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CS/CS/HB 869

2023 Legislature

1
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 468.8414, F.S.;
4 requiring the department to certify for licensure
5 qualified individuals who practice mold assessment or
6 mold remediation and hold certain licenses issued by
7 other states or territories; amending s. 469.004,
8 F.S.; revising requirements for the issuance of an
9 asbestos consultant's license; requiring the
10 department to certify for licensure by endorsement
11 asbestos consultants and asbestos contractors who meet
12 certain exam and other state licensure requirements;
13 requiring asbestos consultants and asbestos
14 contractors to complete certain courses; amending s.
15 489.514, F.S.; removing a time limitation for applying
16 for certain contracting licenses; amending s. 509.091,
17 F.S.; requiring licensees and licensed agents to
18 provide the department's Division of Hotels and
19 Restaurants with e-mail addresses at which they can be
20 contacted; authorizing the division to send notices
21 and inspection reports by e-mail; amending s. 509.101,
22 F.S.; revising guest register maintenance requirements
23 for transient establishment operators; amending s.
24 509.241, F.S.; requiring certain persons, licensees,
25 and licensed agents to create and maintain a division

ENROLLED

CS/CS/HB 869

2023 Legislature

26 | online account and provide the division with specified
 27 | information; requiring the division to adopt rules;
 28 | providing requirements for such rules; amending s.
 29 | 548.043, F.S.; removing a limitation on the types of
 30 | boxing exhibitions which require a specified maximum
 31 | difference in participant weights; amending s. 553.73,
 32 | F.S.; authorizing the Florida Building Commission to
 33 | delay the effective date of the energy provisions of
 34 | the Florida Building Code for a specified timeframe
 35 | under certain circumstances; amending s. 565.04, F.S.;
 36 | authorizing package stores to sell nicotine products;
 37 | amending s. 721.075, F.S.; revising requirements for
 38 | certain incidental benefits; amending s. 721.10, F.S.;
 39 | revising requirements for certain contract
 40 | cancellations; amending s. 721.11, F.S.; conforming
 41 | cross-references; amending s. 721.55, F.S.; revising
 42 | disclosure requirements for multisite timeshare plan
 43 | public offering statements; providing an effective
 44 | date.

45 |
 46 | Be It Enacted by the Legislature of the State of Florida:

47 |
 48 | Section 1. Subsection (3) of section 468.8414, Florida
 49 | Statutes, is amended to read:

50 | 468.8414 Licensure.—

ENROLLED

CS/CS/HB 869

2023 Legislature

51 (3) The department shall certify as qualified for a
 52 license by endorsement an applicant who is of good moral
 53 character, who has the insurance coverage required under s.
 54 468.8421, and who meets at least one of the following
 55 requirements:

56 (a) Is qualified to take the examination as set forth in
 57 s. 468.8413 and has passed a certification examination offered
 58 by a nationally recognized organization that certifies persons
 59 in the specialty of mold assessment or mold remediation and that
 60 has been approved by the department as substantially equivalent
 61 to the requirements of this part and s. 455.217. ~~;~~ ~~or~~

62 (b) Holds a valid license to practice mold assessment or
 63 mold remediation issued by another state or territory of the
 64 United States if the criteria for issuance of the license were
 65 substantially the same as the licensure criteria ~~that is~~
 66 established by this part as determined by the department.

67 (c) Has held a valid license to practice mold assessment
 68 or mold remediation issued by another state or territory of the
 69 United States for at least 10 years before the date of
 70 application. The application for licensure must be made either
 71 when the license in the other state or territory is active or
 72 within 2 years after such license was last active.

73 Section 2. Subsection (3) of section 469.004, Florida
 74 Statutes, is renumbered as subsection (4), subsection (1) is
 75 amended, and a new subsection (3) is added to that section, to

ENROLLED

CS/CS/HB 869

2023 Legislature

76 read:

77 469.004 License; asbestos consultant; asbestos
78 contractor.-

79 (1) All asbestos consultants must be licensed by the
80 department. Except for an asbestos consultant's license issued
81 by endorsement as provided under subsection (3) or otherwise
82 expressly provided by law, an asbestos consultant's license may
83 be issued only to an applicant who holds a current, valid,
84 active license as an architect issued under chapter 481; holds a
85 current, valid, active license as a professional engineer issued
86 under chapter 471; holds a current, valid, active license as a
87 professional geologist issued under chapter 492; is a diplomat
88 of the American Board of Industrial Hygiene; or has been awarded
89 designation as a Certified Safety Professional by the Board of
90 Certified Safety Professionals.

