1988

Session Law 88-044

Florida Senate & House of Representatives

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**LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT**

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**NOTES**
A bill to be entitled
An act relating to talent agencies; amending s. 468.401, F.S., providing an exemption for organizations that procure engagements for certain artists or arts organizations; providing an effective date.

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

Section 1. Subsection (1) of section 468.401, Florida Statutes, is amended to read:

468.401 Regulation of talent agencies; definitions.--

(1) "Talent agency" means any person or corporation engaged in the occupation of operating an agency, bureau, office, or other place for the purpose of procuring or attempting to procure engagements, or for the purpose of giving information as to where such engagements may be provided, for an artist who seeks employment by a buyer in, but not limited to, the following: live or motion picture production, whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, or television commercials; modeling services; conventions; print media; the legitimate stage; radio; circus; vaudeville; musical arts; or a musical organization. However, the term "talent agency" shall not apply to any organization that procures opera, music, theater, or dance engagements for out-of-state artists or arts organizations, or for any Florida arts organization that has received a grant from the Division of Cultural Affairs of the Department of State or has

CODING: Words struck are deletions; words underlined are additions
participated in the state touring program of the Division of Cultural Affairs.

Section 2. This act shall take effect upon becoming a law.

HOUSE SUMMARY

Exempts from provisions regulating talent agencies organizations that procure opera, music, theater, or dance engagements for out-of-state artists or arts organizations, or for Florida arts organizations that have received grants from the Division of Cultural Affairs of the Department of State or have participated in the division's state touring program.

This publication was produced at an average cost of 1.5 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.
I. SUMMARY:

A. Present Situation:

Presently talent agencies are required to be licensed by the Department of Professional Regulation. Persons or corporations that wish to be licensed pay a fee and submit to the Department fingerprints and a photograph. The Department conducts an examination of the fingerprints and of pertinent records to insure that the applicant does not have a criminal record. Those that become licensed must also submit to the Department a $5,000 bond.

B. Effect of Proposed Changes:

HB 52 exempts from licensure organizations that procure opera, music, theater, or dance engagements for out-of-state artists or art organizations. It also exempts any Florida arts organization that has received a grant from the Division of Cultural Affairs or an organization that has participated in the state touring program of the Division of Cultural Affairs.

II. ECONOMIC IMPACT:

A. Public:

Those persons who would be exempt from licensure under this proposal would not have to pay the $300 license application fee and would not have to procure a $5,000 bond.
B. Government:

The Department would not receive the $300 fee from persons who under the present law would be required to pay the application fee.

III. STATE COMPREHENSIVE PLAN IMPACT:

None.

IV. COMMENTS:

HB 52 is intended to exempt persons who do not engage in the business of procuring talent as a usual part of their business. It is intended to exempt those who may procure talent intermittently and who presumably pose no threat to the public. It is unclear as to who or what kinds of art organizations would be exempted from licensure by the amendment.

It may also imply that the regulation applies to only "in state artists." As presently written, the amendment may not address the concerns that are intended.

V. AMENDMENTS:

Amendment #1: The Regulatory Reform Committee adopted an amendment that provides an exemption from licensure for talent agents who represent out-of-state artists who appear infrequently in Florida. Additionally it exempts persons who procure talent on behalf of state arts organizations or for any Florida arts organization that has received or is eligible to receive a grant from the Division of Cultural Affairs or to participate in the state touring program.

Amendment #2: Title Amendment

VI. PREPARED BY: John Thomas

VII. STAFF DIRECTOR: Cliff Nilson
I. SUMMARY:

A. Present Situation:

Presently talent agencies are required to be licensed by the Department of Professional Regulation. Persons or corporations that wish to be licensed pay a fee and submit to the Department fingerprints and a photograph. The Department conducts an examination of the fingerprints and of pertinent records to insure that the applicant does not have a criminal record. Those that become licensed must also submit to the Department a $5,000 bond.

B. Effect of Proposed Changes:

HB 52 exempts from licensure organizations that procure opera, music, theater, or dance engagements for out-of-state artists or any organizations defined in s. 501(c)(3) of the Internal Revenue Code or any non-profit Florida arts organization that has received a grant from the Division of Cultural Affairs or an organization that has participated in the state touring program of the Division of Cultural Affairs.
II. ECONOMIC IMPACT:

A. Public:

Those persons who would be exempt from licensure under this proposal would not have to pay the $300 license application fee and would not have to procure a $5,000 bond.

B. Government:

The Department would not receive the $300 fee from persons who under the present law would be required to pay the application fee.

