

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to talent agencies and advance-fee talent
7 services; repealing part VII of ch. 468, F.S., relating to
8 the regulation of talent agencies; providing definitions;
9 requiring each talent agency and advance-fee talent
10 service to obtain a surety bond for a specified amount;
11 requiring each talent agency and advance-fee talent
12 service to give each artist a copy of the bond; providing
13 criminal penalties for failing to comply with the bonding
14 requirements; requiring each talent agency and advance-fee
15 talent service to maintain a permanent office during
16 certain specified hours; directing that certain records,
17 with specified information in them, be kept for each
18 artist; requiring that records be maintained for a
19 specified period; directing that all records of a talent
20 agency and advance-fee talent service be open to the
21 inspection of a state attorney; requiring that the talent
22 agency or advance-fee talent service give the state
23 attorney a copy of the records when so requested;

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24 providing criminal penalties if the talent agency or
25 advance-fee talent service fails or refuses to disclose
26 information to a state attorney; providing criminal
27 penalties for failing to comply with the requirements
28 pertaining to records; directing a talent agency or
29 advance-fee talent service to post an itemized schedule of
30 maximum fees, charges, or commissions that it intends to
31 charge and collect for its services; providing for the
32 location for posting of the schedule; providing criminal
33 penalties for failing to post the fee schedule; requiring
34 that an artist and a talent agency or advance-fee talent
35 service enter into a written contract when such entity
36 agrees to perform services for the artist; providing an
37 exception under specified circumstances; providing for the
38 content of the written contract; requiring that a talent
39 agency or advance-fee talent service provide each artist
40 with a copy of the contract; requiring any person who
41 holds himself or herself out as an employee or agent of a
42 talent agency or advance-fee talent service to meet level
43 1 screening requirements; directing that a talent agency
44 or advance-fee talent service provide each artist with a
45 copy of the level 1 screening; requiring that the
46 screening be completed within a specified period;
47 directing that all money collected by a talent agency from
48 an employer or buyer be paid to the artist within a
49 specified period; providing that a contract is voidable
50 under certain circumstances; permitting an artist to
51 cancel a contract by giving written notice of the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | cancellation to the talent agency or advance-fee talent
 53 | service within a specified period; prohibiting an artist
 54 | from waiving the right to cancel a contract; providing the
 55 | way in which a talent agency or advance-fee talent service
 56 | must refund money to an artist; providing criminal
 57 | penalties for violating provisions relating to
 58 | contracting; specifying certain prohibited acts by a
 59 | talent agency or advance-fee talent service; providing
 60 | criminal penalties for failure to comply; providing for
 61 | certain specified civil remedies for violations of the
 62 | act; removing the authority of the Department of Business
 63 | and Professional Regulation to regulate talent agencies;
 64 | providing for the use of certain funds after the effective
 65 | date of the act; requiring the department to rebate talent
 66 | agency license fees; authorizing the department to
 67 | continue to prosecute any legal proceedings and related
 68 | administrative cases that are pending on the effective
 69 | date of the act; providing an effective date.

70 |

71 | Be It Enacted by the Legislature of the State of Florida:

72 |

73 | Section 1. Part VII of chapter 468, Florida Statutes,
 74 | consisting of sections 468.401, 468.402, 468.403, 468.404,
 75 | 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411,
 76 | 468.412, 468.413, 468.414, and 468.415, is repealed.

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

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

87 (a) Promoting or advertising an artist to a casting
 88 director, talent agency, talent manager, or any other person
 89 represented to be in a position to offer assistance in procuring
 90 engagements or employment for the artist.

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

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

96 (d) Managing, directing, developing, or advancing the
 97 artist's career.

98 (e) Preparing the artist for employment through career
 99 counseling or consulting, vocational guidance, aptitude testing,
 100 or evaluation.

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

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

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

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

115 3. The services rendered or goods provided for the out-of-
 116 pocket costs are not represented to be, and are not, a condition
 117 for the advance-fee talent service to register or list the
 118 artist with the advance-fee talent service.

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

126 (b) The burden of producing evidence to support a defense
 127 based upon an exemption or an exception provided in paragraph
 128 (a) is on the advance-fee talent service claiming the exemption
 129 or exception.

130 (3) "Artist" means a person who seeks to become or is an
 131 actor, actress, director, writer, cinematographer, composer,
 132 lyricist, arranger, model, extra, or other person rendering
 133 professional services on the legitimate stage or in the

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134 production of motion pictures, radio productions, musicals,
 135 television productions, print advertisements, or other
 136 entertainment enterprises.

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

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

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

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

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

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

158 (7) "Engagement" means any employment or placement of an
 159 artist during which the artist performs in his or her artistic
 160 capacity. The term does not apply to procuring opera, music,
 161 theater, or dance engagements for any nonprofit organization

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162 defined in s. 501(c)(3) of the Internal Revenue Code or any
 163 nonprofit arts organization in this state which has received a
 164 grant from the Division of Cultural Affairs of the Department of
 165 State or has participated in the state touring program of the
 166 Division of Cultural Affairs.

