

2. Destruction Records for donated drugs or supplies as reflected in Form DH-MQA 1099, 2/07, incorporated by reference in subsection (4) shall be maintained at least 3 years by the participant facility. For each drug or supply destroyed the record shall include all of the following information:

- i. The date of destruction;
- ii. The name, strength and quantity of the cancer drug destroyed;
- iii. The name of the person or firm that destroyed the drug;
- iv. The source of the drugs or supplies destroyed.

(4) through (6) No change.

(7) The Department shall establish a website at www.doh.state.fl.us/mqa/DDC/Cancer/index.html to maintain the registry of participant facilities. The website shall also contain links to cancer drug manufacturers that offer drug assistance programs or free medication.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-137.013
 RULE TITLE: Florida Hurricane Catastrophe Fund Assessment Information Gathering

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 24, June 15, 2007 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to the proposed, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 26 on June 30, 2006 of the Florida Administrative Weekly.

These changes are being made to address concerns expressed Subsection (8) is added to the rule which reads as follows:

(8) The Circuit Court of the Second Judicial Circuit in and for Leon County in *National Crop Insurance Services, Inc, et al., v. Office of Insurance Regulation, et al.*, Case No. : 2006 CA 2594, issued a final judgment on March 20, 2007, declaring that Section 215.555(6)(b), Florida Statutes, is preempted by federal crop insurance laws and permanently enjoining the Office of Insurance Regulation from imposing reporting, collection and other requirements on the Crop Insurers with respect to their federal crop insurance policies. The remainder of the reads as previously published.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

RULE NOS.: 12ER07-1
 12ER07-2
 RULE TITLES: Scope; Definitions; Index Price
 Imposition of the Gross Receipts Tax

12ER07-3 Registration for Gross Receipts Tax Purposes
 12ER07-4 Payment of Gross Receipts Tax; Reports

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2005-148, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules, and to renew such rules, to implement the provisions of that law. The promulgation of these emergency rules ensures that the appropriate procedures and forms are available for reporting and remitting gross receipts tax on utility service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules, and the renewal of such rules, to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 203, F.S. (as amended by Chapters 2005-148 and 2007-60, Laws of Florida). The Department of Revenue previously sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements. The preliminary text of proposed rules regarding the imposition of the gross receipts tax on utility services was posted on the Department of Revenue web site. Rule development workshops were held on November 16, 2005, and March 15, 2007, to receive public comments regarding the preliminary text. The public comments received were considered by the Department in preparation of these emergency rules.

SUMMARY: Emergency Rule 12BER07-1 (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER07-1 through 12BER07-4 apply to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (2) defines the terms “cost price,” “distribution company,” “Department,” “electricity index price,” “gas index price,” “gross receipts,” “utility services,” and “person” for purposes of Emergency Rules 12BER07-1 through 12BER07-4; (3) provides that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (4) provides how the Department will announce the annual index prices for electricity and for natural and manufactured gas; and (5) provides that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself.

Emergency Rule 12BER07-2 (Imposition of the Gross Receipts Tax), provides: (1) that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) how the tax is computed based on the index price; (3) that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity

or for resale is not subject to tax; (4) that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and guidelines on how to document such sales; (5) that the 2.5 percent gross receipts tax is imposed on distribution companies' gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and how the tax is to be calculated; (6) that the tax does not apply to receipts from customers for purposes of resale; (7) that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are not subject to tax; (8) that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (12) that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and guidelines on how to document such sale or delivery; (14) that wholesale sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity is not subject to tax; (15) guidelines regarding any separately itemized charge for gross receipts tax on a customer's bill, invoice, statement, or other evidence of sale; (16) guidelines on the imposition of tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) guidelines on how to document sales of utility services for purposes of resale; and (18) recordkeeping requirements for taxpayers who sell or deliver utility services.

Emergency Rule 12BER07-3 (Registration for Gross Receipts Tax Purposes), provides: (1) that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department; and (2) guidelines on how to register with the Department.

Emergency Rule 12BER07-4 (Payment of Gross Receipts Tax; Reports): (1) provides guidelines on the how and when to report and remit to the Department the gross receipts tax imposed on utility services; (2) provides guidelines for when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; and (3) provides

that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or post such a list on a publicly-accessible Internet web site.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Robert Babin, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

THE FULL TEXT OF THE EMERGENCY RULES IS:

12BER07-1 Scope; Definitions; Index Price.

(1) SCOPE. Emergency Rules 12BER07-1 through 12BER07-2, apply to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida. Where any conflicting language exists between Emergency Rules 12BER07-1 through 12BER07-4 and Rules 12B-6.001, 12B-6.0021 and 12B-6.005, F.A.C., the provisions of these emergency rules are controlling.