91 (3) The department shall certify as qualified for
92 licensure by endorsement any individual applying for licensure
93 who has passed a written examination that meets the requirements
94 of the United States Environmental Protection Agency Asbestos
95 Model Accreditation Plan, has held a valid license to practice
96 as an asbestos consultant or asbestos contractor issued by
97 another state or territory of the United States for at least 10
98 years before the date of application, and is applying for the
99 same or similar license in this state, subject to ss. 469.005(5)
100 and 469.006. The application for licensure must be made either

ENROLLED

CS/CS/HB 869

2023 Legislature

101 when the license in the other state or territory is active or
 102 within 2 years after such license was last active. To qualify
 103 for licensure by endorsement, an asbestos consultant must
 104 complete the courses required by s. 469.005(2) and an asbestos
 105 contractor must complete the courses required by s. 469.005(3).

106 Section 3. Subsection (3) of section 489.514, Florida
 107 Statutes, is amended to read:

108 489.514 Certification for registered contractors;
 109 grandfathering provisions.—

110 ~~(3) An applicant must make application by November 1,~~
 111 ~~2021, to be licensed pursuant to this section.~~

112 Section 4. Section 509.091, Florida Statutes, is amended
 113 to read:

114 509.091 Notices; form and service.—

115 (1) All licensees and licensed agents must provide an e-
 116 mail address to the division to function as the primary method
 117 of contact for all communication with the division.

118 (2) Each notice or inspection report served by the
 119 division pursuant to this chapter must be in writing and must be
 120 delivered personally by an agent of the division, sent by e-
 121 mail, or mailed by registered letter to the operator of the
 122 public lodging establishment or public food service
 123 establishment. If the operator refuses to accept service or
 124 evades service or the agent is otherwise unable to effect
 125 service after due diligence, the division may post such notice

ENROLLED

CS/CS/HB 869

2023 Legislature

126 or inspection report in a conspicuous place at the
 127 establishment.

128 ~~(2) Notwithstanding subsection (1), the division may~~
 129 ~~deliver lodging inspection reports and food service inspection~~
 130 ~~reports to the operator of the public lodging establishment or~~
 131 ~~public food service establishment by electronic means.~~

132 Section 5. Subsection (2) of section 509.101, Florida
 133 Statutes, is amended to read:

134 509.101 Establishment rules; posting of notice; food
 135 service inspection report; maintenance of guest register; mobile
 136 food dispensing vehicle registry.—

137 (2) It is the duty of each operator of a transient
 138 establishment to maintain at all times a register of, ~~signed by~~
 139 ~~or for~~ guests who occupy rental units within the establishment,
 140 showing the dates upon which the rental units were occupied by
 141 such guests and the rates charged for their occupancy. Each
 142 operator shall maintain this register ~~shall be maintained~~ in
 143 chronological order, shall make the register ~~and~~ available for
 144 inspection by the division at any time, and may keep the
 145 register in an electronic format. Operators need not make
 146 available registers that ~~which~~ are more than 2 years old.

147 Section 6. Subsection (4) is added to section 509.241,
 148 Florida Statutes to read:

149 509.241 Licenses required; exceptions.—

150 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans

ENROLLED

CS/CS/HB 869

2023 Legislature

151 to open a public lodging establishment or a public food service
 152 establishment and each licensee or licensed agent must create
 153 and maintain a division online account and provide an e-mail
 154 address to the division to function as the primary contact for
 155 all communication from the division.

156 (a) Licensees and licensed agents are responsible for
 157 maintaining accurate contact information on file with the
 158 division.

159 (b) Each licensee issued a license or licensed agent
 160 managing a license classified as a vacation rental or timeshare
 161 project, as those terms are defined in s. 509.242(1)(c) and (g),
 162 respectively, must submit any change in the street or unit
 163 address or number of houses or units included under the license
 164 within 30 days after the change. All changes must be filed with
 165 the division through the division's online system.

166 (c) The division shall adopt rules to implement this
 167 subsection. The rules must specify circumstances under which a
 168 person who plans to open a public lodging establishment or a
 169 public food service establishment and each licensee or licensed
 170 agent may opt out of the requirement to create and maintain a
 171 division online account.

