

### **61B-39.003 Filing of Single-Site Timeshare Plans.**

(1) NO CHANGE

(2) Every single-site registered POS must organize the required information and disclosures in the following manner and format:

(a) The first page shall be the cover page and shall contain the disclosures required in Section 721.07(5)(a), Florida Statutes;

(b) The next consecutive page(s) shall be the table of contents and shall list the POS text and exhibits of the POS by “Exhibit #”, pursuant to Section 721.07(5)(c), Florida Statutes, as prescribed in DBPR Form TS 6000-9, Table of Contents to Single-Site/Component Site Public Offering Statement, referenced in Rule 61B-39.002, F.A.C. If any required exhibit is not applicable to a particular POS, the table of contents shall contain a notation to that effect where such exhibit would otherwise be described in the table of contents. However, such notations shall not cause a POS to deviate from either the order or numbering of presentation as prescribed in this rule;

(c) The next consecutive page(s) shall be the index and shall list the sections of the POS text with corresponding subject matter and page number, pursuant to Section 721.07(5)(c), Florida Statutes, as prescribed in DBPR Form TS 6000-10, Index to Single-Site/Component Site Public Offering Statement Text, incorporated herein by reference and effective 12-18-01, a copy of which may be obtained at the address referenced in subsection 61B-39.002(4), F.A.C. If any required information or disclosure is not applicable to a particular POS, the index shall contain a notation to that effect where such information or disclosure would otherwise be described in the index. However, such notations shall not cause a POS to deviate from either the order or numbering of presentation as prescribed in this rule;

(d) The next consecutive page(s) shall be labeled “I. Definitions and Abbreviations” and shall list and define alphabetically any terms of art or abbreviations to be used. The terms and abbreviations used in the POS text shall be consistent with statutorily defined terms and shall not create ambiguity as to statutorily defined terms;

(e) The next consecutive page(s) shall be labeled “II. Required Disclosures” and shall contain any conspicuous type disclosures required by Chapter 721 or Chapter 718, Florida Statutes, as applicable, and contained in exhibits that will be provided to purchasers in the purchaser POS;

(f) The next consecutive page(s), if applicable, shall be labeled “IIA. Developer Disclosures” and shall contain all of the disclosures that the developer wishes to appear in a font or type size or style different than the font or type that is used in the overall POS text. For developer disclosures, the developer shall not use a font or type that is larger than the font or type used for conspicuous type disclosures.

(g) The next consecutive pages shall be labeled “III. Public Offering Statement Text” and shall contain the subject matter indicated by, and be organized by section according to, the Index to Public Offering Statement Text, and contain the information and disclosures required in Sections 721.07(5)(e)-(gg), 721.55, Florida Statutes, in the following order:

1. Section 1.a. shall contain the information required in Sections 721.07(5)(e)1. and (e)2., Florida Statutes. In addition, Section 1.a. shall contain an itemization of the timeshare periods being offered by a successor or concurrent developer, specified by reference to unit and week numbers.

2. Section 1.b. shall contain the information required in Section 721.07(5)(e)3., Florida Statutes;

3. Section 2. shall contain the applicable disclosures and information required in Sections 721.07(5)(h)1., (h)2.a.-d., (h)3., and (h)4., Florida Statutes;

4. Section 3. shall contain the information required in Section 721.07(5)(f)4., Florida Statutes;

5. Section 4.a. shall contain the information required in Sections 721.07(5)(~~n~~)(~~e~~), 721.07(5)(w), Florida Statutes;

6. Section 4.b. shall contain the information required in Section 721.07(5)(k), Florida Statutes;

7. Sections 5.a., 5.b., and 5.c. shall contain the information required in Sections 721.07(5)(f)1., (f)2., and (f)3., Florida Statutes, respectively;

a. Section 5.b. shall further contain the information required in Section 721.07(5)(~~q~~)(~~e~~), Florida Statutes, including whether the addition of undisclosed phases will change the purchaser’s pro rata interest in the common elements or pro rata share of common expenses, and whether the purchaser has the right of consent to such changes; and

b. Section 5.c. shall further contain the information required in Sections 721.07(5)(g)1.- (g)3., 721.07(5)(i), Florida Statutes, as applicable;

8. Section 5.a.(1) shall contain the information required in Section 721.07(5)(~~r~~)(~~e~~), Florida Statutes. If purchasers are not entitled to use specific timeshare periods the following additional information shall be disclosed:

- a. Beginning and ending dates for the period during which a purchaser must make reservations; and
  - b. In conspicuous type, any contingencies resulting in a purchaser's loss of occupancy rights including whether a purchaser is required to pay estimated, further assessments prior to obtaining the right to make a reservation;
9. Section 5.d. shall contain the information required in Section 721.07(5)(n), Florida Statutes;
  10. Section 5.e. shall contain the information required in Section 721.07(5)(aa), Florida Statutes;
  11. Section 5.f. shall contain the information required in Sections 721.07(5)(l) and (5)(s)(+), Florida Statutes;
  12. Section 5.g. shall contain the information required in Section 721.07(5)(m), Florida Statutes;
  13. Section 5.h. shall contain the information required in Section 721.07(5)(o)(+), Florida Statutes;
  - ~~14. Section 5.i. shall contain the information required in Section 721.07(5)(n), Florida Statutes;~~
  - ~~15. Section 5.j. shall contain the information and disclosure, if applicable, required in Section 721.07(5)(r), Florida Statutes;~~
  - ~~14~~ ~~16.~~ Section 6. shall contain the information required in Section 721.07(5)(t)(+), Florida Statutes;
  - ~~15~~ ~~17.~~ Section 7.a. shall contain the information required in Section 721.07(5)(z), Florida Statutes;
  - ~~16~~ ~~18.~~ Section 7.b. shall contain the information required in Sections 721.07(5)(u), (5)(v), (5)(x), and (5)(y), Florida Statutes;
  - ~~17~~ ~~19.~~ Section 7.c. shall contain the information required in Section 721.07(5)(j), (cc) and (dd), Florida Statutes. If the developer does not own the real property underlying any particular accommodation or facility, the developer shall disclose the extent to which such accommodation or facility will be available to purchasers, including an explanation of any limitations, risk, or restrictions on availability. This disclosure shall not relieve the developer from complying with the financial assurance or non-disturbance requirements of Chapter 721, Florida Statutes, or these rules, where applicable;
  - ~~18~~ ~~20.~~ Section 7.d. shall contain the information required in Sections 721.07(5)(p)(+)<sup>1</sup> and (p)(+)<sup>2</sup>, Florida Statutes; ~~and~~
  - ~~19~~ ~~21.~~ Section 8. shall contain the information required in Section 721.07(5)(bb), Florida Statutes;
- (h) The next consecutive page(s) shall contain the POS exhibits tabbed and labeled by "Exhibit #", as previously listed pursuant to subsection (2)(b) of this rule or required pursuant to Section 721.07(5), Florida Statutes, including:
1. An exhibit containing the form receipt for timeshare documents to be furnished to purchasers as prescribed in DBPR Form TS 6000-7, Receipt for Timeshare Documents, incorporated herein by reference and effective 12-18-01, a copy of which may be obtained at the address referenced in subsection 61B-39.002(4), F.A.C.; and
  2. A description of exhibits that will not be provided to purchasers.
- (3) – (6) NO CHANGE

*Specific Authority 721.26(6) FS. Law Implemented 721.05, 721.06(1)(g), 721.07(5), (6), 721.52(4), (5), 721.53 FS. History—New 5-8-94, Amended 12-11-94, 6-12-96, 12-18-01.*