(2) DEFINITIONS. For purposes of Rules 12BER07-1 through 12BER07-2:

(a) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) "Distribution company" means any person owning or operating local electric, or natural or manufactured gas, utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) "Department" means the Florida Department of Revenue.

(d) "Electricity index price" means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) "Gas index price" means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) "Gross receipts" means the total payments received in money, goods, services, or other consideration.

(g) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting

as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) "Utility services" means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This paragraph does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term "utility services" does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department's Internet web site located on the Internet at www.myflorida.com/dor/taxes. The index prices announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective. The index prices effective July 1, 2007, through June 30, 2008, have been announced by the Department in Tax Information Publication 07B06-01 and apply to any bill dated on or after July 1, 2007, until the new index prices become effective on July 1, 2008.

(b) The index prices for electricity only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the tax imposed by Chapter 203, F.S., is calculated by using the distribution company's gross receipts, rather than through use of an index price.

(c) When the calculation of the tax imposed on utility services delivered to a retail consumer in Florida requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure. This rule shall take effect on July 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012 FS. History—New 7-1-07.

12BER07-2 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies' gross receipts from the privilege of selling or transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale or transportation of natural or manufactured gas is calculated as follows: $(\text{number of cubic feet of gas sold or transported}) \div 1,000 \times (\text{the applicable gas index price}) \times (2.5 \text{ percent})$.

(b) The tax implemented in paragraph (1)(a) does not apply to:

1. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity;

2. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale;

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts, and the Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of an exemption certificate to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION NATURAL OR
MANUFACTURED GAS PURCHASED BY A
PERSON ELIGIBLE FOR EXEMPTION UNDER
INDUSTRIAL CLASSIFICATIONS IN SECTION
212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), Florida Statutes, if the requirements for exclusion pursuant to Section 203.01(3)(d), F.S., are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

_____	_____
Purchaser's Name (Print or Type)	Date
_____	_____
Signature of Authorized Person	Title

Federal Employer Identification Number (FEI No.)

(2) ELECTRICITY.

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax implemented in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments;

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment;

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax implemented in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5);

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax implemented pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax implemented pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services;

2. The use of natural gas or manufactured gas by a person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material; or

3. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale is only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation, or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after _____ (date) from _____ (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department of Revenue and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date of Registration _____

By _____ (authorized signature)

Date _____

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements. This rule shall take effect on July 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 213.37 FS. History--New 7-1-07.

12BER07-3 Registration for Gross Receipts Tax Purposes.

(1) Prior to engaging in the business of selling, transporting, delivering, or importing utility services, every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's "e-Services" system located on the Department's Internet site at www.myflorida.com/dor; or

(b) Filing an Application to Collect and/or Report Tax in Florida (R. 01/06) (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on July 1, 2007.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01 FS. History--New 1-1-07.

12BER07-4 Payment of Gross Receipts Tax; Reports.

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department on or before the 20th day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the 20th day of the month for receipts for utility services received in the preceding calendar month for a taxpayer to avoid penalty and interest for late filing. When the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the 20th day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Form DR-133, Gross Receipts Tax Return (R. 07/07, hereby incorporated by reference), is the return to be used to report the gross receipts tax imposed on utility services. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway,

Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(j), F.S., the tax is due on or before the 20th day of the month following the authorized reporting period and becomes delinquent on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday.

(d) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means; or

3. No tax is due with a return for reporting tax.

(e)1. For taxes implemented pursuant to paragraph (2)(a) of Rule 12BER07-2, the taxpayer may elect to pay the gross receipts tax on total billings for electricity for each month or on the actual gross receipts for electricity received in that month.

2. When the taxpayer elects to pay gross receipts tax on total billings for electricity, the taxpayer may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the taxpayer may seek a refund of tax previously paid by filing an Application for Refund (R. 07/06) (Form DR-26, hereby incorporated by reference) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4. Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid. Credits for tax paid must be reported on the provider's return within 3 years after the date the tax was paid.

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide the written list of customers or the Internet address of the publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by

posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies. Any person required to furnish such a list may elect to identify only those customers who take direct delivery without purchasing interconnection services from a distribution company.

This rule shall take effect on July 1, 2007.