172 Section 7. Subsection (2) of section 548.043, Florida
 173 Statutes, is amended to read:

174 548.043 Weights and classes, limitations; gloves.—

175 (2) The commission shall establish by rule the acceptable

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CS/CS/HB 869

2023 Legislature

176 difference in weight between participants; however, the maximum
 177 difference in weight in boxing matches shall not exceed 12
 178 pounds, except matches in the cruiserweight and heavyweight
 179 classes and exhibitions ~~held solely for training purposes.~~

180 Section 8. Paragraph (e) of subsection (7) of section
 181 553.73, Florida Statutes, is amended to read:

182 553.73 Florida Building Code.—

183 (7)

184 (e) A rule updating the Florida Building Code in
 185 accordance with this subsection shall take effect no sooner than
 186 6 months after publication of the updated code. Any amendment to
 187 the Florida Building Code which is adopted upon a finding by the
 188 commission that the amendment is necessary to protect the public
 189 from immediate threat of harm takes effect immediately. If
 190 energy code compliance software is not approved by the
 191 commission at least 3 months before the effective date of the
 192 updated Florida Building Code, the commission may delay the
 193 effective date of the energy provisions of the Florida Building
 194 Code for up to 3 additional months.

195 Section 9. Subsection (1) of section 565.04, Florida
 196 Statutes, is amended to read:

197 565.04 Package store restrictions.—

198 (1) Vendors licensed under s. 565.02(1)(a) shall not in
 199 said place of business sell, offer, or expose for sale any
 200 merchandise other than such beverages, and such places of

ENROLLED

CS/CS/HB 869

2023 Legislature

201 business shall be devoted exclusively to such sales; provided,
 202 however, that such vendors shall be permitted to sell bitters,
 203 grenadine, nonalcoholic mixer-type beverages (not to include
 204 fruit juices produced outside this state), fruit juices produced
 205 in this state, home bar, and party supplies and equipment
 206 (including but not limited to glassware and party-type foods),
 207 miniatures of no alcoholic content, nicotine products, and
 208 tobacco products. Such places of business shall have no openings
 209 permitting direct access to any other building or room, except
 210 to a private office or storage room of the place of business
 211 from which patrons are excluded.

212 Section 10. Section 721.075, Florida Statutes, is amended
 213 to read:

214 721.075 Incidental benefits.—Incidental benefits shall be
 215 offered only as provided in this section.

216 (1) Accommodations, facilities, products, services,
 217 discounts, or other benefits which satisfy the requirements of
 218 this subsection are ~~shall be~~ subject to ~~the provisions of~~ this
 219 section and exempt from the other provisions of this chapter
 220 which would otherwise apply to such accommodations or facilities
 221 if and only if:

222 (a) The use of or participation in the incidental benefit
 223 by the prospective purchaser is completely voluntary, and
 224 payment of any fee or other cost associated with the incidental
 225 benefit is required only upon such use or participation.

ENROLLED

CS/CS/HB 869

2023 Legislature

226 (b) The ~~Ne~~ costs of acquisition, operation, maintenance,
 227 or repair of the incidental benefit may not be ~~are~~ passed on to
 228 purchasers of the timeshare plan as common expenses of the
 229 timeshare plan or as common expenses of a component site of a
 230 multisite timeshare plan.

231 (c) The continued availability of the incidental benefit
 232 is not necessary in order for any accommodation or facility of
 233 the timeshare plan to be available for use by purchasers of the
 234 timeshare plan in a manner consistent in all material respects
 235 with the manner portrayed by any promotional material,
 236 advertising, or purchaser public offering statement.

237 (d) The continued availability to purchasers of timeshare
 238 plan accommodations on no greater than a one-to-one use right to
 239 use night requirement ratio is not dependent upon continued
 240 availability of the incidental benefit.

241 (e) The incidental benefit will continue to be available
 242 in the manner represented to prospective purchasers for up to 3
 243 ~~years or less~~ after the first date that the timeshare plan is
 244 available for use by the purchaser. Nothing herein prevents
 245 ~~shall prevent~~ the renewal or extension of the availability of an
 246 incidental benefit.