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

170 (9) "Owner" means a partner in a partnership, member of a
 171 firm, or one or more principal officers of a corporation whose
 172 partnership, firm, or corporation owns a talent agency or an
 173 advance-fee talent service, or an individual who is the sole
 174 owner of a talent agency or an advance-fee talent service.

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

180 Section 3. Bond required.--

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

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

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190 (3) If a person fails to obtain or maintain a bond
 191 according to this section, the person commits a misdemeanor of
 192 the second degree, punishable as provided in section 775.082 or
 193 section 775.083, Florida Statutes.

194 Section 4. Office and records.--

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

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

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

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

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

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

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

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

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

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

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

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246 (d) The engagement the artist was performing in at the
247 time the artist was retained by the talent agency. The documents
248 must include the amount of compensation received by the artist
249 from this engagement.

250 (e) The engagements the talent agency procured for the
251 artist after the artist and talent agency entered into a
252 contract. The documents must include the amount of compensation
253 received by the artist from the engagements obtained for the
254 artist during the life of the contract.

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

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

259 (b) The amount of the advance fees paid by or for the
260 artist during the term of the contract with the advance-fee
261 talent service.

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

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

272 (b) If a person establishes or keeps an office where
273 intoxicating liquor is sold, where gambling is permitted, or

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274 where acts of prostitution are committed, the person commits a
 275 felony of the second degree, punishable as provided in section
 276 775.082, section 775.083, or section 775.084, Florida Statutes.

277 Section 5. Contracts and fees.--

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

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

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

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

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

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

307 (a) A description of the specific services to be performed
 308 by the advance-fee talent service, the duration of the contract,
 309 and the refund provisions if the services are not provided
 310 according to the contract.

311 (b) A statement of the fees that the advance-fee talent
 312 service will charge to or collect from the artist receiving the
 313 services and the date or dates when the artist must pay the
 314 fees.

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

319 RIGHT TO REFUND

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

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329 | talent service) shall also pay to you, in addition to
 330 | the refund due to you, a sum equal to the amount of
 331 | the refund.

333 | YOUR RIGHT TO CANCEL (enter date of transaction)

335 | You may cancel this contract for advance-fee talent
 336 | services without any penalty or obligation if you give
 337 | notice of the cancellation, in writing, no later than
 338 | 14 days after the date of the transaction stated
 339 | above. If you wish to cancel the contract, you must
 340 | mail or deliver a signed and dated copy of the
 341 | following cancellation notice, another written
 342 | document notifying the advance-fee talent service that
 343 | you intend to cancel the contract, or send a telegram,
 344 | fax, or e-mail notifying the advance-fee talent
 345 | service that you intend to cancel the contract, to
 346 | (name of advance-fee talent service) at (address of
 347 | its place of business) NOT LATER THAN MIDNIGHT AFTER
 348 | (enter the date).

350 | ONLY A TALENT AGENCY MAY ENGAGE IN THE OCCUPATION OF
 351 | PROCURING, OFFERING, PROMISING, OR ATTEMPTING TO
 352 | PROCURE EMPLOYMENT OR ENGAGEMENTS FOR AN ARTIST.

354 | CANCELLATION NOTICE

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357 I hereby cancel this contract.

358

359 Dated:

360

361 _____

362 Artist Signature.

363

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

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

371 (7)(a) Pursuant to chapter 435, Florida Statutes, any
 372 person who holds himself or herself out as an employee or agent
 373 of a talent agency or advance-fee talent service must meet level
 374 1 screening requirements as described in section 435.03, Florida
 375 Statutes.

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

382 (8)(a) All money collected by a talent agency from an
 383 employer or buyer for the benefit of an artist must be paid to
 384 the artist within 7 business days after receiving the money from

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385 the employer. The talent agency may reduce the amount paid to
386 the artist by the talent agency's commission.

387 (b) A talent agency is not required to pay money to an
388 artist until the talent agency receives payment from the
389 employer or buyer.

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

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

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

410 (12)(a) If an artist gives consideration to a talent
411 agency to be used for expenses to obtain a specific engagement
412 or employment and the talent agency fails to procure the

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413 specific engagement or employment for the artist, the talent
 414 agency shall, upon the artist's demand, repay all consideration
 415 paid by the artist.

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

422 (13) An advance-fee talent service must refund fees as
 423 follows:

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

435 (b) If an artist cancels the contract, the advance-fee
 436 talent service must refund in full all fees paid by the artist.
 437 The advance-fee talent service must refund the fees no later
 438 than 14 days after the artist cancels the contract. If the
 439 advance-fee talent service does not refund the artist within the
 440 prescribed time period, the advance-fee talent service must pay

441 the artist a penalty that is equal to the amount of all fees
 442 paid to the advance-fee talent service.

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

447 Section 6. Prohibitions and penalties.--

448 (1)(a) A person, business entity, talent agency, or
 449 advance-fee talent service shall not accept an advance fee for
 450 procuring, offering, promising, or attempting to procure
 451 employment or engagements for an artist.