Specific Authority 213.06(2) FS., s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.06, 213.235, 213.37, 213.755, 215.26 FS., s. 2, Ch. 2007-60, L.O.F. History—New 7-1-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 1, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19ER07-1	Insurance Capital Build-Up Incentive Program

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The 2007 Legislature passed HB 1A during the Special Legislative Session in January 2007, effective January 25, 2007, and CS/SB 2498, effective upon becoming law, during the 2007 Regular Legislative Session. This legislation impacts the Insurance Capital Build-Up Incentive Program (Program), which was created by the Legislature in 2006. The purpose of this Program is to increase the availability of residential property insurance covering the risk of hurricanes in Florida and to mitigate premium increases. The State Board of Administration of Florida (Board) is directed to administer the Program. The 2007 Hurricane Season began on June 1, 2007, and the funding for this Program reverts to General Revenue on June 30, 2007; therefore, time is of the essence to implement these new changes to the Program.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Program changes need to be implemented immediately in order to have an impact on the 2007 Hurricane Season. Rulemaking has already begun and a rule workshop notice was published in the May 25, 2007, Florida Administrative Weekly. In addition, the Board has created a place for the Program on its website and updated it with the new legislative changes.

SUMMARY: CS/SB 2498 expanded the applicability of the Program, as created by HB 1A, by defining the phrase "an insurer writing only manufactured housing policies" as including the following for purposes of the Program: 1. A Florida domiciled insurer that begins writing personal lines residential manufactured housing policies in Florida after March 1, 2007, and that removes a minimum of 50,000 policies from Citizens Property Insurance Corporation without accepting a bonus, provided at least 25 percent of its policies cover manufactured housing. Such an insurer may count any funds above the minimum capital and surplus requirement that were contributed into the insurer after March 1, 2007, as new capital under this statute and 2. A Florida domiciled insurer that writes at least 40 percent of its policies covering manufactured housing in Florida. In addition, HB 1A provided that insurers writing only manufactured housing were eligible for a surplus note of up to \$7 million and, for those applying for a surplus note after July 1, 2006, the amount of new capital had to double the amount of the surplus note. Thus, the new capital would be \$14 million for a \$7 million surplus note if the manufactured housing insurer applied after July 1, 2006. This was changed in CS/SB 2498 passed during the Regular Legislative Session. Now the surplus requirement for an insurer writing only manufactured housing need only be equal to the surplus note. Thus, a \$7 million surplus note would require a new capital contribution of \$7 million.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER07-1 Insurance Capital Build-Up Incentive Program. (19-15.001).

(1) Purpose. Section 215.5595, F.S., creates the Insurance Capital Build-Up Incentive Program ("Program") for the purposes of increasing the availability of residential property insurance covering the risk of hurricanes in Florida and mitigating premium increases. The State Board of Administration of Florida ("Board") is directed to administer the Program. This rule is promulgated to implement the Program.

(2) Scope.

(a) The Legislature has appropriated a total of \$250 million for the purposes of this Program.

(b) The Board in an effort to implement this Program in a timely fashion consistent with the start of the June 1, 2006, hurricane season and consistent with the flexibility provided for in Section 215.5595(2)(h), F.S., has established an earlier implementation date of June 1, 2006, and pursuant to this rule has allocated the total \$250 million, less moneys needed for administrative expenses, to be made available to Insurers

applying within the time frame of June 1, 2006 until June 15, 2006. Any remaining funds which are not committed shall be available to those Insurers applying during the second time frame, June 16, 2006 until July 1, 2006. If there are funds remaining following the two initial time frames, such funds will be available for those Insurers which apply within the time frame of July 2, 2006 until June 1, 2007. The unexpended balance of the appropriation shall revert to general revenue, but not until June 30, 2007.

(c) The proceeds derived from the Surplus Note issued by the Insurer, pursuant to Section 215.5595(4), F.S., is intended to be an asset for statutory accounting purposes and not a liability on the Insurer's balance sheet.

(d) The Board's actions and determinations in administering this Program are exempt from Chapter 120, F.S., pursuant to Section 215.5595(6), F.S.

(e) An Insurer may qualify and be eligible for consideration under this Program provided that the Insurer contributes New Capital and commits to meeting the Minimum Writing Ratio for the term of the Surplus Note. Additionally, the Insurer's Surplus, New Capital contribution, and Surplus Note must total at least \$14 million for those Insurers writing only manufactured housing policies, must total at least \$50 million for other Insurers, and all Insurers must submit the application as adopted under this rule within the time frames referenced in Section 215.5595(2)(b), F.S.

(f) The Board may Approve an application by an eligible and qualifying Insurer for a Surplus Note, unless the Board determines that the financial condition of the Insurer and its business plan for writing residential property insurance in Florida places an unreasonably high level of financial risk to the state of nonpayment in full of the interest and principal. The Board shall consult with the Office and may contract with independent financial and insurance consultants in making this determination.

