

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
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69O-204.020	Definitions
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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. 50, December 14, 2007 issue of the Florida Administrative Weekly.

69O-204 VIATICAL SETTLEMENT PROVIDERS

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History–New_____.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or viaticated certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New_____.

69O-204.030 Forms Incorporated By Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 3/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office’s website, <http://www.floir.com>, by clicking on “search” and entering the form number.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New_____.

69O-204.040 Prohibited Practices.

A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New_____.

69O-204.070 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History–New_____.

**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:
53ER08-20	Payment of Prizes

SUMMARY: This emergency rule replaces Emergency Rule 53ER07-68 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

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:

53ER08-20 Payment of Prizes.

(1) Claiming Prizes. For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), F.S., will be deemed satisfied upon the claimant meeting the following requirements:

(a) On-line Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 180th day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated on-line winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 210th day after the winning drawing. If the claimant chooses to submit the validated on-line winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 210th day after the winning drawing. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 210th day after the winning drawing shall result in forfeiture of the prize.

(b) Instant Game Prizes.

1. For instant game prizes, the claimant must submit the winning instant ticket for validation at a Lottery office or retailer on or before the 60th day after the official end of the game. Winning instant tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 60th day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 90th day after the official end of the game. If the claimant chooses to submit the validated instant winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 90th day after the official end of the game. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 90th day after the official end of the game shall result in forfeiture of the prize.

(2) Prize Payment Address. The Lottery's prize payment address is: Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(3) Risk of Mailing Tickets. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(4) Winning Tickets Submitted to the Address for a Drawing. Winning tickets submitted to the address for a drawing for a game or promotion will not be paid or honored unless selected during the drawing. The time periods provided in subparagraphs (1)(a)1. and 2. and (1)(b)1. and 2. shall also apply to this subsection.

(5) Unclaimed Prizes. If a winning ticket is not submitted for validation within the applicable time period, or if a validated ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(6) Free Ticket Claims – Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows:

(a) If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket or combination of tickets having the same total retail sales price as the instant lottery ticket submitted for prize payment. The free ticket(s) may or may not be from the same instant game in which the prize was won.

(b) If the prize is a free on-line game quick pick ticket, the claimant will receive a free on-line game quick pick ticket, from the same on-line game in which the prize was won, for the next drawing after the ticket is validated; or if the free on-line game ticket is part of an on-line game multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (20) below.

(7) Free Ticket Claims – Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(8) Advance Play Ticket Claims – Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as "paid" in the gaming system and the continuation ticket automatically issued for the claimant shall be the instrument from which claims on remaining drawings are paid.

(9) Advance Play Ticket Claims – Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the

total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

(a) In order to be a valid on-line winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number ("TSN") or a readable bar code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or bar code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The TSN of an apparent winning ticket must validate on the Lottery's gaming system, and must not have been previously paid.

(d) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(e) Any ticket not meeting the criteria set forth in paragraphs (10)(a) through (d) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(11) Instant Game Ticket Validation.

(a) In order to be a valid instant winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible validation number (sometimes referred to as "Void If Removed Number" or "VIRN"), or a readable bar code. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The validation elements must not be altered or tampered with in any manner.

(d) The ticket must not appear on any list of omitted ticket stock on file at the Florida Lottery.

(e) The ticket must not have been stolen.

(f) The ticket must have been issued to a retailer by the Florida Lottery in an authorized manner.

(g) The validation number of an apparent winning ticket must validate on the Lottery's gaming system and must not have been previously paid.

(h) The validation elements of a ticket must not be misprinted or illegible.

(i) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(j) Any ticket not meeting the criteria set forth in paragraphs (11)(a) through (i) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(12) Disputes Regarding the Amount or Validity of Ticket.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Florida Lottery and a ticket bearer occurs as to whether a ticket is a valid winning ticket, or as to the prize amount of a valid winning ticket, the decision of the Florida Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Florida Lottery or its ticket vendor, the Florida Lottery will replace the disputed ticket with an unplayed ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(13) Winning Tickets Valued at Less than \$600. Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (14)(c) below.

(a) Payment by Retailers.

1. Winning tickets of \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless:

a. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

b. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(b) Payment by the Florida Lottery.

1. Winning tickets of \$100 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

2. Winning tickets with a value greater than \$100 but less than \$600 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets, or paid a maximum of \$100 in cash and the balance of the prize in issued lottery tickets at the claimant's option.

