

By the Committees on Fiscal Policy; and Regulated Industries;
and Senator Hooper

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1 A bill to be entitled
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 under certain
17 provisions; amending s. 509.091, F.S.; requiring
18 licensees and licensed agents to provide the
19 department's Division of Hotels and Restaurants with
20 e-mail addresses at which they can be contacted;
21 authorizing the division to deliver notices and
22 inspection reports by e-mail; amending 509.096, F.S.;
23 reducing the correction period for a public lodging
24 establishment to respond to a violation committed on
25 or after a specified date; prohibiting the Division of
26 Hotels and Restaurants of the Department of Business
27 and Professional Regulation from providing a
28 correction period to a public lodging establishment
29 for a second or subsequent violation committed on or

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30 after a specified date; requiring the division to
31 impose the applicable administrative fines for such
32 violations; amending s. 509.101, F.S.; revising the
33 guest register maintenance requirements that an
34 operator of a transient establishment must meet;
35 amending s. 509.241, F.S.; requiring certain
36 individuals related to public lodging establishments
37 and public food service establishments to maintain a
38 division online account and provide the division with
39 specified information; requiring the division to adopt
40 rules; providing requirements for such rules; amending
41 s. 548.043, F.S.; deleting a requirement limiting the
42 types of boxing exhibitions which require a specified
43 maximum difference in participant weights; amending s.
44 553.73, F.S.; authorizing the Florida Building
45 Commission to delay the effective date of the energy
46 provisions of the Florida Building Code for a
47 specified timeframe under certain circumstances;
48 amending s. 565.04, F.S.; authorizing package stores
49 to sell nicotine products; amending s. 721.075, F.S.;
50 revising requirements for certain incidental benefits
51 related to timeshare plans; amending s. 721.10, F.S.;
52 revising requirements for certain contract
53 cancellations; amending s. 721.11, F.S.; conforming
54 cross-references; amending s. 721.55, F.S.; revising
55 disclosure requirements for multisite timeshare plan
56 public offering statements; providing that developers
57 are not required to file separate public offering
58 statements for component sites under certain

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59 circumstances; providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Subsection (3) of section 468.8414, Florida
64 Statutes, is amended to read:

65 468.8414 Licensure.—

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

70 (a) Is qualified to take the examination as set forth in s.
71 468.8413 and has passed a certification examination offered by a
72 nationally recognized organization that certifies persons in the
73 specialty of mold assessment or mold remediation and that has
74 been approved by the department as substantially equivalent to
75 the requirements of this part and s. 455.217. ~~;~~ ~~or~~

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

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

87 Section 2. Present subsection (3) of section 469.004,

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88 Florida Statutes, is redesignated as subsection (4), a new
89 subsection (3) is added to that section, and subsection (1) of
90 that section is amended, to read:

91 469.004 License; asbestos consultant; asbestos contractor.-

92 (1) All asbestos consultants must be licensed by the
93 department. Except for an asbestos consultant's license issued
94 by endorsement as provided under subsection (3) or otherwise
95 expressly provided by law, an asbestos consultant's license may
96 be issued only to an applicant who holds a current, valid,
97 active license as an architect issued under chapter 481; holds a
98 current, valid, active license as a professional engineer issued
99 under chapter 471; holds a current, valid, active license as a
100 professional geologist issued under chapter 492; is a diplomat
101 of the American Board of Industrial Hygiene; or has been awarded
102 designation as a Certified Safety Professional by the Board of
103 Certified Safety Professionals.

104 (3) The department shall certify as qualified for licensure
105 by endorsement any individual applying for licensure who has
106 passed a written examination that meets the requirements of the
107 United States Environmental Protection Agency Asbestos Model
108 Accreditation Plan, has held a valid license to practice as an
109 asbestos consultant or asbestos contractor issued by another
110 state or territory of the United States for at least 10 years
111 before the date of application, and is applying for the same or
112 similar license in this state, subject to ss. 469.005(5) and
113 469.006. The application for licensure must be made either when
114 the license in the other state or territory is active or within
115 2 years after such license was last active. To qualify for
116 licensure by endorsement, an asbestos consultant must complete

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117 the courses required by s. 469.005(2) and an asbestos contractor
118 must complete the courses required by s. 469.005(3).

