

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2560

SPONSOR: Regulated Industries Committee and Senator Diaz de la Portilla

SUBJECT: Professions/Occupations/Regulation

DATE: April 9, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	<u> </u>	<u> </u>	<u>GO</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AGG</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill would eliminate the requirement for licensure and regulation of talent agencies and community association managers. Also, the Regulatory Council of Community Association Managers would be abolished and community association management companies would no longer need to register with the state. The bill further provides that any funds and balances associated with regulating talent agencies and community association managers would be used to pay any outstanding expenses. The remaining balance in each of these areas after January 1, 2004 would be transferred to the General Revenue Fund. The Department of Business and Professional Regulation (department) would continue all legal proceedings and administrative cases outstanding as of the effective date of the bill.

This bill repeals the following sections of the Florida Statutes: 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, 468.415.

II. Present Situation:

A talent agency license is required for any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist. Licensees are required to have a \$5,000 surety bond. The department has the authority to revoke a license and can impose citations and fines pursuant to ss. 455.224 and 468, F.S., and ch. 61-19, F.A.C.

The talent agency licensing program does not have a board, does not require an exam, and does not require pre-licensure education, or continuing education. A background check is conducted on applicants for licensure.

The department has the authority to prosecute all licensure violations and impose administrative penalties. However, the department has no authority over criminal violations, such as theft. Those cases are referred to the State Attorney's Office.

According to the department, the laws regulating talent agencies are somewhat unclear. The definition of a talent agency does not include production companies; there are companies that actually produce films. Also, there is nothing within the statutes or rules that prevents a talent agency that has lost its license from reopening under another name. Additionally, s. 468.405(1), F.S., is vague regarding what is meant by "good moral character" as a qualification for licensure.

The department reports that there is currently a deficit of funds for regulating talent agencies. The deficit began in fiscal year 1988-89, but was not discovered until fiscal year 1995-96. The talent agency licensee base is small, about 289 current licensees. An assessment fee of at least \$1,331 per licensee would be required just to bring them out of the deficit and an additional cost of \$281 per licensee is needed to make up the projected recurring deficit. Also, the renewal fee of \$400 for talent agencies has reached its statutory cap.

Auditor General Report Number 02-059, reviewed the Professional Regulation Trust Fund in an operational audit. The report dated October 2001, discussed the impossible deficit situation facing talent agencies.

III. Effect of Proposed Changes:

The bill would eliminate the licensure and regulatory requirements for talent agencies. The department would no longer have licensure enforcement authority. However, the State Attorney would still handle criminal violations. Additionally, individuals would maintain the ability to seek civil action through the court system.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:**C. Government Sector Impact:**

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VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
