

By Senator Bennett

21-553-03

See HB 525

1                                   A bill to be entitled  
2           An act relating to use of the term "chamber of  
3           commerce"; creating s. 501.972, F.S.; providing  
4           definitions; prohibiting certain business  
5           entities from using the term "chamber of  
6           commerce" under certain circumstances;  
7           providing exceptions; providing a penalty;  
8           specifying nonimposition of certain  
9           requirements; authorizing chambers of commerce  
10          to sue certain business entities to enjoin use  
11          of certain terms; providing an effective date.

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

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15           Section 1.   Section 501.972, Florida Statutes, is  
16 created to read:

17           501.972 Chambers of commerce.--

18           (1) For the purposes of this section, the term:

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

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

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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 imposes no requirement for oversight  
21 or regulation of a business entity name, trademark, trade  
22 name, or other requirement for filing or registration under  
23 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 such entity  
27 from using the term "chamber of commerce" in its name or to  
28 describe itself as a chamber of commerce in any business or  
29 commerce.

30           Section 2. This act shall take effect October 1, 2003.

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