(g) If the amount of Surplus Notes requested by Insurers exceeds the amount of funds available, the Board may prioritize Insurers that are eligible and Approved, regardless of the date of application within the application time frames. Consideration shall be given to the type of insurance written, with preference given to insurers writing only manufactured housing policies, financial strength of the Insurer, the viability of the Insurer's proposed business plan for writing additional residential property insurance, and the effect on competition.

(3) Definitions.

(a) "Applicant" means the Insurer making application under the Program.

(b) "Approve," "Approving," "Approved," or "Approval" means the Insurer's application has been approved contingent upon a review and prioritization of all the applicants who may have applied for the limited funds available under the Program during the application periods specified in paragraphs (4)(e), (f), or (g) below. If the amount of the Surplus Notes requested

does not exceed the funds available during these application periods, it will not be necessary for the Board to prioritize applicants prior to distributing funds, but in all cases the Insurer shall be required to contribute New Capital and provide verification of a deposit prior to the Board distributing the proceeds derived from the Surplus Note.

(c) "Board" means the State Board of Administration of Florida.

(d) "Cash" or "Cash Equivalents" means unencumbered cash or unencumbered cash equivalents as specified in Section 625.012(1), F.S. Cash Equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.

(e) "Impair" or "Impaired" means the Insurer's Surplus is below the Minimum Required Surplus as specified in Section 215.5595(2)(c), F.S.

(f) "Insurer" means an authorized insurance company seeking to participate in the Program.

(g) "Insurer writing only manufactured housing" includes an Insurer that 1. is a Florida domiciled insurer that begins writing personal lines residential manufactured housing policies in Florida after March 1, 2007, and that removes a minimum of 50,000 policies from Citizens Property Insurance Corporation without accepting a bonus, provided at least 25 percent of its policies cover manufactured housing. Such an insurer may count any funds above the minimum capital and surplus requirement that were contributed into the insurer after March 1, 2007, as new capital under this statute or 2. is a Florida domiciled insurer that writes at least 40 percent of its policies covering manufactured housing in Florida.

~~(h)(g)~~ "Minimum Capital Contribution" means, with respect to Insurers who apply to the Board by July 1, 2006, a contribution of New Capital to its Surplus which is at least equal to the amount of the Surplus Note. "Minimum Capital Contribution" means, with respect to all other applicants applying after July 1, 2006 and before June 1, 2007, a contribution to its Surplus that is twice the amount of the Surplus Note. For insurers writing only manufactured housing as defined in paragraph (3)(g), the New Capital Contribution is required to be equal to the amount of the Surplus Note amount subject to paragraph (3)(i), below.

~~(i)(h)~~ "Minimum Required Surplus" means, for purposes of this Program, that the Insurer's total Surplus, after the issuance of the Surplus Note and New Capital contribution equals at least \$14 million for Insurers writing only manufactured housing policies and \$50 million for all other Insurers.

~~(j)(i)~~ "Minimum Writing Ratio" means a 2:1 ratio of Net Written Premium to Surplus except as to a newly formed Insurer writing only manufactured housing policies. The

“Minimum Writing Ratio” for an Insurer writing only manufactured housing policies shall be the ratio provisions provided in Section 624.4095, F.S.

~~(k)(f)~~ “Net Written Premium” means direct Premium plus assumed Premium less ceded Premium.

~~(l)(d)~~ “New Capital” must be in the form of Cash or Cash Equivalents and be recorded as additional paid-in capital or new stock issued. New Capital does not include Citizens Property Insurance Corporation take-out bonuses pursuant to Section 627.3511, F.S. Except as provided below, a New Capital contribution does not constitute contributions by the Insurer made prior to the Insurer’s application date for the Surplus Note or any other funds contributed to the Insurer’s Surplus which are made for purposes other than in conjunction with the requirements of the Program. New Capital may include the initial contribution to surplus for a new Insurer if such Insurer has been formed in order to participate in the insurance Capital Build-up Incentive Program and the capital contribution was made in conjunction with the Insurer applying for the surplus note. An insurer described in subparagraph (3)(g)1., above, may count any funds above the minimum capital and surplus requirement that were contributed into the insurer after March 1, 2007, as new capital.

~~(m)(f)~~ “Surplus Note” means the Surplus Note issued by the Insurer to the Board.

~~(n)(m)~~ “Office” means the Office of Insurance Regulation, which was created in Section 20.121(3), F.S.

~~(o)(n)~~ “Premium” means premiums relating to residential property insurance in Florida including the peril of wind.

~~(p)(e)~~ “Program” means the Insurance Capital Build-Up Incentive Program created by Section 215.5595, F.S.

~~(q)(p)~~ “Substantial Impairment” or “Substantially Impair” means that the Commissioner of Insurance Regulation (Commissioner) has solvency concerns that the Insurer may not be able to meet the obligations of its policyholders and has provided the Board with a written explanation.

