the talent agency or advance-fee talent service
375 before executing a contract with an artist. The level 1
376 screening must have been completed within the previous 12
377 months.

378 (8)(a) All money collected by a talent agency from an
379 employer or buyer for the benefit of an artist must be paid to
380 the artist within 7 business days after receiving the money from
381 the employer. The talent agency may reduce the amount paid to
382 the artist by the talent agency's commission.

383 (b) A talent agency is not required to pay money to an
384 artist until the talent agency receives payment from the
385 employer or buyer.

386 (9) A contract entered into by a talent agency or advance-
387 fee talent service which does not conform to this act is
388 voidable by the artist. If an artist voids a contract with a
389 talent agency or advance-fee talent service, the artist is not
390 required to pay or return any consideration received from the
391 talent agency or advance-fee talent service to induce the artist
392 to enter into the contract.

393 (10) An artist may cancel a contract with a talent agency
394 or advance-fee talent service by giving written notice of the
395 cancellation to the talent agency or advance-fee talent service
396 no later than 14 days after the date of transaction. If an
397 artist cancels a contract, the artist is not required to pay or
398 return any consideration received from the talent agency or
399 advance-fee talent service to induce the artist to enter into
400 the contract.

401 (11) An artist shall not waive the right to cancel a
402 contract with a talent agency or advance-fee talent service as
403 provided in this act. Any attempt by a talent agency or advance-
404 fee talent service to induce an artist to waive the artist's
405 right to cancel the contract is a violation of this act.

406 (12)(a) If an artist gives consideration to a talent
407 agency to be used for expenses to obtain a specific engagement
408 or employment and the talent agency fails to procure the
409 specific engagement or employment for the artist, the talent
410 agency shall, upon the artist's demand, repay all consideration
411 paid by the artist.

412 (b) The talent agency must refund the consideration to the
413 artist no later than 48 hours after receiving the demand from
414 the artist. If the talent agency does not refund the artist
415 within the prescribed time period, the talent agency must pay
416 the artist a penalty that is equal to the amount of all
417 consideration paid to the talent agency.

418 (13) An advance-fee talent service must refund fees as
419 follows:

420 (a) If the artist does not receive the services promised

421 or the services the artist was led to believe would be
 422 performed, the advance-fee talent service must, upon the
 423 artist's demand, refund the artist any fees collected by the
 424 advance-fee talent service for those services. The advance-fee
 425 talent service must make the refund to the artist no later than
 426 48 hours after the artist demands the refund. If the advance-fee
 427 talent service does not refund the artist within the prescribed
 428 time period, the advance-fee talent service must pay the artist
 429 a penalty that is equal to the amount of all fees paid to the
 430 advance-fee talent service.

431 (b) If an artist cancels the contract, the advance-fee
 432 talent service must refund in full all fees paid by the artist.
 433 The advance-fee talent service must refund the fees no later
 434 than 14 days after the artist cancels the contract. If the
 435 advance-fee talent service does not refund the artist within the
 436 prescribed time period, the advance-fee talent service must pay
 437 the artist a penalty that is equal to the amount of all fees
 438 paid to the advance-fee talent service.

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

443 Section 6. Prohibitions and penalties.--

444 (1)(a) A person, business entity, talent agency, or
 445 advance-fee talent service shall not accept an advance fee for
 446 procuring, offering, promising, or attempting to procure
 447 employment or engagements for an artist.

448 (b) A person, business entity, talent agency, or advance-

449 fee talent service that violates this subsection commits a
450 felony of the second degree, punishable as provided in section
451 775.082, section 775.083, or section 775.084, Florida Statutes.

452 (2)(a) An advance-fee talent service shall not make any
453 false statement, representation, promise, or implication by its
454 choice of name that it is a talent agency. An advance-fee talent
455 service shall not state, promise, or represent that it will
456 procure, or attempt to procure, employment or engagements for
457 the artist.

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

462 (3)(a) A person, talent agency, or advance-fee talent
463 service, or an owner, operator, employee, or agent of a talent
464 agency or advance-fee talent service, shall not:

465 1. Give an artist false information, make a false promise
466 or misrepresentation concerning any engagement or employment, or
467 make a false or misleading verbal or written promise or
468 guarantee of any engagement as an artist.

469 2. Print, publish, distribute, or cause, authorize, or
470 knowingly permit the making, printing, publication, or
471 distribution of any false statement, description, or promise
472 that would reasonably induce a person to act to his or her
473 damage or injury.

474 3. Knowingly commit, or be a party to, any material fraud,
475 misrepresentation, concealment, conspiracy, collusion, trick,
476 scheme, or device whereby any other person lawfully relying upon

477 the work, representation, or conduct of the talent agency or
478 advance-fee talent service acts or has acted to his or her
479 injury or damage.

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

482 5. Conspire with another talent agency or advance-fee
483 talent service or with another person to commit an act that
484 coerces, intimidates, or precludes another talent agency or
485 advance-fee talent service from advertising its services.

486 6. Solicit business, either personally or through any
487 other person, using fraud, deception, or misleading statements
488 or through the exercise of intimidation or undue influence.

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

492 8. Commit sexual misconduct with an artist. An owner,
493 operator, employee, or agent of the talent agency or advance-fee
494 talent service shall not use the artist-agent relationship to
495 induce or attempt to induce the artist to engage or attempt to
496 engage in sexual activity.