247 ~~(f) The aggregate represented value of all incidental~~
 248 ~~benefits offered by a developer to a purchaser may not exceed 15~~
 249 ~~percent of the purchase price paid by the purchaser for his or~~
 250 ~~her timeshare interest.~~

ENROLLED

CS/CS/HB 869

2023 Legislature

251 ~~(f)(g)~~ The incidental benefit is filed with the division
 252 for review in conjunction with the filing of a timeshare plan or
 253 in connection with a previously filed timeshare plan.

254 (2) Each purchaser shall execute a separate acknowledgment
 255 and disclosure statement with respect to all incidental
 256 benefits, which statement must ~~shall~~ include the following
 257 information:

258 (a) A fair description of the incidental benefit,
 259 including, but not limited to, any user fees or costs associated
 260 therewith and any restrictions upon use or availability.

261 (b) A statement that use of or participation in the
 262 incidental benefit by the prospective purchaser is completely
 263 voluntary, and that payment of any fee or other cost associated
 264 with the incidental benefit is required only upon such use or
 265 participation.

266 (c) A statement that the incidental benefit is not
 267 assignable or otherwise transferable by the prospective
 268 purchaser or purchaser without the approval of the provider of
 269 the incidental benefit.

270 (d) The following disclosure in conspicuous type
 271 immediately above the space for the purchaser's signature:
 272

273 The incidental benefit[s] described in this statement is
 274 [are] offered to prospective purchasers of the timeshare plan
 275 [or other permitted reference under ~~pursuant to~~ s.

ENROLLED

CS/CS/HB 869

2023 Legislature

276 721.11(5) (a)]. This [These] benefit[s] is [are] available for
 277 your use for [some period up to 3 years ~~or less~~] after the first
 278 date that the timeshare plan is available for your use. The
 279 availability of the incidental benefit[s] may or may not be
 280 renewed or extended. You should not purchase an interest in the
 281 timeshare plan in reliance upon the continued availability or
 282 renewal or extension of this [these] benefit[s].

283 ~~(c) A statement indicating the source of the services,~~
 284 ~~points, or other products that constitute the incidental~~
 285 ~~benefit.~~

286
 287 The acknowledgment and disclosure statement for any incidental
 288 benefit shall be filed with the division before ~~prior to~~ use.
 289 Each purchaser must ~~shall~~ receive a copy of his or her executed
 290 acknowledgment and disclosure statement as a document required
 291 to be provided to him or her under ~~pursuant to~~ s. 721.10(1)(b).

292 (3)(a) In the event that an incidental benefit becomes
 293 unavailable to purchasers in the manner represented by the
 294 developer in the acknowledgment and disclosure statement, the
 295 developer shall pay the purchaser the greater of twice the
 296 verifiable retail value or twice the represented value of the
 297 unavailable incidental benefit in cash within 30 days after ~~of~~
 298 the date that the unavailability of the incidental benefit was
 299 made known to the developer, unless the developer has reserved a
 300 substitution right under ~~pursuant to~~ paragraph (b) and timely

ENROLLED

CS/CS/HB 869

2023 Legislature

301 makes the substitution as required by paragraph (b). ~~The~~
 302 ~~developer shall promptly notify the division upon learning of~~
 303 ~~the unavailability of any incidental benefit.~~

304 (b) If an incidental benefit becomes unavailable as a
 305 result of events beyond the control of the developer, the
 306 developer may reserve the right to substitute a replacement
 307 incidental benefit of a type, quality, value, and term
 308 reasonably similar to the unavailable incidental benefit. If the
 309 developer reserves the right to substitute, the acknowledgment
 310 and disclosure statement required under ~~pursuant to~~ paragraph
 311 (2) (a) must ~~shall~~ contain the following conspicuous disclosure:

312
 313 In the event any incidental benefit described in this
 314 statement becomes unavailable as a result of events beyond the
 315 control of the developer, the developer reserves the right to
 316 substitute a replacement incidental benefit of a type, quality,
 317 value, and term reasonably similar to the unavailable incidental
 318 benefit.

319
 320 The substituted incidental benefit must ~~shall~~ be made available
 321 ~~delivered~~ to the purchaser within 30 days after the date that
 322 the unavailability of the incidental benefit was made known to
 323 the developer.

324 (4) All purchaser remedies under ~~pursuant to~~ s. 721.21 are
 325 ~~shall be~~ available for any violation of ~~the provisions of this~~

ENROLLED

CS/CS/HB 869

2023 Legislature

326 section.