~~(r)(e)~~ “Surplus” means the Insurer’s admitted assets less the Insurer’s liabilities and refers to the entire Surplus of the Insurer.

(4) Administration.

(a) The Legislature has appropriated \$250 million for the Program with a limitation of one percent of this amount used for administrative cost and fees.

(b) For purposes of applications and other documentation provided to the Board the date of receipt shall be the date that the item has actually been delivered to the Board by 5:00 p.m. E.T. Any items received after 5:00 p.m. E.T. will be deemed to have been received on the next business day that is not a Saturday, Sunday, or legal holiday. Neither the United States Postal Service postmark nor a postage meter date is determinative.

(c) Incomplete applications will be returned to the Insurer and will not be considered by the Board.

(d) The submission of a completed application by an Insurer that has met all the conditions necessary for Approval is no guarantee that a Surplus Note will be executed and that funds will be available and distributed to an Insurer.

(e) Application time frame from June 1, 2006 to June 15, 2006: Applications received from June 1, 2006 to June 15, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(f) Application time frame from June 16, 2006 to July 1, 2006: If there are funds remaining after the review of applications received on or before June 15, 2006, then applications received from June 16, 2006 to July 1, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(g) Application time frame from July 2, 2006 to June 1, 2007: If there are funds remaining after the review of applications received on or before July 1, 2006, then applications received from July 2, 2006 to June 1, 2007, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board.

(h) Additional information may be requested by the Board as provided for in subsection (7) below.

(i) The Board shall not reserve funds based on an Insurer’s application date or the date which funds are requested by the Insurer. Funds will not be committed to an Insurer until the Surplus Note is executed by both the Insurer and the Board.

(5) Statutory Requirements for an Insurer’s Participation in the Program. In determining whether an Insurer has met the requirements outlined below, the Board shall consult with the Office and may consult with independent financial and insurance consultants.

(a) Insurers who apply to the Board on or before July 1, 2006, must contribute an amount of New Capital to its Surplus which is at least equal to the amount of the Surplus Note requested.

(b) Insurers who apply to the Board after July 1, 2006, other than insurers writing only manufactured housing, but before June 1, 2007, must contribute an amount of New Capital to its Surplus which is at least twice the amount of the Surplus Note requested.

(c) Insurers must submit a completed application including supplying all the required documentation to the Board. The application, Form SBA 15-1, rev. 09/07 ~~2/07~~, is hereby adopted and incorporated by reference into this rule. This Form is available on the Board’s website, www.sbafla.com, under “Insurance Capital Build-Up Incentive Program”.

(d) Prior to the time the application, Form SBA 15-1, rev. 09/07 ~~06/07~~, is submitted, the Insurer must review and accept the terms of the Surplus Note, Form SBA 15-2, rev. 09/07 ~~06/07~~, which is hereby adopted and incorporated by reference into this rule. The Surplus Note is available on the Board's website, www.sbafla.com, under "Insurance Capital Build-Up Incentive Program".

(e) The principal amount of the Surplus Note issued to any Insurer or Insurer group, other than an Insurer writing only manufactured housing policies may not exceed \$50 million. The principal amount of the Surplus Note issued to any Insurer or Insurer group writing only manufactured housing policies may not exceed \$7 million.

(f) For Insurers, other than those writing only manufactured housing policies, an Insurer's Surplus, New Capital, and the Surplus Note must total at least \$50 million as a result of participating in the Program. For an Insurer writing only manufactured housing policies, the Insurer's Surplus, New Capital, and the Surplus Note must total at least \$14 million as a result of participating in the Program.

(g) Prior to the execution of the Surplus Note, the Insurer must arrange for the Board to receive a letter from a depository institution which states the amount of unencumbered Cash or Cash Equivalents that have been deposited into the Insurer's account.

(h) Prior to the execution of the Surplus Note, the Insurer must provide the Board with a letter from the Insurer's top executive officer attesting that the New Capital contribution, for purposes of the Insurer, is not subject to any liens or other encumbrances.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, rev. 09/07 ~~06/07~~, which is hereby adopted and incorporated by reference into this rule. This Form is available on the Board's website, www.sbafla.com, under "Insurance Capital Build-Up Incentive Program".

(j) Insurer's plan of operation, submitted as part of the application process, must address how the Insurer intends to reach the required Minimum Writing Ratio within sixty days of the Board distributing funds to the Insurer.

(k) Insurer shall provide documentation showing that the Insurer is currently in compliance with Section 627.0645, F.S., which requires an annual base rate filing.