3. Lottery district offices will not pay prizes less than \$600 by a combination of cash and check.

4. Winning tickets of less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

5. A player who submits a winning ticket of less than \$600 in person to a Lottery district office for payment by check shall be required to present one form of identification from the list in subsection (15). The identification is required to ensure proper check distribution.

6. Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (16), (17), (18) and (19) below.

(14) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 12/07, or Spanish Winner Claim Form DOL 173-2S, revised 12/07 along with the ticket(s) as set forth in subsection (18) and the identification described in subsection (15) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters, or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below. Winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (16), (17), (18) and (19) below:

1. If the prize value is \$600 through \$100,000, payment shall be made by check.

2. If the prize value is greater than \$100,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire transfer at the claimant's option.

(15) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The Lottery shall be permitted to make a photocopy of such identification for its records. The name on the identification presented to the Lottery must match the name on the back of the winning ticket, unless the name on the back of the winning ticket is that of a legal entity. In such case, an authorized agent of that legal entity and all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive a portion of the legal entity's Lottery winnings shall submit a photocopy of required identification as detailed below. The Lottery reserves the right to require proof of authenticity for such photocopies. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

(b) For prizes valued at \$600 or more, one form of identification is required that is current or was issued within the past five years and bears a serial or other identifying number. Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

2. A passport issued by the Department of State of the United States;

3. A passport issued by a foreign government;

4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

5. An identification card issued by any branch of the armed forces of the United States; or

6. An identification card issued by the United States Bureau of Citizenship and Immigration Services; or

7. Another form of identification authorized for use by notaries public in Chapter 117, F.S.

(c) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraph (b) above, the Lottery will accept as satisfactory evidence of the claimant's

identity a completed Affidavit to Establish Identity, DOL-468A effective 01/06. The Affidavit to Establish Identity is incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(d) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(16) Payment to One Person or Entity. Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity. For prizes valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, *Statement by Person(s) Receiving Gambling Winnings*, revised 08/05, if more than one person or a person other than the claimant is entitled to the prize winnings. The form must be presented to the Lottery along with the Winner Claim form prior to ticket validation. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(17) Federal Withholding Taxes. Federal withholding taxes shall be deducted from prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (20) a claimant must submit an original winning ticket or an original continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

(a) If a claimant submits an original winning ticket or an original continuation ticket and an original player claim instructions ticket produced from an original winning ticket or from an original continuation ticket, payment will be made in accordance with subsections (16), (17) and (18).

(b) If a claimant submits only an original winning ticket or an original continuation ticket, the ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18).

(c) If a claimant submits only an original player claim instructions ticket, the player claim instructions ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18) and as follows:

1. For on-line prizes, if the absence of the original ticket or the original continuation ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the

player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

2. For instant prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 90 days after the official end of the game, whichever date occurs sooner.

3. If the absence of the original ticket or the original continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made as follows:

a. For winning on-line tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 210 days.

b. For winning instant tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180-day or 90-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 90-day time period.

4. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth in subparagraphs (18)(c)1., 2. and 3., an investigation will be conducted to determine to whom payment should be made, if anyone.

(d) If a claimant submits only an original advance play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted and payment will be made as follows:

1. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the original winning ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner, provided that payment for the continuation ticket is not made prior to the expiration time frames set forth above.

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after

the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

(e) In the event a claim for payment is made without an original ticket, an original continuation ticket, or a player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, the original continuation ticket, or the player claim instructions ticket is attributable to an act or omission of the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery determines that the available evidence is sufficient to validate the claim. If the Lottery determines that the provisions set forth in subparagraphs 1. and 2., above, are sufficiently met, payment will be made to the claimant following the expiration of the applicable deadline set forth in subsection (1) for validating and submitting a winning ticket for prize payment.

(19) Determination of Prize Winner. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and Social Security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) For prizes less than \$600, payment to the person determined in accordance with paragraphs (19)(a) through (e) above shall be made in that person's name as it appears on the back of the winning ticket. For prizes of \$600 or more, payment shall be made in that person's name as it appears on the Winner Claim Form as described in paragraph (14)(c) above.

(g) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (19)(c), (d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(h) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (19)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(i) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(j) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), F.S., following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be

transferred to the state agency owed the debt. The monies remaining will be paid to the claimant and any other persons entitled to receive a portion of the Lottery winnings.

