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Section IV Emergency Rules

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."

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-69 FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™.

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:

53ER09-69 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "QP" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

(c) Players may receive one (1) ticket with either five (5), ten (10) or twenty (20) sets of six (6) numbers randomly selected by the terminal for the next FLORIDA LOTTO drawing by marking the desired purchase amount under the number 5, 10 or 20, respectively, in the "Quick Picks" box. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(d) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play does not apply to Grouper®.

(e) Players may receive six (6) quick pick tickets for \$5.00, consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™ and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO, by telling the retailer they wish to play "Grouper®". Tickets in Grouper play cannot be player-selected and cannot be cancelled. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; FLORIDA LOTTO – 6%.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each draw, a variable percentage, as closely approximating 50 percent (50%) as is practicable, of net sales after cancels and promotional plays from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the Lotto pool for the payment of prizes as provided below.

(b) The Jackpot prize pool shall consist of 63.5 percent (63.5%) of the Lotto pool for the drawing plus any Jackpot money carried forward from the previous draws. The Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the Lotto pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the Lotto pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the Lotto pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) The Jackpot prize will pay the guaranteed dollar amount. The second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$5.00. All rounding differences in the second, third and fourth prizes shall be used to fund future prizes in Lottery games or for special Lottery prize promotions. If the funds available for the payment of fourth prizes are insufficient to pay the minimum amount, the variable percentage described in paragraph (3)(a) above will be adjusted to cover the prize liability.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Jackpot Prize(s): Six of six official winning numbers.

(b) Second Prize: Five of six official winning numbers.

(c) Third Prize: Four of six official winning numbers.

(d) Fourth Prize: Three of six official winning numbers.

(5) FLORIDA LOTTO Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot pool to render it sufficient to yield the announced guaranteed Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a Saturday or holiday, the business day prior to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the Jackpot. This day shall be referred to as the "prize determination day."

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is less than the cash option value of the Jackpot determined on the prize determination day, the Lottery shall add to the Jackpot pool prize money rendered unclaimable by Section 24.115, Florida Statutes, sufficient to pay the cash option value of the Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is more than the cash option value of the Jackpot determined on the prize determination day, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(6) FLORIDA LOTTO with XTRA® Option.

(a) The FLORIDA LOTTO with XTRA® option shall be available in association with the FLORIDA LOTTO game beginning Sunday, October 11, 2009. FLORIDA LOTTO tickets that contain the XTRA option and one or more plays eligible for FLORIDA LOTTO prizes shall be entitled to a total prize calculated by multiplying each FLORIDA LOTTO prize other than the Jackpot prize and the 2-of-6 prize described in paragraph (6)(d) below by the XTRA number for the applicable draw. The FLORIDA LOTTO Jackpot and the 2-of-6 prize will not be eligible for multiplication under the XTRA option.

(b) At the time of purchasing a FLORIDA LOTTO ticket, a player may choose the XTRA option for an additional \$1 per play for each play on the FLORIDA LOTTO ticket. The

XTRA option will apply to all panels and selections marked on the play slip. The prize pool for XTRA prizes shall be funded by LOTTO with XTRA ticket sales. If the funds available from XTRA ticket sales are insufficient to pay all XTRA prizes, the variable percentage described in paragraph (3)(a) above will be adjusted or prize money rendered unclaimable by Section 24.115, Florida Statutes, will be used to cover the prize liability.

(c) Prior to each FLORIDA LOTTO drawing, the Lottery shall conduct an XTRA drawing to select the XTRA number from among the following series of numbers: 2, 3, 4, and 5. The odds of a particular XTRA number being selected in an XTRA drawing are 1:4. During special promotions, the Lottery will announce XTRA numbers that are higher than the foregoing series of numbers.

(d) FLORIDA LOTTO with XTRA tickets that match 2 of 6 winning numbers shall entitle the holder to a prize of a free FLORIDA LOTTO with XTRA quick pick ticket for the next available FLORIDA LOTTO draw. FLORIDA LOTTO with XTRA tickets generated as a prize cannot be cancelled.

(e) All XTRA prizes shall be paid in single, lump-sum payments determined by multiplying the FLORIDA LOTTO prize by the number selected in the XTRA drawing as follows:

FLORIDA LOTTO		XTRA Estimated Prizes			
Match	Prize	X2 (Odds 1:4)	X3 (Odds 1:4)	X4 (Odds 1:4)	X5 (Odds 1:4)
6 of 6	Jackpot (Guaranteed)	—	—	—	—
5 of 6	\$5,000 (Estimated)	\$10,000	\$15,000	\$20,000	\$25,000
4 of 6	\$70 (Estimated)	\$140	\$210	\$280	\$350
3 of 6	\$5 (Guaranteed minimum)	\$10	\$15	\$20	\$25
2 of 6	N/A	Free Ticket	Free Ticket	Free Ticket	Free Ticket

(f) On occasion, the Florida Lottery will conduct promotions in which specified prize levels of FLORIDA LOTTO with XTRA tickets will be designated to have a higher multiplier number than the number drawn pursuant to paragraph (6)(c), above.