(l) Only those Insurers that can demonstrate as a result of their financial condition and business plan that they do not create an unreasonably high level of financial risk to the state involving the full repayment both interest and principal will be considered for Approval by the Board after consulting with the Office and after any other review deemed necessary by the Board.

(6) Prioritization of Applications. The Board may consult with the Office and with independent financial and insurance consultants in prioritizing Approved applications. The intent of the prioritization process is to provide the Surplus Note proceeds to those Insurers that are expected to have the greatest impact and result in the greatest benefits to the residential property insurance market in a timely fashion so as to relieve short term market pressures. Prioritization shall occur based upon the following criteria:

(a) The earlier an application is filed, the better the chance that there will be funds remaining in the Program to provide to qualified and Approved Applicants.

(b) The type of insurance written. All other prioritization factors being equal, preference will be given to Insurers writing only manufactured housing policies.

(c) The amount of an Insurer's New Capital contributions in excess of the minimum requirement.

(d) An Insurer's financial strength.

(e) The Insurer's ability to timely and expeditiously meet the Minimum Writing Ratio requirement as described in the Insurer's business plan.

(f) The viability and the level of detail and specificity associated with the Insurer's proposed business plan for writing additional residential property insurance covering the peril of wind.

(g) The effect on competition in the residential property insurance market including the number of new policies which the Insurer contemplates writing as a result of the Program.

(h) Whether the repayment of the Surplus Note will be guaranteed by a financially strong guarantor.

(i) Whether the Insurer is willing to pledge any assets as collateral for the repayment of the Surplus Note.

(j) Any other concessions an Applicant is willing to make that would enhance the purposes and effectiveness of the Program.

(7) Additional Information.

(a) In addition to Insurers submitting the Surplus Note application, SBA Form 15-1, rev. 09/07 ~~06/07~~, the Board may request additional information and data prior to the time the Surplus Note is executed. Such additional information may consist of additional documentation, answers to questions that arise as a result of the review process, and additional information solicited through oral interviews.

(b) Additional information may only be solicited by the Board. The Insurer shall not unilaterally submit additional information or data past the application time frame for which the Surplus Note is being considered. If the Insurer desires to submit such additional information, the Insurer may request that a new application submission date be established and that the Insurer be considered for the next application time frame as designated in paragraph (4)(e), (f), or (g) above.

(8) Payment Conditions.

(a) Interest Rate: The Surplus Note shall accrue interest on the unpaid principal balance at a rate equivalent to the 10-year U.S. Treasury Bond rate. The rate will be adjusted quarterly for the term of the Surplus Note based on the 10-year Constant Maturity Treasury rate.

(b) Interest for the First Three Years: For the first three years of the Surplus Note, an Insurer is required to pay interest only. However, principal payments can be made during this time at the option of the Insurer. Interest payments shall begin to accrue from the date that the Surplus Note proceeds are distributed to the Insurer.

(c) Repayment Limitations: Any payment of principal or interest by the Insurer on the Surplus Note must be approved by the Commissioner, who shall approve the payment unless the Commissioner determines that such payment will result in a Substantial Impairment to the financial condition of the Insurer. If such a determination is made, the Commissioner shall approve such payment that will not Substantially Impair the financial condition of the Insurer or recommend to the Board a limited time period for the suspension of payments. The Board will seek approval of payments from the Commissioner and will notify any Insurer if a payment of principal and/or interest has been disapproved or, if a lower amount has been approved, the amount by which the usual payment is to be reduced, or whether a payment(s) have been suspended for a limited period of time. If full payments of principal and interest are not received in a timely fashion, the Board may lengthen the term of the Surplus Note and make any other adjustments with the Approval of the Commissioner that will protect the state's interest in the repayment of the proceeds.

(d) Interest shall continue to accrue even in situations where payments under the Surplus Note have been suspended as a result of the Commissioner's actions.

(9) Default: Conditions, Consequences, and Insurer Responsibilities.

(a) Conditions Resulting in Default:

1. Failure to reach the Minimum Writing Ratio within 60 days of an Insurer receiving the proceeds of the Surplus Note distributed by the Board or the failure to maintain the Minimum Writing Ratio once reached unless a supplemental agreement is provided for in the Surplus Note that allows the Insurer more time to reach the Minimum Writing Ratio due to financial considerations.

2. Failure to submit quarterly filings of Form SBA 15-3, rev. ~~09/07~~ ~~06/07~~, to the Office.

3. Failure to maintain the Minimum Required Surplus except for situations involving the payment of losses resulting from a catastrophic event or a series of events resulting in catastrophic losses or where Minimum Required Surplus is

reduced as a result of the accounting treatment for deferred acquisition costs or where Minimum Required Surplus is reduced as a result of the repayment of principal.