497 9. Employ an employee, agent, owner, operator, or other
498 person with a financial interest who has been convicted of
499 sexual battery, lewd acts, or other sexual misconduct proscribed
500 in chapter 800, Florida Statutes, or in section 794.011, section
501 827.071, section 847.012, section 847.0125, section 847.013,
502 section 847.0133, or section 847.0145, Florida Statutes.

503 10.a. Send, or cause to send, an artist to a house of ill
504 fame, a house or place of amusement for immoral purposes, a

505 place where prostitution is performed, or a place for the
506 modeling or photographing of a minor in the nude, the character
507 of which could have been ascertained upon reasonable inquiry by
508 the talent agency or advance-fee talent service.

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

513 c. This subparagraph does not apply if both parents or the
514 legal guardian of the minor are fully advised of the intended
515 activity and both parents or the guardian execute a written
516 consent for the visual display of their child or ward.

517 (b) A person, talent agency, or advance-fee talent service
518 that violates this subsection commits a felony of the second
519 degree, punishable as provided in section 775.082, section
520 775.083, or section 775.084, Florida Statutes.

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

523 1. Make, or cause to be made, any false, misleading, or
524 deceptive advertisement or representation concerning the
525 services the artist will receive or the costs the artist will
526 incur.

527 2. Publish or cause to be published any false, fraudulent,
528 or misleading information, representation, notice, or
529 advertisement.

530 3. Charge, collect, or receive compensation for any
531 service performed by the talent agency or advance-fee talent
532 service greater than the charge, fee, or compensation specified

533 in its schedule of maximum fees, charges, and commissions.

534 4. Advertise goods or services in a manner that is
 535 fraudulent, false, deceptive, or misleading in form or content.

536 5. Permit, aid, assist, procure, or advise a person to
 537 operate a talent agency or advance-fee talent service contrary
 538 to this act.

539 6. Fail to perform any statutory or legal obligation
 540 required by law for a talent agency or advance-fee talent
 541 service.

542 7. Require the applicant or artist to subscribe to or
 543 purchase any publication, postcard service, advertisement,
 544 resume service, photography service, website service, or video
 545 or audiotapes, or attend any school, acting school, workshop, or
 546 acting class as a condition to performing services for an
 547 applicant or artist.

548 8. Charge or attempt to charge, directly or indirectly, an
 549 artist for creating or providing photographs, filmstrips,
 550 videotapes, audition tapes, demonstration reels, talent
 551 brochures, or other reproductions of the artist, or for
 552 providing costumes, lessons, coaching, or similar training for
 553 the artist.

554 9. Refer an artist to a person who charges the artist a
 555 fee for the services described in this act in which the talent
 556 agency or advance-fee talent service has a direct or indirect
 557 financial interest.

558 10. Accept any compensation for referring an artist to a
 559 person charging the artist a fee for the services described in
 560 this act.

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

563 12. Knowingly send or influence an artist to go to a
 564 prospective employer or place of business the character or
 565 operation of which the talent agency or advance-fee talent
 566 service knows to be in violation of the laws of the United
 567 States or this state.

568 13. Divide fees with anyone, including, but not limited
 569 to, an agent or other employee of an employer, buyer, casting
 570 director, producer, or director.

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

573 15. Fail, either before or at the time of executing a
 574 contract, to give the artist a copy of the signed or
 575 authenticated contract listing the services to be provided; an
 576 itemized schedule of maximum fees, charges, and commissions that
 577 it intends to charge and collect for its services; a copy of
 578 this act; a copy of a criminal background check; and a copy of a
 579 bond.

580 16. Charge a registration fee, except as permitted for
 581 advance-fee talent services.

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

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

589 Section 7. Remedies.--

590 (1)(a) If a state attorney believes there is probable
 591 cause that a talent agency, advanced-fee talent service, or
 592 other person has violated subsection (1), subsection (2), or
 593 subsection (3) of section 6 of this act, the state attorney may
 594 file a civil action in the circuit court to enjoin the talent
 595 agency, advanced-fee talent service, or other person from
 596 continuing the violation or doing any act in furtherance
 597 thereof, and for such other relief as the court deems
 598 appropriate.

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

605 (2)(a) If an artist or other person is injured by the
 606 misconduct of a talent agency or advance-fee talent service, the
 607 artist may file a civil action in his or her own name upon the
 608 bond of the talent agency or advance-fee talent service in any
 609 court having jurisdiction of the amount claimed.

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

616 (c) Any claim made by an artist or other person is

617 assignable, and the assignee is entitled to the same remedies
618 upon the bond of the talent agency or advance-fee talent service
619 or otherwise as the artist or other person aggrieved would be
620 entitled to if the claim had not been assigned. A claim so
621 assigned may be enforced in the name of the assignee.

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

624 Section 8. The regulation of talent agencies by the
625 Department of Business and Professional Regulation is abolished.
626 Any funds and balances associated with the regulation of talent
627 agencies remaining in the Professional Regulation Trust Fund
628 after July 1, 2005, shall be used to pay any remaining expenses
629 associated with this regulation. The department shall rebate
630 talent agency license fees, on a pro rata basis, for the period
631 beginning July 1, 2005, through the period for which license
632 fees have been paid. If the account is in a deficit balance, the
633 funds shall be provided from the General Revenue Fund. Another
634 profession regulated by the Department of Business and
635 Professional Regulation shall not be assessed the cost of any
636 refund. Any funds or balances remaining in the trust fund after
637 January 1, 2006, shall be transferred to the General Revenue
638 Fund.

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

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