(20) Payment of On-line Game Multi-play Tickets Including a Cash Prize and a Free Quick Pick Ticket Prize. Additional payment provisions applicable only to winning on-line game multi-play tickets (tickets with more than one panel played for a single draw date) that include a cash prize and a prize of a free quick pick ticket are as follows:

(a) A \$1.00 value for each free quick pick ticket on a multi-play ticket shall be included in the total prize value of the ticket.

(b) On-line game multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a ticket with one free quick pick play for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

(c) On-line game multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the on-line game multi-play ticket is successfully validated, the Lottery will pay the claimant the cash prize and give the claimant a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize.

2. If the claim is submitted by mail to a Lottery office and the on-line game multi-play ticket is successfully validated, the Lottery will pay the cash prize and, if the claimant's address is in Florida, print a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize. The payment and the free ticket shall be mailed to the claimant by the Lottery, except as set forth in subsection (7) above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (19)(i), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in Section 24.115(4), F.S., and the claimant will receive the remaining non-cash portion of the prize.

(21) Canceled and Previously Paid Tickets. No payment shall be made upon a ticket submitted for payment that is reflected in the Lottery's records as having been canceled or previously paid.

(22) Disclosure of Source of Ticket. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(23) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) Deposit the prize winnings into an escrow fund until the dispute is resolved; or

(b) Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(24) All tickets and claim forms presented to the Florida Lottery shall become the property of the Florida Lottery.

(25) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(26) Payment of winning tickets is subject to all other applicable statutes and rules.

(27) This emergency rule replaces Emergency Rule 53ER07-68, F.A.C.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1), (4) FS. History--New 3-28-08, Replaces 53ER07-68, 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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-21
 RULE TITLE: Cash Blowout Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Cash Blowout Second Chance Drawing between April 1, 2008 and May 6, 2008, in which special prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-21 Cash Blowout Second Chance Drawing.

(1) Beginning April 1, 2008 through, May 4, 2008, players can enter their non-winning Cash Blowout ticket(s) in the Cash Blowout Second Chance Drawing on the Florida Lottery website to win a Dell Vostro™ 1700 laptop computer valued at \$1,034 or a MP4 audio/video I-Player valued at \$47.

(2) To enter a non-winning Cash Blowout ticket into the Cash Blowout Second Chance Drawing, players must visit the Florida Lottery's website at www.flalottery.com, click on the Cash Blowout Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is a 22-digit number printed across the bottom on the front of a Cash Blowout ticket. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time for one entry into the drawing. Winning Cash Blowout tickets cannot be used for entry into a Second Chance drawing.

(3) A computerized drawing will be held on Tuesday, May 6, 2008, from among all entries received before 12:00 midnight ET, May 4, 2008. A total of ten (10) entries will be drawn. The first five entries drawn will win the Grand Prize of a Dell Vostro™ 1700 laptop computer, and the sixth through tenth entries drawn will win a second prize of a MP4 audio/video I-Player.

All ten prizewinners will be posted on the Lottery's website, www.flalottery.com, by 3:00 p.m. May 6, 2008. Winners will have 180 days from the draw date to claim their prize (November 2, 2008). The Florida Lottery will attempt to notify prizewinners using contact information submitted on the player registration; however, the responsibility of claiming a prize remains with the player. Unclaimed prizes, if any, will be used for future Florida Lottery promotional prizes.

(4) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Cash Blowout Second Chance Drawing prize, the player must submit to the Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form and Acceptance and Release form to the Florida Lottery. Winners who cannot produce a valid entry ticket and/or do not return their Winner Claim Form as set forth above will forfeit their right to claim the prize. The Winner Claim Form DOL 173-2, revised 12/07, and the Spanish Winner Claim Form DOL 173-2S, revised 12/07, are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The Acceptance and Release form DOL-456, effective 3/08, is incorporated herein by

reference and may be obtained at any Lottery office or retailer, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(5) No cash option is available in lieu of the prizes.

(6) The right to claim a prize cannot be assigned to another person or entity.

(7) All federal, state and/or local taxes or other fees will be the responsibility of the winner. A nonresident alien who is selected as a winner will be awarded the cash value of the prize in lieu of the prize. Federal income taxes will be withheld from the prize amount at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien.

