

By the Council for Smarter Government and Representatives
Gardiner, Harrell, Negron, Stansel, Waters, Kilmer, Gannon,
Melvin, Green, Sobel and Paul

1 A bill to be entitled
2 An act relating to use of the term "chamber of
3 commerce"; creating s. 501.97, F.S.; providing
4 definitions; prohibiting certain business
5 entities from using the term "chamber of
6 commerce" under certain circumstances;
7 providing exemptions for certain entities in
8 existence on or before October 1, 1992;
9 providing a penalty; limiting application of
10 requirements; authorizing chambers of commerce
11 to sue certain business entities to enjoin use
12 of such term; providing an effective date.

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

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16 Section 1. Section 501.97, Florida Statutes, is
17 created to read:

18 501.97 Chambers of commerce.--

19 (1) For the purposes of this section:

20 (a) "Business entity" means any corporation,
21 partnership, limited partnership, proprietorship, firm,
22 enterprise, franchise, association, self-employed individual,
23 or trust, whether fictitiously named or not, doing business in
24 this state.

25 (b) "Chamber of commerce" means a voluntary
26 membership, dues-paying organization of business and
27 professional persons dedicated, as stated in the articles of
28 incorporation or bylaws of the organization, to improving the
29 economic climate and business development of the community,
30 area, or region in which the organization is located and
31 which:

1 1. Operates as an approved not-for-profit corporation
2 under chapter 617 and as a corporation or association
3 qualified for tax exempt status under s. 501(c)(6) of the
4 Internal Revenue Code of 1986, as amended.

5 2. Files any required corporation annual reports with
6 the Secretary of State and, if applicable, required annual
7 information returns with the United States Internal Revenue
8 Service.

9 3. Is governed by a volunteer board of directors of at
10 least seven members who are elected from among the membership
11 of the organization and who serve without compensation.

12 (2) A business entity, other than a chamber of
13 commerce, shall not use the term "chamber of commerce" in its
14 name or to describe itself, except for binational chambers of
15 commerce recognized by the Office of International Affairs of
16 the Department of State or chambers of commerce in existence
17 on or before October 1, 1992. Any business entity which
18 violates this subsection commits a misdemeanor of the first
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20 (3) This section shall impose no requirement for
21 oversight or regulation of a business entity name, trademark,
22 trade name, or other requirement for filing or registration
23 under any provision of law.

24 (4) Subject to the provisions of s. 495.151, a chamber
25 of commerce may sue any business entity that is not a chamber
26 of commerce, as defined in this section, to enjoin it from
27 using the term "chamber of commerce" in its name or to so
28 describe itself in any business or commerce.

29 Section 2. This act shall take effect October 1, 2002.
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