III. STATE COMPREHENSIVE PLAN IMPACT:

None.

IV. COMMENTS:

None.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Joyce Davis, Staff Attorney
Staff Director: Cliff Nilson
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 468.401, Florida Statutes, is amended to read:

468.401 Regulation of talent agencies; definitions.—
As used in this part or any rule adopted pursuant hereto:

(1) "Talent agency" means any person or corporation engaged in the occupation of operating an agency, bureau, office, or other place for the purpose of procuring or attempting to procure engagements, or for the purpose of giving information as to where such engagements may be provided, for an artist who seeks employment by a buyer in, but not limited to, the following: live or motion picture production, whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, or television commercials; modeling services; conventions; print media; the legitimate stage; radio; circus; vaudeville; musical arts; or a musical organization. However, the term "talent agency" shall not apply to any organization that procures opera, music, theater, or dance engagements for any Florida arts organization that has received a grant from the Division of Cultural Affairs of the Department of State or
has participated in the state touring program of the Division of Cultural Affairs.

Section 2. This act shall take effect upon becoming a law.

LEGISLATIVE SUMMARY
Exempts from provisions regulating talent agencies organizations that procure opera, music, theater, or dance engagements for Florida arts organizations that have received grants from the Division of Cultural Affairs of the Department of State or have participated in the division's state touring program.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled
An act relating to talent agencies: amending s.
468.401, F.S., exempting the procurement of
engagements for certain organizations;
providing an effective date.

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

Section 1. Subsection (4) of section 468.401, Florida
Statutes, is amended to read:

468.401 Regulation of talent agencies: definitions.—
As used in this part or any rule adopted pursuant hereto:
(4) "Engagement" means any engagement, employment, or
placement of a person as an actor, performer, model, or
entertainer in, but not limited to, a circus; motion picture
production, whether made on or by film, electronic tape, or
any other electronic device used to produce theatrical motion
pictures, television entertainment motion pictures, industrial
motion pictures, or television commercials; vaudeville;
theatrical or any other entertainment exhibition or
performance; modeling services; conventions; radio; phonograph
recordings; opera; concert; ballet; or print media. Such term
does not include the business of managing such exhibitions,
performances, or the artist when such business only
incidentally involves the seeking of employment therefor.
However, the term "engagement" shall not apply to procuring
opera, music, theater, or dance engagements for any
organization defined in s. 501(c)(3) of the Internal Revenue
Code or any nonprofit Florida arts organization that has
received a grant from the Division of Cultural Affairs of the

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CODING: Words stricken are deletions; words underlined are additions.
Department of State or has participated in the state touring program of the Division of Cultural Affairs.

Section 2. This act shall take effect upon becoming a law.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR Senate Bill 686

The modification of the definition of talent agency is replaced with a modification of the definition of engagement to exclude the procurement of opera, music, theater, or dance engagements for any organization defined in s. 501(c)(3) of the Internal Revenue Code or certain non-profit Florida arts organizations.

CODING: Words stricken are deletions; words underlined are additions.
I. SUMMARY:

A. Present Situation:

Chapter 468, part VII, Florida Statutes, provides for the regulation of talent agents and talent agencies by the Department of Professional Regulation (DPR). Persons or corporations that wish to be licensed must pay a fee and submit fingerprints and a photograph with an application to the DPR. Licensees must also procure a $5,000 bond. Section 468.401, F.S., sets forth definitions applicable to the part. "Talent agency" means any person or corporation engaged in the occupation of operating an agency, bureau, office, or other place for the purpose of procuring or attempting to procure engagements for an artist who seeks employment in certain enumerated activities. "Engagement" means any engagement, employment, or placement of a person as an actor, performer, model, or entertainer in certain enumerated activities.

B. Effect of Proposed Changes:

The bill modifies the definition of engagement to exclude the procurement of opera, music, theater, or dance engagements for any organization as defined in s.501(c)(3) of the Internal Revenue Code or any Florida arts organization that has received a grant from the Division of Cultural Affairs of the Department of State or has participated in the state touring program of the Division of Cultural Affairs.

The act is effective upon becoming a law.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those persons who perform only activities that are exempt from licensure under this bill would not have to pay the $300 license application fee or procure a $5,000 bond.

B. Government:

The DPR would no longer receive the application fee from those persons exempted by the bill; however, they would not incur the expense of processing those applications.

III. COMMENTS:

A similar bill, HB 52, has been filed in the House for the 1988 session, has passed the Regulatory Reform Committee with 2 amendments, and is now on the House calendar.

IV. AMENDMENTS:

None.