(8) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official Cash Blowout Second Chance Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rules and the Cash Blowout Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(9) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(10) A player entering into the Cash Blowout Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(11) The Cash Blowout Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, or at a Lottery retailer.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-22
 RULE TITLE: Instant Game Number 745, \$5,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 745, "\$5,000 TAXES PAID," 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:

53ER08-22 Instant Game Number 745, \$5,000 TAXES PAID.

(1) Name of Game. Instant Game Number 745, "\$5,000 TAXES PAID."

(2) Price. \$5,000 TAXES PAID lottery tickets sell for \$1.00 per ticket.

(3) \$5,000 TAXES PAID 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 \$5,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 HIN

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 HIN

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$25.00
TICKET	ONE	TWO	FIVE	TEN	THY FIVE
\$50.00	\$100	\$250	\$500	\$5,000	
FIFTY	ONE HUN	THOHUN FTY	FIVE HUN	FIVE THOU	

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

(7) The legends are as follows:

YOUR NUMBERS WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the

claimant to the prize shown for that play symbol. A ticket having a "HIN" symbol in the play area shall entitle the claimant to a prize of \$25.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, \$500 and "\$5,000 plus applicable tax withholding." 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 \$5,000 TAXES PAID 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.

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 745 are as follows:

GAME PLAY	VALUE	ODDS OF 1 IN	NUMBER OF WINNERS IN 68 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,224,000
\$1	\$1	15.00	816,000
\$2	\$2	30.00	408,000
\$1 x 5	\$5	42.86	285,600
\$5 x 2	\$10	150.00	81,600
\$5 x 3	\$15	300.00	40,800
\$25 (MONEYBAG)	\$25	300.00	40,800
(\$5 x 5) + \$25	\$50	7,200.00	1,700
(\$5 x 3) + \$10 + \$25 (MONEYBAG)	\$50	1,800.00	6,800
\$50	\$50	3,461.54	3,536
(\$10 x 5) + \$50	\$100	36,000.00	340
\$5 + (\$10 x 2) + \$25 (MONEYBAG) + \$50	\$100	36,000.00	340
\$100	\$100	36,000.00	340
(\$50 x 2) + (\$100 x 4)	\$500	180,000.00	68
\$250 x 2	\$500	180,000.00	68
\$500	\$500	180,000.00	68
\$5,000 TAXES PAID	\$6,666.67	1,224,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 745 are 1 in 4.21. 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 745, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$5,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$5,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-23
 RULE TITLE: Instant Game Number 746, \$25,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 746, "\$25,000 TAXES PAID," 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:

53ER08-23 Instant Game Number 746, \$25,000 TAXES PAID.

(1) Name of Game. Instant Game Number 746, "\$25,000 TAXES PAID."

(2) Price. \$25,000 TAXES PAID lottery tickets sell for \$2.00 per ticket.

(3) \$25,000 TAXES PAID 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 \$25,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY

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


TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$25.00	\$50.00	\$100	\$500	\$25,000	
THY FIVE	FIFTY	ONE HUN	FIVE HUN	THYFIV THOU	

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

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

having a " " symbol in the play area shall entitle the claimant to a prize of \$50.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500 and "\$25,000 plus applicable tax withholding." 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 \$25,000 TAXES PAID 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.

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 746 are as follows:

GAME PLAY	VALUE	ODDS OF	NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	1 IN 12.50	1,209,600
\$2	\$2	21.43	705,600
\$4	\$4	21.43	705,600
\$1 + (\$2 x 2)	\$5	30.00	504,000
\$5	\$5	37.50	403,200

\$2 x 5	\$10	300.00	50,400
\$5 x 2	\$10	300.00	50,400
\$10	\$10	150.00	100,800
\$5 x 5	\$25	300.00	50,400
\$25	\$25	300.00	50,400
\$5 x 10	\$50	1,800.00	8,400
\$10 x 5	\$50	1,800.00	8,400
\$50 (MONEYBAG)	\$50	450.00	33,600
\$10 x 10	\$100	7,200.00	2,100
(\$25 x 2) + \$50 (MONEYBAG)	\$100	2,400.00	6,300
\$100	\$100	2,400.00	6,300
(\$25 x 6) + \$50 (MONEYBAG)	\$200	45,000.00	336
(\$25 x 2) + (\$100 x 4) + \$50 (MONEYBAG)	\$500	180,000.00	84
\$500	\$500	180,000.00	84
\$25,000 TAXES PAID	\$33,333.33	1,512,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 746 are 1 in 3.88. 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 746, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$25,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$25,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-24
 RULE TITLE: Instant Game Number 747, \$100,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 747, "\$100,000 TAXES PAID," 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:

53ER08-24 Instant Game Number 747, \$100,000 TAXES PAID.

