By the Committee on Commerce and Economic Opportunities; and
Senators Dyer and Futch

310-2093-02

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

26 voluntary-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:

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CODING:Words stricken are deletions; words underlined are additions.

 1   1. Operates as an approved not-for-profit corporation
 2   under chapter 617, Florida Statutes, and as a corporation or
 3   association qualified for tax exempt status under s. 501(c)(6)
 4   of the 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 7 members who are elected from among the membership of
11   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 bi-national chambers of
15   commerce recognized by the Department of State, Office of
16   International Affairs or chambers of commerce in existence on
17   or before October 1, 1992. Any business entity which violates
18   this subsection commits a misdemeanor of the first degree,
19   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 statute.
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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1   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                       COMMITTEE SUBSTITUTE FOR
2   <u>Senate Bill 712</u>

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4   The committee substitute differs from SB 712 in the following
     respects:
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     1) Section 501.97, F.S., is created instead of an unspecified
6   section of the Florida Statutes;

7   2) Certain bi-national chambers of commerce and chambers of
     commerce existing on or before October 1, 1992, are exempt
8   from the provisions of the committee substitute;

9   3) Oversight or regulation is expressly not required; and

10   4) The effective date is October 1, 2002, rather than upon
     becoming a law.
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