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

121 489.514 Certification for registered contractors;
122 grandfathering provisions.—

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

125 Section 4. Section 509.091, Florida Statutes, is amended to
126 read:

127 509.091 Notices; form and service.—

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

131 (2) Each notice or inspection report served by the division
132 pursuant to this chapter must be in writing and must be
133 delivered personally by an agent of the division, sent by e-
134 mail, or mailed by registered letter to the operator of the
135 public lodging establishment or public food service
136 establishment. If the operator refuses to accept service or
137 evades service or the agent is otherwise unable to effect
138 service after due diligence, the division may post such notice
139 or inspection report in a conspicuous place at the
140 establishment.

141 ~~(2) Notwithstanding subsection (1), the division may~~
142 ~~deliver lodging inspection reports and food service inspection~~
143 ~~reports to the operator of the public lodging establishment or~~
144 ~~public food service establishment by electronic means.~~

145 Section 5. Subsection (3) of section 509.096, Florida

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146 Statutes, is amended to read:

147 509.096 Human trafficking awareness training and policies
148 for employees of public lodging establishments; enforcement.—

149 (3) For a violation committed on or after July 1, 2023, the
150 division shall impose an administrative fine of \$2,000 per day
151 on a public lodging establishment that is not in compliance with
152 this section and remit the fines to the direct-support
153 organization established under s. 16.618, unless the division
154 receives adequate written documentation from the public lodging
155 establishment which provides assurance that each deficiency will
156 be corrected within 45 ~~90~~ days after the division provided the
157 public lodging establishment with notice of its violation. For a
158 second or subsequent violation of this subsection committed on
159 or after July 1, 2023, the division may not provide a correction
160 period to a public lodging establishment and must impose the
161 applicable administrative fines.

162 Section 6. Subsection (2) of section 509.101, Florida
163 Statutes, is amended to read:

164 509.101 Establishment rules; posting of notice; food
165 service inspection report; maintenance of guest register; mobile
166 food dispensing vehicle registry.—

167 (2) It is the duty of each operator of a transient
168 establishment to maintain at all times a register of, ~~signed by~~
169 ~~or for~~ guests who occupy rental units within the establishment,
170 showing the dates upon which the rental units were occupied by
171 such guests and the rates charged for their occupancy. Each
172 operator shall maintain this register shall be maintained in
173 chronological order, shall make the register and available for
174 inspection by the division at any time, and may keep the

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175 register in an electronic format. Operators need not make
176 available registers that ~~which~~ are more than 2 years old.

177 Section 7. Subsection (4) is added to section 509.241,
178 Florida Statutes, to read:

179 509.241 Licenses required; exceptions.—

180 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Except as provided in
181 paragraph (c), each person who plans to open a public lodging
182 establishment or a public food service establishment and each
183 licensee or licensed agent must create and maintain a division
184 online account and provide an e-mail address to the division to
185 function as the primary contact for all communication from the
186 division.

187 (a) Licensees and licensed agents are responsible for
188 maintaining accurate contact information on file with the
189 division.

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

197 (c) The division shall adopt such rules as are necessary to
198 carry out this subsection. The rules must include a provision
199 that specifies circumstances under which a public lodging
200 establishment or a public food service establishment and each
201 licensee or licensed agent may opt out of the requirement to
202 have a division online account.

203 Section 8. Subsection (2) of section 548.043, Florida

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204 Statutes, is amended to read:

205 548.043 Weights and classes, limitations; gloves.—

206 (2) The commission shall establish by rule the acceptable
207 difference in weight between participants; however, the maximum
208 difference in weight in boxing matches may ~~shall~~ not exceed 12
209 pounds, except matches in the cruiserweight and heavyweight
210 classes and exhibitions ~~held solely for training purposes.~~

211 Section 9. Paragraph (e) of subsection (7) of section
212 553.73, Florida Statutes, is amended to read:

213 553.73 Florida Building Code.—

214 (7)

215 (e) A rule updating the Florida Building Code in accordance
216 with this subsection shall take effect no sooner than 6 months
217 after publication of the updated code. Any amendment to the
218 Florida Building Code which is adopted upon a finding by the
219 commission that the amendment is necessary to protect the public
220 from immediate threat of harm takes effect immediately. If
221 energy code compliance software is not approved by the
222 commission at least 3 months before the effective date of the
223 updated Florida Building Code, the commission may delay the
224 effective date of the energy provisions of the Florida Building
225 Code for up to 3 additional months.