4. Misuse of Program Proceeds: The Surplus Note will be in default if proceeds received pursuant to the Surplus Note are converted into any asset not authorized under Part II of Chapter 625, F.S.

5. Failure to make a payment of interest and/or principal where the payment by the Insurer has been approved by the Office.

6. Failure to make a payment of interest and/or principal where the payment by the Insurer has not been approved by the Office, but alternative payments have been approved.

7. False or Misleading Statements: Any representations, including those made in the application and/or accompanying documentation, which are false or misleading.

8. When the Insurer pays any ordinary or extraordinary dividend when there are payments of principal or interest payments that are past due under the Surplus Note.

(b) Consequences of Default: For all defaults, the Board, in its sole discretion, may exercise any one of the following options:

1. Increase the interest rate to the maximum interest rate permitted by law;

2. Accelerate the repayment of principal and interest;

3. Shorten the term of the Surplus Note;

4. Call the Surplus Note and demand full repayment.

(c) Insurer responsibilities: The Insurer shall notify the Board when any of the above conditions resulting in default arises.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c), (d), (e), (g) FS. History--New 2-22-07, Amended 6-3-07, 6-12-07.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

THE EFFECTIVE DATE IS: June 12, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.:
53ER07-38

RULE TITLE:
Instant Game Number 703,
BLACKJACK BONUS

SUMMARY: This emergency rule describes Instant Game Number 703, "BLACKJACK BONUS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-38 Instant Game Number 703, BLACKJACK BONUS.

(1) Name of Game. Instant Game Number 703, "BLACKJACK BONUS."

(2) Price. BLACKJACK BONUS lottery tickets sell for \$1.00 per ticket.

(3) BLACKJACK BONUS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BLACKJACK BONUS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "PLAYER HANDS" play symbols and play symbol captions are as follows:



(5) The "DEALER'S TOTAL" play symbols and play symbol captions are as follows:



(6) The "BONUS HAND" play symbols and play symbol captions are as follows:



(7) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$3.00	\$5.00
TICKET	ONE	TWO	THREE	FIVE
\$10.00	\$20.00	\$25.00	\$50.00	\$100
TEN	TWENTY	THY FIVE	FIFTY	ONE HUN THYONE HUN

(8) The legends are as follows:

HAND 1	HAND 2	HAND 3	HAND 4	†
	DEALER'S TOTAL	BONUS HAND		

(9) Determination of Prizewinners.

(a) There are four hands on a ticket. Players may win in one or more hands per ticket. The value assigned to Aces is 11 and the value assigned to Jacks, Queens and Kings is 10. A ticket having two cards in the "PLAYER HANDS" area of one hand, the total of which is greater than the number in the

"DEALER'S TOTAL" play area, shall entitle the claimant to the corresponding prize shown for that hand. A ticket having two cards in the "BONUS HAND" area, the total of which is greater than the number in the "DEALER'S TOTAL" play area, shall entitle the claimant to all 4 prizes.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$2,100. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a BLACKJACK BONUS lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 703 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	15.00	672,000
\$2	\$2	25.00	403,200
\$1 x 4 (BONUS HAND)	\$4	50.00	201,600
\$2 + \$3	\$5	100.00	100,800
\$5	\$5	100.00	100,800
\$2 x 4 (BONUS HAND)	\$8	300.00	33,600
\$10	\$10	300.00	33,600
\$5 x 4 (BONUS HAND)	\$20	300.00	33,600
\$5 + (\$10 x 2)	\$25	1,800.00	5,600
\$25	\$25	1,800.00	5,600
\$10 x 4 (BONUS HAND)	\$40	4,500.00	2,240
\$25 x 2	\$50	4,500.00	2,240
\$50	\$50	4,500.00	2,240
\$25 x 4 (BONUS HAND)	\$100	45,000.00	224
\$5 + \$20 + \$25 + \$50	\$100	45,000.00	224
\$100	\$100	90,000.00	112
\$50 x 4 (BONUS HAND)	\$200	90,000.00	112
\$2,100	\$2,100	840,000.00	12

(11) The estimated overall odds of winning some prize in Instant Game Number 703 are 1 in 3.87. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 703, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a BLACKJACK BONUS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for BLACKJACK BONUS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-8-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 8, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-39
 RULE TITLE: Instant Game Number 702, LUCKY BUCKS

SUMMARY: This emergency rule describes Instant Game Number 702, “LUCKY BUCKS,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

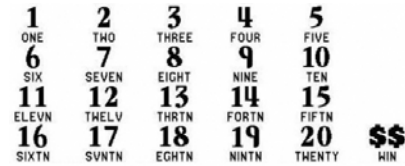
53ER07-39 Instant Game Number 702, LUCKY BUCKS.