327 Section 11. Subsections (2) and (3) of section 721.10,
 328 Florida Statutes, are renumbered as subsections (3) and (4),
 329 respectively, subsection (1) is amended, and a new subsection
 330 (2) is added to that section, to read:

331 721.10 Cancellation.—

332 (1) A purchaser has the right to cancel the contract until
 333 midnight ~~on~~ of the 10th calendar day after the later of
 334 ~~following whichever of the following days occurs later:~~

335 (a) The execution date of the contract; or

336 (b) The day on which the purchaser received the last of
 337 all documents required to be provided to him or her, including
 338 the notice required by s. 721.07(2)(d)2., if applicable.

339 (2) This right of cancellation may not be waived by any
 340 purchaser or by any other person on behalf of the purchaser, and
 341 any attempt to obtain a waiver of the cancellation right of the
 342 purchaser is unlawful. If a purchaser waives, knowingly or
 343 unknowingly, his or her right of cancellation and a closing
 344 occurs, such closing is voidable at the option of the purchaser
 345 for up to 1 year after the date that would have been the
 346 expiration of the cancellation period under subsection (1).

347 Furthermore, a ~~no~~ closing may not occur until the cancellation
 348 period of the ~~timeshare~~ purchaser has expired, and if a closing
 349 occurs before the expiration of the cancellation period, ~~Any~~
 350 ~~attempt to obtain a waiver of the cancellation right of the~~

ENROLLED

CS/CS/HB 869

2023 Legislature

351 ~~timeshare purchaser, or to hold a closing prior to the~~
 352 ~~expiration of the cancellation period, is unlawful and such~~
 353 closing is voidable at the option of the purchaser for up to 5
 354 years after such closing ~~a period of 1 year after the expiration~~
 355 ~~of the cancellation period.~~ However, nothing in this section
 356 precludes the execution of documents in advance of closing for
 357 delivery after expiration of the cancellation period.

358 Section 12. Paragraphs (b) and (e) of subsection (6) of
 359 section 721.11, Florida Statutes, are amended to read:

360 721.11 Advertising materials; oral statements.—

361 (6) Failure to provide cancellation rights or disclosures
 362 as required by this subsection in connection with the sale of a
 363 regulated short-term product constitutes misrepresentation in
 364 accordance with paragraph (4)(a). Any agreement relating to the
 365 sale of a regulated short-term product must be regulated as
 366 advertising material and is subject to the following:

367 (b) A purchaser of a regulated short-term product has the
 368 right to cancel the agreement until midnight of the 10th
 369 calendar day following the execution date of the agreement. The
 370 right of cancellation may not be waived by the prospective
 371 purchaser or by any other person on behalf of the prospective
 372 purchaser. Notice of cancellation must be given in the same
 373 manner prescribed for giving notice of cancellation under s.
 374 721.10(3) ~~s. 721.10(2)~~. If the prospective purchaser gives a
 375 valid notice of cancellation or is otherwise entitled to cancel

ENROLLED

CS/CS/HB 869

2023 Legislature

376 | the sale, the funds or other property received from or on behalf
377 | of the prospective purchaser, or the proceeds thereof, must be
378 | returned to the prospective purchaser. Such refund must be made
379 | in the same manner prescribed for refunds under s. 721.10.

380 | (e) If the seller provides the purchaser with the right to
381 | cancel the purchase of a regulated short-term product at any
382 | time up to 7 days prior to the purchaser's reserved use of the
383 | accommodations, but in no event less than 10 days, and if the
384 | seller refunds the total amount of all payments made by the
385 | purchaser reduced by the proportion of any benefits the
386 | purchaser has actually received prior to the effective date of
387 | the cancellation, the specific value of which has been agreed to
388 | between the purchaser and the seller, the short-term product
389 | offer shall be exempt from the requirements of paragraphs (b),
390 | (c), and (d). An agreement relating to the sale of the regulated
391 | short-term product made pursuant to this paragraph must contain
392 | a statement setting forth the cancellation and refund rights of
393 | the prospective purchaser in a manner that is consistent with
394 | this section and s. 721.10, including a description of the
395 | length of the cancellation right, a statement that the
396 | purchaser's intent to cancel must be in writing and sent to the
397 | seller at a specified address, a statement that the notice of
398 | cancellation is effective upon the date sent, and a statement
399 | that any attempt to waive the cancellation right is unlawful.
400 | The right of cancellation provided to the purchaser pursuant to