226 Section 10. Subsection (1) of section 565.04, Florida
227 Statutes, is amended to read:

228 565.04 Package store restrictions.—

229 (1) Vendors licensed under s. 565.02(1)(a) shall not in
230 said place of business sell, offer, or expose for sale any
231 merchandise other than such beverages, and such places of
232 business shall be devoted exclusively to such sales; provided,

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233 however, that such vendors shall be permitted to sell bitters,
234 grenadine, nonalcoholic mixer-type beverages (not to include
235 fruit juices produced outside this state), fruit juices produced
236 in this state, home bar, and party supplies and equipment
237 (including but not limited to glassware and party-type foods),
238 miniatures of no alcoholic content, nicotine products, and
239 tobacco products. Such places of business shall have no openings
240 permitting direct access to any other building or room, except
241 to a private office or storage room of the place of business
242 from which patrons are excluded.

243 Section 11. Section 721.075, Florida Statutes, is amended
244 to read:

245 721.075 Incidental benefits.—Incidental benefits shall be
246 offered only as provided in this section.

247 (1) Accommodations, facilities, products, services,
248 discounts, or other benefits which satisfy the requirements of
249 this subsection are ~~shall be~~ subject to ~~the provisions of~~ this
250 section and exempt from the other provisions of this chapter
251 which would otherwise apply to such accommodations or facilities
252 if and only if:

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

257 (b) The ~~No~~ costs of acquisition, operation, maintenance, or
258 repair of the incidental benefit may not be ~~are~~ passed on to
259 purchasers of the timeshare plan as common expenses of the
260 timeshare plan or as common expenses of a component site of a
261 multisite timeshare plan.

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262 (c) The continued availability of the incidental benefit is
263 not necessary in order for any accommodation or facility of the
264 timeshare plan to be available for use by purchasers of the
265 timeshare plan in a manner consistent in all material respects
266 with the manner portrayed by any promotional material,
267 advertising, or purchaser public offering statement.

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

272 (e) The incidental benefit will continue to be available in
273 the manner represented to prospective purchasers for up to 3
274 years ~~or less~~ after the first date that the timeshare plan is
275 available for use by the purchaser. Nothing herein prevents
276 ~~shall prevent~~ the renewal or extension of the availability of an
277 incidental benefit.

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

282 ~~(g)~~ The incidental benefit is filed with the division for
283 review in conjunction with the filing of a timeshare plan or in
284 connection with a previously filed timeshare plan.

285 (2) Each purchaser shall execute a separate acknowledgment
286 and disclosure statement with respect to all incidental
287 benefits, which statement must ~~shall~~ include the following
288 information:

289 (a) A fair description of the incidental benefit,
290 including, but not limited to, any user fees or costs associated

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291 therewith and any restrictions upon use or availability.

292 (b) A statement that use of or participation in the
293 incidental benefit by the prospective purchaser is completely
294 voluntary, and that payment of any fee or other cost associated
295 with the incidental benefit is required only upon such use or
296 participation.

297 (c) A statement that the incidental benefit is not
298 assignable or otherwise transferable by the prospective
299 purchaser or purchaser without the approval of the provider of
300 the incidental benefit.

301 (d) The following disclosure in conspicuous type
302 immediately above the space for the purchaser's signature:
303

304 *The incidental benefit[s] described in this statement is*
305 *[are] offered to prospective purchasers of the timeshare plan*
306 *[or other permitted reference under ~~pursuant to~~ s.*
307 *721.11(5)(a)]. This [These] benefit[s] is [are] available for*
308 *your use for [some period up to 3 years ~~or less~~] after the first*
309 *date that the timeshare plan is available for your use. The*
310 *availability of the incidental benefit[s] may or may not be*
311 *renewed or extended. You should not purchase an interest in the*
312 *timeshare plan in reliance upon the continued availability or*
313 *renewal or extension of this [these] benefit[s].*

314 ~~(e) A statement indicating the source of the services,~~
315 ~~points, or other products that constitute the incidental~~
316 ~~benefit.~~

317
318 The acknowledgment and disclosure statement for any incidental
319 benefit shall be filed with the division before ~~prior to~~ use.

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320 Each purchaser must ~~shall~~ receive a copy of his or her executed
321 acknowledgment and disclosure statement as a document required
322 to be provided to him or her under ~~pursuant to~~ s. 721.10(1)(b).

