



April 5, 2011

The Honorable Dean Cannon  
Speaker of the House, House of Representatives  
420 The Capital  
402 S. Monroe Street  
Tallahassee FL 32399-1300

Re: HB5005 -- Talent Agency Licensing -- Impact on Children

Dear Representative Cannon,

We are contacting you today regarding HB5005, and specifically the portion of that bill which affects regulation of Talent Agents in Florida.

BizParentz Foundation ([www.bizparentz.org](http://www.bizparentz.org)) is the largest non-profit in the United States serving families of professional child performers. We are experts in the area of legislative impact on the industry, and have often been consulted in the creation of laws related to children and the entertainment industry.

We realize that the Florida Talent Agent regulations are not specific to children, but they impact them none the less, and the lack of regulation will be equally detrimental to adult performers.

### **Talent Agents are Different**

A very quick review of the other entities included in HB5005 indicates that none of them are a similar business model, or provide similar services to that of a Talent Agent. In most instances, a Talent Agent is, in effect, the employer of Talent. This is specifically the case for print modeling work, which is in abundance in Florida. When the Talent Agent isn't acting as employer, they are traditionally the entity that receives compensation for their talent, in its entirety.

As a matter of practice they deduct their commission and remit the balance of their talents earnings to them. *In other words, they have a direct fiduciary involvement with clients EARNINGS* (both adult and minor aged clients, alike). That is why you see requirements such as a bond, and character references built within the existing requirements for a licensed talent agent (see 468, part VII). To eliminate the requirements and the punitive actions for violating the requirements is leaving WAGE EARNERS wide open for abuse and loss of their earnings with little recourse.

In addition to being the repository of client earnings, Talent Agents almost exclusively negotiate contracts for their clients. Their function is similar to that of an attorney.

### **Licensing is Necessary for Identification**

The area of "talent scouting" is already a highly risky venture for the consumer, and is already very prevalent in Florida. Talent scams preying on children are more prevalent in Florida than in any other state, and can result in everything from the loss of college savings to sex trafficking. The only viable tool for a consumer and/or potential client of an agency to separate the professional

from the scam is the presence of the Talent Agent license. It is not a term that is taken lightly, the definition is very specific. Removing this minimal consumer protection would be catastrophic to the legitimate industry and to the families who are doing their due diligence when working with a business, and industry, that is new to them.

The State may believe that this "identification" function is being accomplished by labor unions such as The Screen Actors Guild and American Federation of Radio and Television Artists, who franchise (approve) talent agencies. Unfortunately, this is not the case, for three reasons: Florida is a "right-to-work" state, crippling the power (and protection) of labor unions, there are no labor unions for print models (which is the majority of work in Florida), and because the union agency franchise agreements have been rendered ineffective in recent years.

This identification of legitimate talent agencies therefore falls to the state, the only entity that is able to do this needed task.

### **Licensing Has a Positive Fiscal Impact for the State**

According to the analysis reports that accompanied this bill, it appears that the revenue and expense projection indicate that this area actually generates enough revenue with fees to pay for the administration of the licensing service. The Talent Agencies are service oriented and thus will not spend their "savings" (if the licensing is dropped) in the larger economy.

### **Protecting Consumers in a Risky Environment**

Additionally, in a state that is well known within the industry as attracting less than savory businesses, and predatory situations for children (see Webe-web and Lou Pearlman's Wilhelmina Scouting Network), a purposeful removal of this one item from this legislation will send a strong message that the state does intend to protect workers from abuse, rather than setting up an environment that invites abuse.

### **Impact on Children**

BizParentz Foundation's mission is to advocate for children and families. In general, we believe that parents, not government should have responsibility for their children, so "big government" and regulation in general, is not our aim. However, in this case families need the minimal protection provided by a Talent Agency License in order to do their job as responsible parents and consumers. Children should not be the unintended victims of state-wide deregulation.

***Please remove the Talent Agency Licensing portion from this bill.***

If you have any questions or comments, we would be more than happy to assist you. We can be reached at 818-731-9897 or at bizparentz@aol.com.

Thank you,

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