(7) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (4) and paragraph (6)(d) are as follows:

- (a) Jackpot Prize – 1:22,957,480.
- (b) Second Prize – 1:81,409.50.
- (c) Third Prize – 1:1,415.82.
- (d) Fourth Prize – 1:70.79.
- (e) Fifth Prize for LOTTO EXTRA plays only – 1:8.58

(f) The overall odds of winning a prize in a FLORIDA LOTTO drawing with a LOTTO ticket without the XTRA feature are 1:67.36. The overall odds of winning a prize in a FLORIDA LOTTO drawing with a LOTTO with XTRA ticket are 1:7.61.

(8) FLORIDA LOTTO Payment Options.

(a) Players have a choice of two payment options for receiving their portion of a FLORIDA LOTTO Jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once a Jackpot winner files a claim and exercises the winner's chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (8)(f) below.

(c) A Jackpot winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the Jackpot prize paid over thirty (30) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be the amount required on the prize determination day to purchase securities to fund their pro rata share of the Jackpot prize paid over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the Jackpot prize will be paid in thirty (30) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a FLORIDA LOTTO drawing cannot be paid in increments of \$1,000 in thirty (30) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced guaranteed Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty (30) years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of the amount required on the prize determination day to purchase securities to fund the winner's pro rata share of the Jackpot paid over thirty (30) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made.

(h) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(9) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) FLORIDA LOTTO prize payments 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.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET); however, on October 10, 2009, FLORIDA LOTTO tickets will not be available for purchase after approximately 10:38 p.m.

(e) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:15 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close at approximately 10:40 p.m., ET.

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. FLORIDA LOTTO tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers, wager amounts and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(10) FLORIDA LOTTO \$2.00 and \$3.00 Jackpots.

(a) Sales of \$2.00 and \$3.00 FLORIDA LOTTO jackpot tickets will be discontinued at approximately 10:38 p.m. on Saturday, October 10, 2009 before the FLORIDA LOTTO draw.

(b) Advance Play sales for FLORIDA LOTTO \$2.00 and \$3.00 Jackpots will not count down draws before the add-on feature is disabled.

(c) The higher jackpot prize payouts payable on winning \$2.00 and \$3.00 FLORIDA LOTTO jackpot tickets will be honored for players who have purchased Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets for drawings beyond October 10, 2009. When Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot winning tickets are claimed, players will receive a continuation FLORIDA LOTTO \$2.00 or \$3.00 Jackpot ticket for any remaining draws.

(d) FLORIDA LOTTO with XTRA non-jackpot prizes will not apply to FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets purchased before October 11, 2009.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 12-3-09, Replaces 53ER09-54, F.A.C.

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: December 3, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-70	Retailer LOTTO™ Bonus Commission

SUMMARY: The Florida Lottery will award bonus commissions to the retailer(s) that sells one or more FLORIDA LOTTO Jackpot ticket(s) for a Wednesday or Saturday LOTTO drawing.

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:

53ER09-70 Retailer FLORIDA LOTTO™ Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer FLORIDA LOTTO Bonus Commission Program ("Program") in which the Florida Lottery will award bonus commissions to retailers that sell a winning jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

(2) The bonus commission will start at \$10,000. In the event no winning jackpot ticket is sold for a FLORIDA LOTTO drawing, the bonus commission amount will increase by \$5,000 per draw until a winning jackpot ticket is sold, at which time the bonus commission will start over at \$10,000.

(3) The bonus commission awarded to retailers that sell a winning \$2.00 or \$3.00 Lotto Plus™ jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing will be continued for Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets sold on or before October 10, 2009, the date the sale of such tickets will be discontinued.

(4) If multiple winning jackpot tickets are sold for the same FLORIDA LOTTO drawing, the retailers selling such tickets will share the bonus commissions. Each retailer selling a winning jackpot ticket will receive a share of the bonus equal to the number of winning jackpot tickets sold by that particular retailer divided by the total number of winning jackpot tickets sold for that drawing.

(5) Award of a bonus commission is not dependent upon the winning jackpot ticket being claimed by the winner.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(7) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(8) FLORIDA LOTTO bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 12-3-09, Replaces 53ER09-56, F.A.C.

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: December 3, 2009

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

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."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 7, 2009, the Suwannee River Water Management District, received a petition for variance from Kenneth Roesch, 15411 N. W. 46th Lane, Chiefland, FL 32626, pursuant to Section 120.542, F.S. Petitioner is seeking variance from subsection 40B-4.3030(9), F.A.C., as to the zero-rise certification requirement, and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner intends to repair existing building and deck, located in Levy County, in Township 12 South, Range 13 East, Section 32. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 06-0508M, Treasure Camp Addition 1.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on December 2, 2009, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to: Sue O'Connor, Oceans One, Daytona Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until July 1, 2010 (VW 2009-202 and 289).