323 (3)(a) In the event that an incidental benefit becomes
324 unavailable to purchasers in the manner represented by the
325 developer in the acknowledgment and disclosure statement, the
326 developer shall pay the purchaser the greater of twice the
327 verifiable retail value or twice the represented value of the
328 unavailable incidental benefit in cash within 30 days after ~~of~~
329 the date that the unavailability of the incidental benefit was
330 made known to the developer, unless the developer has reserved a
331 substitution right under ~~pursuant to~~ paragraph (b) and timely
332 makes the substitution as required by paragraph (b). ~~The~~
333 ~~developer shall promptly notify the division upon learning of~~
334 ~~the unavailability of any incidental benefit.~~

335 (b) If an incidental benefit becomes unavailable as a
336 result of events beyond the control of the developer, the
337 developer may reserve the right to substitute a replacement
338 incidental benefit of a type, quality, value, and term
339 reasonably similar to the unavailable incidental benefit. If the
340 developer reserves the right to substitute, the acknowledgment
341 and disclosure statement required under ~~pursuant to~~ paragraph
342 (2)(a) must ~~shall~~ contain the following conspicuous disclosure:

343
344 *In the event any incidental benefit described in this*
345 *statement becomes unavailable as a result of events beyond the*
346 *control of the developer, the developer reserves the right to*
347 *substitute a replacement incidental benefit of a type, quality,*
348 *value, and term reasonably similar to the unavailable incidental*

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349 *benefit.*

350

351 The substituted incidental benefit must ~~shall~~ be made available
352 ~~delivered~~ to the purchaser within 30 days after the date that
353 the unavailability of the incidental benefit was made known to
354 the developer.

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

358 Section 12. Present subsections (2) and (3) of section
359 721.10, Florida Statutes, are redesignated as subsections (3)
360 and (4), respectively, a new subsection (2) is added to that
361 section, and subsection (1) of that section is amended, to read:

362 721.10 Cancellation.—

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

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

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

370 (2) This right of cancellation may not be waived by any
371 purchaser or by any other person on behalf of the purchaser, and
372 any attempt to obtain a waiver of the cancellation right of the
373 purchaser is unlawful. If a purchaser waives, knowingly or
374 unknowingly, his or her right of cancellation and a closing
375 occurs, such closing is voidable at the option of the purchaser
376 for up to 1 year after the date that would have been the
377 expiration of the cancellation period under subsection (1).

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378 Furthermore, ~~a ne~~ closing may not occur until the cancellation
379 period of the ~~timeshare~~ purchaser has expired, and if a closing
380 occurs before the expiration of the cancellation period, ~~Any~~
381 ~~attempt to obtain a waiver of the cancellation right of the~~
382 ~~timeshare purchaser, or to hold a closing prior to the~~
383 ~~expiration of the cancellation period, is unlawful and such~~
384 closing is voidable at the option of the purchaser for up to 5
385 years after such closing ~~a period of 1 year after the expiration~~
386 ~~of the cancellation period.~~ However, nothing in this section
387 precludes the execution of documents in advance of closing for
388 delivery after expiration of the cancellation period.

389 Section 13. Paragraphs (b) and (e) of subsection (6) of
390 section 721.11, Florida Statutes, are amended to read:

391 721.11 Advertising materials; oral statements.—

392 (6) Failure to provide cancellation rights or disclosures
393 as required by this subsection in connection with the sale of a
394 regulated short-term product constitutes misrepresentation in
395 accordance with paragraph (4) (a). Any agreement relating to the
396 sale of a regulated short-term product must be regulated as
397 advertising material and is subject to the following:

398 (b) A purchaser of a regulated short-term product has the
399 right to cancel the agreement until midnight of the 10th
400 calendar day following the execution date of the agreement. The
401 right of cancellation may not be waived by the prospective
402 purchaser or by any other person on behalf of the prospective
403 purchaser. Notice of cancellation must be given in the same
404 manner prescribed for giving notice of cancellation under 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

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407 the sale, the funds or other property received from or on behalf
408 of the prospective purchaser, or the proceeds thereof, must be
409 returned to the prospective purchaser. Such refund must be made
410 in the same manner prescribed for refunds under s. 721.10.