452 (b) A person, business entity, talent agency, or advance-
 453 fee talent service that violates this subsection commits a
 454 felony of the second degree, punishable as provided in section
 455 775.082, section 775.083, or section 775.084, Florida Statutes.

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

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

466 (3)(a) A person, talent agency, or advance-fee talent
 467 service, or an owner, operator, employee, or agent of a talent
 468 agency or advance-fee talent service, shall not:

469 1. Give an artist false information, make a false promise
 470 or misrepresentation concerning any engagement or employment, or
 471 make a false or misleading verbal or written promise or
 472 guarantee of any engagement as an artist.

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

478 3. Knowingly commit, or be a party to, any material fraud,
 479 misrepresentation, concealment, conspiracy, collusion, trick,
 480 scheme, or device whereby any other person lawfully relying upon
 481 the work, representation, or conduct of the talent agency or
 482 advance-fee talent service acts or has acted to his or her
 483 injury or damage.

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

486 5. Conspire with another talent agency or advance-fee
 487 talent service or with another person to commit an act that
 488 coerces, intimidates, or precludes another talent agency or
 489 advance-fee talent service from advertising its services.

490 6. Solicit business, either personally or through any
 491 other person, using fraud, deception, or misleading statements
 492 or through the exercise of intimidation or undue influence.

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

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

501 9. Employ an employee, agent, owner, operator, or other
 502 person with a financial interest who has been convicted of
 503 sexual battery, lewd acts, or other sexual misconduct proscribed
 504 in chapter 800, Florida Statutes, or in section 794.011, section
 505 827.071, section 847.012, section 847.0125, section 847.013,
 506 section 847.0133, or section 847.0145, Florida Statutes.

507 10.a. Send, or cause to send, an artist to a house of ill
 508 fame, a house or place of amusement for immoral purposes, a
 509 place where prostitution is performed, or a place for the
 510 modeling or photographing of a minor in the nude, the character
 511 of which could have been ascertained upon reasonable inquiry by
 512 the talent agency or advance-fee talent service.

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

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

521 (b) A person, talent agency, or advance-fee talent service
 522 that violates this subsection commits a felony of the second

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523 degree, punishable as provided in section 775.082, section
 524 775.083, or section 775.084, Florida Statutes.

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

527 1. Make, or cause to be made, any false, misleading, or
 528 deceptive advertisement or representation concerning the
 529 services the artist will receive or the costs the artist will
 530 incur.

531 2. Publish or cause to be published any false, fraudulent,
 532 or misleading information, representation, notice, or
 533 advertisement.

534 3. Charge, collect, or receive compensation for any
 535 service performed by the talent agency or advance-fee talent
 536 service greater than the charge, fee, or compensation specified
 537 in its schedule of maximum fees, charges, and commissions.

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

540 5. Permit, aid, assist, procure, or advise a person to
 541 operate a talent agency or advance-fee talent service contrary
 542 to this act.

543 6. Fail to perform any statutory or legal obligation
 544 required by law for a talent agency or advance-fee talent
 545 service.

546 7. Require the applicant or artist to subscribe to or
 547 purchase any publication, postcard service, advertisement,
 548 resume service, photography service, website service, or video
 549 or audiotapes, or attend any school, acting school, workshop, or

550 acting class as a condition to performing services for an
 551 applicant or artist.

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

558 9. Refer an artist to a person who charges the artist a
 559 fee for the services described in this act in which the talent
 560 agency or advance-fee talent service has a direct or indirect
 561 financial interest.

562 10. Accept any compensation for referring an artist to a
 563 person charging the artist a fee for the services described in
 564 this act.

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

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

572 13. Divide fees with anyone, including, but not limited
 573 to, an agent or other employee of an employer, buyer, casting
 574 director, producer, or director.

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

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

584 16. Charge a registration fee, except as permitted for
 585 advance-fee talent services.

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

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

593 Section 7. Remedies.--

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

603 (b) A state attorney may file a civil action in circuit
 604 court upon the sworn affidavit of a person alleging a violation

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605 of this act. The court may grant a temporary or permanent
 606 injunction restraining any talent agency, advanced-fee talent
 607 service, or other person from violating this act and the
 608 injunction shall issue without bond.

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

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

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

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

628 Section 8. The regulation of talent agencies by the
 629 Department of Business and Professional Regulation is abolished.
 630 Any funds and balances associated with the regulation of talent
 631 agencies remaining in the Professional Regulation Trust Fund
 632 after July 1, 2005, shall be used to pay any remaining expenses

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633 associated with this regulation. The department shall rebate
634 talent agency license fees, on a pro rata basis, for the period
635 beginning July 1, 2005, through the period for which license
636 fees have been paid. If the account is in a deficit balance, the
637 funds shall be provided from the General Revenue Fund. Another
638 profession regulated by the Department of Business and
639 Professional Regulation shall not be assessed the cost of any
640 refund. Any funds or balances remaining in the trust fund after
641 January 1, 2006, shall be transferred to the General Revenue
642 Fund.

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

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