(1) Name of Game. Instant Game Number 747, "\$100,000 TAXES PAID."

(2) Price. \$100,000 TAXES PAID lottery tickets sell for \$5.00 per ticket.

(3) \$100,000 TAXES PAID 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 \$100,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN
16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY	21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR	25 TWENTYFIVE	26 TWENTYSIX	27 TWENTYSEVEN	28 TWENTYEIGHT	29 TWENTYNINE	30 THIRTY

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN
16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY	21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR	25 TWENTYFIVE	26 TWENTYSIX	27 TWENTYSEVEN	28 TWENTYEIGHT	29 TWENTYNINE	30 THIRTY

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

\$2.00 TWO	\$5.00 FIVE	\$7.00 SEVEN	\$10.00 TEN	\$15.00 FIFTEEN	\$25.00 TWENTY FIVE	\$50.00 FIFTY
\$75.00 SEVENTY FIVE	\$100 ONE HUND	\$500 FIVE HUND	\$1,000 ONE THOU	\$5,000 FIVE THOU	\$100,000 ONEHUND THOU	

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

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

having a "30" symbol in the play area shall entitle the claimant to a prize of \$100.

(b) The prizes are: \$2.00, \$5.00, \$7.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$500, \$1,000, \$5,000 and "\$100,000 plus applicable tax withholding."

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 747 are as follows:

GAME PLAY	VALUE	ODDS OF 1 IN	NUMBER OF WINNERS IN 68 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	12.00	680.000
\$2 + \$5	\$7	20.00	408.000
\$7	\$7	30.00	272.000
\$5 x 2	\$10	60.00	136.000
\$10	\$10	30.00	272.000
\$5 x 3	\$15	60.00	136.000
\$15	\$15	60.00	136.000
\$5 x 5	\$25	240.00	34.000
(\$5 x 3) + \$10	\$25	240.00	34.000
\$5 + (\$10 x 2)	\$25	240.00	34.000
\$25	\$25	240.00	34.000
\$5 x 10	\$50	480.00	17.000
(\$5 x 5) + \$25	\$50	480.00	17.000
\$10 x 5	\$50	480.00	17.000
\$50	\$50	480.00	17.000
\$5 x 15	\$75	2,400.00	3.400
\$5 + (\$10 x 7)	\$75	3,000.00	2.720
(\$5 x 5) + \$50	\$75	3,000.00	2.720
(\$10 x 5) + \$25	\$75	3,000.00	2.720
\$75	\$75	2,000.00	4.080
(\$5 x 10) + (\$10 x 5)	\$100	12,000.00	680
(\$5 x 2) + (\$10 x 4) + (\$25 x 2)	\$100	12,000.00	680
\$25 x 4	\$100	12,000.00	680
(\$25 x 2) + \$50	\$100	12,000.00	680
\$100	\$100	600.00	13,600
(MONEYBAG) (\$25 x 10) + (\$50 x 5)	\$500	60,000.00	136
(\$10 x 10) + (\$75 x 4) + \$100	\$500	60,000.00	136
(MONEYBAG) \$500	\$500	60,000.00	136
(\$25 x 2) + (\$50 x 2) + (\$75 x 10) + \$100	\$1,000	120,000.00	68
(MONEYBAG) \$1,000	\$1,000	120,000.00	68
\$1,000 x 5	\$5,000	2,720,000.00	3
\$500 x 10	\$5,000	2,720,000.00	3

\$5.000	\$5.000	2,720,000.00	3
\$100,000 TAXES PAID	\$133.33	906,666.67	9
		3.33	

(10) The estimated overall odds of winning some prize in Instant Game Number 747 are 1 in 3.58. 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 747, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$100,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$100,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-25
 RULE TITLE: Instant Game Number 748, \$250,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 748, “\$250,000 TAXES PAID,” 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:

53ER08-25 Instant Game Number 748, \$250,000 TAXES PAID.

(1) Name of Game. Instant Game Number 748, “\$250,000 TAXES PAID.”

(2) Price. \$250,000 TAXES PAID lottery tickets sell for \$10.00 per ticket.