ENROLLED

CS/CS/HB 869

2023 Legislature

401 this paragraph may not be waived by the prospective purchaser or
 402 by any other person on behalf of the prospective purchaser.
 403 Notice of cancellation must be given in the same manner
 404 prescribed for giving notice of cancellation pursuant to s.
 405 721.10(3) ~~s. 721.10(2)~~. If the prospective purchaser gives a
 406 valid notice of cancellation, or is otherwise entitled to cancel
 407 the sale, the funds or other property received from or on behalf
 408 of the prospective purchaser, or the proceeds thereof, shall be
 409 returned to the prospective purchaser. Such refund shall be made
 410 in the manner prescribed for refunds under s. 721.10.

411 Section 13. Paragraph (1) of subsection (4) and paragraph
 412 (1) of subsection (7) of section 721.55, Florida Statutes, are
 413 amended to read:

414 721.55 Multisite timeshare plan public offering
 415 statement.—Each filed public offering statement for a multisite
 416 timeshare plan shall contain the information required by this
 417 section and shall comply with the provisions of s. 721.07,
 418 except as otherwise provided therein. The division is authorized
 419 to provide by rule the method by which a developer must provide
 420 such information to the division. Each multisite timeshare plan
 421 filed public offering statement shall contain the following
 422 information and disclosures:

423 (4) A text, which shall include, where applicable, the
 424 information and disclosures set forth in paragraphs (a)-(1).

ENROLLED

CS/CS/HB 869

2023 Legislature

425 (1) A description of each component site, which
 426 description may be disclosed in a written, graphic, tabular, or
 427 other form approved by the division or provided to the purchaser
 428 electronically, including, but not limited to, through a website
 429 or other Internet-based access. The description of each
 430 component site must ~~shall~~ include all of the following
 431 information:

432 1. The name and address of each component site.

433 2. The number of accommodations, timeshare interests, and
 434 timeshare periods, expressed in periods of 7-day use
 435 availability, committed to the multisite timeshare plan and
 436 available for use by purchasers.

437 3. Each type of accommodation in terms of the number of
 438 bedrooms, bathrooms, sleeping capacity, and whether or not the
 439 accommodation contains a full kitchen. As used in ~~For purposes~~
 440 ~~of this subparagraph description,~~ the term "full kitchen" means
 441 ~~a full kitchen shall mean~~ a kitchen with at least ~~having a~~
 442 ~~minimum of~~ a dishwasher, range, sink, oven, and refrigerator.

443 4. A description of facilities available for use by the
 444 purchaser at each component site, including the following:

445 a. The intended use of the facility, if not apparent from
 446 the description.

447 b. Any user fees associated with a purchaser's use of the
 448 facility.

ENROLLED

CS/CS/HB 869

2023 Legislature

449 5. A cross-reference to the location in the public
 450 offering statement of the description of any priority
 451 reservation features which may affect a purchaser's ability to
 452 obtain a reservation in the component site.

453 (7) The following documents shall be included as exhibits
 454 to the filed public offering statement, if applicable:

455 (1)1. If the multisite timeshare plan contains any
 456 component sites located in the ~~this~~ state, the information
 457 required by s. 721.07(5) pertaining to each such component site,
 458 unless exempt under ~~pursuant to~~ s. 721.03.

459 2. If the purchaser will receive an interest in a specific
 460 multisite timeshare plan component site located outside of the
 461 ~~this~~ state but which is offered in the ~~this~~ state, the
 462 information required by s. 721.07(5) pertaining to that
 463 component site, ~~provided,~~ However, for purposes of this
 464 paragraph, that the provisions of s. 721.07(5)(t) shall only
 465 requires ~~require~~ disclosure of information related to the
 466 estimated budget for the timeshare plan and purchaser's expenses
 467 as required by the jurisdiction in which the component site is
 468 located.

469
 470 A developer is not required to file a separate public offering
 471 statement for any component site located within or outside the
 472 state in order to include the component site in the multisite
 473 timeshare plan.

ENROLLED

CS/CS/HB 869

2023 Legislature

474 Section 14. This act shall take effect July 1, 2023.