(1) Name of Game. Instant Game Number 702, “LUCKY BUCKS.”

(2) Price. LUCKY BUCKS lottery tickets sell for \$2.00 per ticket.

(3) LUCKY BUCKS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning LUCKY BUCKS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



(5) The “LUCKY NUMBERS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:

LUCKY NUMBERS YOUR NUMBERS PRIZE

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches the play symbol and corresponding play symbol caption in the “LUCKY BUCKS” play area shall entitle the claimant to the prize shown for that play symbol.

(b) A ticket having a “\$\$ WIN” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$50.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100 and \$10,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a LUCKY BUCKS lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 702 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF WINNERS IN 42 POOLS OF</u>
<u>TICKET</u>	<u>\$2 TICKET</u>	<u>1 IN</u>	<u>180,000</u>
<u>\$2</u>	<u>\$2</u>	<u>8.33</u>	<u>TICKETS PER POOL</u>
<u>\$4</u>	<u>\$4</u>	<u>50.00</u>	<u>907,200</u>
<u>\$1 + (\$2 x 2)</u>	<u>\$5</u>	<u>30.00</u>	<u>151,200</u>
<u>\$5</u>	<u>\$5</u>	<u>37.50</u>	<u>252,000</u>
<u>\$5</u>	<u>\$5</u>	<u>37.50</u>	<u>201,600</u>
<u>(\$1 x 2) + (\$2 x 4)</u>	<u>\$10</u>	<u>150.00</u>	<u>201,600</u>
<u>\$5 x 2</u>	<u>\$10</u>	<u>75.00</u>	<u>50,400</u>
<u>\$10</u>	<u>\$10</u>	<u>150.00</u>	<u>100,800</u>
<u>\$5 x 5</u>	<u>\$25</u>	<u>300.00</u>	<u>50,400</u>
<u>\$25</u>	<u>\$25</u>	<u>300.00</u>	<u>25,200</u>
<u>\$5 x 10</u>	<u>\$50</u>	<u>1,800.00</u>	<u>25,200</u>
<u>\$10 x 5</u>	<u>\$50</u>	<u>1,800.00</u>	<u>4,200</u>
<u>\$50 (\$\$)</u>	<u>\$50</u>	<u>414.75</u>	<u>4,200</u>
<u>\$10 x 10</u>	<u>\$100</u>	<u>9,000.00</u>	<u>18,228</u>
<u>(\$25 x 2) + \$50 (\$\$)</u>	<u>\$100</u>	<u>1,285.71</u>	<u>840</u>
<u>\$100</u>	<u>\$100</u>	<u>9,000.00</u>	<u>840</u>
<u>(\$25 x 6) + \$50 (\$\$)</u>	<u>\$200</u>	<u>45,000.00</u>	<u>5,880</u>
<u>\$100 x 10</u>	<u>\$1,000</u>	<u>756,000.00</u>	<u>168</u>
<u>\$1,000</u>	<u>\$1,000</u>	<u>756,000.00</u>	<u>10</u>
<u>\$1,000 x 10</u>	<u>\$10,000</u>	<u>3,780,000.00</u>	<u>10</u>
<u>\$10,000</u>	<u>\$10,000</u>	<u>3,780,000.00</u>	<u>2</u>

(10) The estimated overall odds of winning some prize in Instant Game Number 702 are 1 in 3.78. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 702, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a LUCKY BUCKS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for LUCKY BUCKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-8-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 8, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LEGAL AFFAIRS

AMENDED – The Department of Legal Affairs, Division of Victim Services and Criminal Justice Programs, hereby gives notice that it has received a petition filed on behalf of Circle K Stores, Inc., on May 7, 2007, seeking a waiver or variance from Rule 2A-5.005, F.A.C., with regard to the requirement regarding test photos and remote triggering devices. Comments on this petition should be filed with Division of Victim Services and Criminal Justice Programs, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, within 14 days of publication of this notice. The original Notice of Petition for Waiver or Variance which published in Vol. 33, No. 21, of the May 25, 2007, issue of the F.A.W., inadvertently omitted the name of the entity filing the Petition. For a copy of the petition contact: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3351.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on May 24, 2007, the Criminal Justice Standards and Training Commission, received a petition for waiver of paragraphs 11B-27.00213(4)(a), (b), F.A.C., from Armondo Bilancione. The Petitioner wishes to waive the provision of rule that requires a criminal justice officer on a Temporary Employment Authorization (TEA) to wait four years before beginning another TEA if he or she leaves employment or breaks training before finishing the first TEA.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, Office of the General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, or