

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; 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

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.—

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

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

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

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

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

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



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.

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.~~

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.

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

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

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~~

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

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



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).

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.

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.

CS/CS/HB 869

2023

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