



CHAMBER ACTION

The Committee on Commerce recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to use of the term "chamber of commerce";
 creating s. 501.972, F.S.; providing definitions;
 prohibiting certain business entities from using the term
 "chamber of commerce" under certain circumstances;
 providing exceptions; providing a penalty; specifying
 nonimposition of certain requirements; authorizing
 chambers of commerce to sue certain business entities to
 enjoin use of certain terms; providing an effective date.

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

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

501.972 Chambers of commerce.--

(1) For the purposes of this section:

(a) "Business entity" means any corporation, partnership,
 limited partnership, proprietorship, firm, enterprise,



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28 franchise, association, self-employed individual, or trust,
29 whether fictitiously named or not, doing business in
30 this state.

31 (b) "Chamber of commerce" means a voluntary membership,
32 dues-paying organization of business and professional persons
33 dedicated, as stated in the articles of incorporation or bylaws
34 of the organization, to improving the economic climate and
35 business development of the community, area, or region in which
36 the organization is located and which:

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

41 2. Files any required corporation annual reports with the
42 Secretary of State and, if applicable, required annual
43 information returns with the United States Internal Revenue
44 Service.

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

48 (2) A business entity, other than a chamber of commerce,
49 shall not use the term "chamber of commerce" in its name or to
50 describe itself, except for binational chambers of commerce
51 recognized by the Office of International Affairs of the
52 Department of State or chambers of commerce in existence on or
53 before October 1, 1992. Any business entity which violates this
54 subsection commits a misdemeanor of the first degree, punishable
55 as provided in s. 775.082 or s. 775.083.



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56 (3) This section imposes no requirement for oversight or
57 regulation of a business entity name, trademark, trade name, or
58 other requirement for filing or registration under any provision
59 of law.

60 (4) Subject to the provisions of s. 495.151, a chamber of
61 commerce may sue any business entity that is not a chamber of
62 commerce as defined in this section to enjoin such entity from
63 using the term "chamber of commerce" in its name or to describe
64 itself as a chamber of commerce in any business or commerce.

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