411 (e) If the seller provides the purchaser with the right to
412 cancel the purchase of a regulated short-term product at any
413 time up to 7 days prior to the purchaser's reserved use of the
414 accommodations, but in no event less than 10 days, and if the
415 seller refunds the total amount of all payments made by the
416 purchaser reduced by the proportion of any benefits the
417 purchaser has actually received prior to the effective date of
418 the cancellation, the specific value of which has been agreed to
419 between the purchaser and the seller, the short-term product
420 offer shall be exempt from the requirements of paragraphs (b),
421 (c), and (d). An agreement relating to the sale of the regulated
422 short-term product made pursuant to this paragraph must contain
423 a statement setting forth the cancellation and refund rights of
424 the prospective purchaser in a manner that is consistent with
425 this section and s. 721.10, including a description of the
426 length of the cancellation right, a statement that the
427 purchaser's intent to cancel must be in writing and sent to the
428 seller at a specified address, a statement that the notice of
429 cancellation is effective upon the date sent, and a statement
430 that any attempt to waive the cancellation right is unlawful.
431 The right of cancellation provided to the purchaser pursuant to
432 this paragraph may not be waived by the prospective purchaser or
433 by any other person on behalf of the prospective purchaser.
434 Notice of cancellation must be given in the same manner
435 prescribed for giving notice of cancellation pursuant to s.

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436 721.10(3) ~~s. 721.10(2)~~. If the prospective purchaser gives a
437 valid notice of cancellation, or is otherwise entitled to cancel
438 the sale, the funds or other property received from or on behalf
439 of the prospective purchaser, or the proceeds thereof, shall be
440 returned to the prospective purchaser. Such refund shall be made
441 in the manner prescribed for refunds under s. 721.10.

442 Section 14. Paragraph (1) of subsection (4) and paragraph
443 (1) of subsection (7) of section 721.55, Florida Statutes, are
444 amended to read:

445 721.55 Multisite timeshare plan public offering statement.-
446 Each filed public offering statement for a multisite timeshare
447 plan shall contain the information required by this section and
448 shall comply with the provisions of s. 721.07, except as
449 otherwise provided therein. The division is authorized to
450 provide by rule the method by which a developer must provide
451 such information to the division. Each multisite timeshare plan
452 filed public offering statement shall contain the following
453 information and disclosures:

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

456 (1) A description of each component site, which description
457 may be disclosed in a written, graphic, tabular, or other form
458 approved by the division or provided to the purchaser
459 electronically, including, but not limited to, through a website
460 or other Internet-based access. The description of each
461 component site must ~~shall~~ include all of the following
462 information:

- 463 1. The name and address of each component site.
464 2. The number of accommodations, timeshare interests, and

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465 timeshare periods, expressed in periods of 7-day use
466 availability, committed to the multisite timeshare plan and
467 available for use by purchasers.

468 3. Each type of accommodation in terms of the number of
469 bedrooms, bathrooms, sleeping capacity, and whether or not the
470 accommodation contains a full kitchen. As used in ~~For purposes~~
471 ~~of this subparagraph description, the term "full kitchen" means~~
472 ~~a full kitchen shall mean a kitchen~~ with at least ~~having a~~
473 ~~minimum of~~ a dishwasher, range, sink, oven, and refrigerator.

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

476 a. The intended use of the facility, if not apparent from
477 the description.

478 b. Any user fees associated with a purchaser's use of the
479 facility.

480 5. A cross-reference to the location in the public offering
481 statement of the description of any priority reservation
482 features which may affect a purchaser's ability to obtain a
483 reservation in the component site.

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

486 (1)1. If the multisite timeshare plan contains any
487 component sites located in this state, the information required
488 by s. 721.07(5) pertaining to each such component site, unless
489 exempt under ~~pursuant to~~ s. 721.03.

490 2. If the purchaser will receive an interest in a specific
491 multisite timeshare plan component site located outside of this
492 state but which is offered in this state, the information
493 required by s. 721.07(5) pertaining to that component site. 7

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494 ~~provided,~~ However, for purposes of this paragraph, ~~that the~~
495 ~~provisions of s. 721.07(5)(t) shall only~~ requires ~~require~~
496 disclosure of information related to the estimated budget for
497 the timeshare plan and purchaser's expenses as required by the
498 jurisdiction in which the component site is located.

499

500 A developer is not required to file a separate public offering
501 statement for any component site located within or outside the
502 state in order to include the component site in the multisite
503 timeshare plan.

504 Section 15. This act shall take effect July 1, 2023.