(3) \$250,000 TAXES PAID 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 \$250,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

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

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN
16	17	18	19	20	21	22	23	24	25	26	27	28	29	
SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	HIN

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN
16	17	18	19	20	21	22	23	24	25	26	27	28	29	
SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	HIN

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


\$10.00	\$15.00	\$20.00	\$25.00	\$30.00	\$50.00
TEN	FIFTEEN	TWENTY	THIRTY FIVE	THIRTY	FIFTY
\$100	\$200	\$500	\$1,000	\$10,000	\$250,000
ONE HUND	TWO HUND	FIVE HUND	ONE THOU	TEN THOU	THOUHUNDRTY THOU

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

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

having a " HIN" symbol in the play area shall entitle the claimant to a prize of \$200.

(b) The prizes are: \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and "\$250,000 plus applicable tax withholding."

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 748 are as follows:

GAME PLAY	VALUE	1 IN	NUMBER OF WINNERS IN 42 POOLS OF TICKETS PER POOL
		ODDS OF	120,000

\$10	\$10	10.00	504,000
\$15	\$15	10.00	504,000
\$10 x 2	\$20	30.00	168,000
\$20	\$20	30.00	168,000
\$10 x 3	\$30	80.00	63,000
\$15 x 2	\$30	80.00	63,000
\$30	\$30	120.00	42,000
\$10 x 5	\$50	181.82	27,720
\$25 x 2	\$50	179.10	28,140
\$50	\$50	179.10	28,140
\$25 x 4	\$100	300.00	16,800
\$100	\$100	300.00	16,800
\$10 x 20	\$200	12,000.00	420
(\$10 x 10) + (\$25 x 4)	\$200	12,000.00	420
\$50 x 4	\$200	12,000.00	420
\$20 x 10	\$200	12,000.00	420
\$200	\$200	1,200.00	4,200
(MONEYBAG)			
\$25 x 20	\$500	60,000.00	84
(\$50 x 6) + \$200	\$500	7,500.00	672
(MONEYBAG)			
(\$20 x 10) + (\$50 x 6)	\$500	60,000.00	84
\$100 x 5	\$500	60,000.00	84
\$500	\$500	12,000.00	420
\$50 x 20	\$1,000	120,000.00	42
(\$100 x 8) + \$200	\$1,000	120,000.00	42
(MONEYBAG)			
\$200 x 5	\$1,000	120,000.00	42
\$1,000	\$1,000	120,000.00	42
\$500 x 20	\$10,000	504,000.00	10
\$10,000	\$10,000	504,000.00	10
\$250,000 TAXES PAID	\$333,333.33	840,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 748 are 1 in 3.08. 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 748, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$250,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$250,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59GER08-1	Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: This rule renews the emergency rule for the rates paid to developmental disabilities waiver services providers of residential habilitation services for clients of the Agency for Persons with Disabilities. An emergency rule regarding this subject took effect on January 1, 2008. The proposed Rule 59G-13.084, F.A.C., regarding this subject was challenged. The Agency for Health Care Administration may renew the emergency rule during the pendency of the challenge per Section 120.54(4)(c), F.S.

The text of the original Notice of Emergency rule is as follows: The Agency for Persons with Disabilities faces a severe and growing budget deficit that creates an immediate danger to the public health, safety, or welfare. The Agency for Persons with Disabilities determined that there was an emergency as defined in Rule 120.54, F.S., that supported adoption of an Emergency Rule.

Adoption of the emergency rule is necessary to assure appropriated dollars are available for the provision of basic services to persons with developmental disabilities, one of Florida’s most vulnerable communities. The emergency rule is necessary to conserve legislatively appropriated dollars necessary for the protection of the public health, safety and welfare.

The Agency for Persons with Disabilities (APD) administers the State of Florida’s Medicaid waiver programs for persons with developmental disabilities and establishes the rates for residential habilitation services. The Agency for Health Care Administration (AHCA) is designated as the “single state agency” for Medicaid with legislatively delegated authority to adopt the rates for residential habilitation services as administrative rules.

The individuals served are people diagnosed with mental retardation, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome that manifest before the age of 18. They often suffer from complex medical problems as well. Many require assistance with eating, supervision during waking hours,

enteral nutrition, and multiple medications. The Agency for Persons with Disabilities’ (APD) Medicaid waiver programs serve over 30,000 developmentally disabled persons. The Developmental Disabilities Home and Community-Based Services Medicaid waiver has a waiting list of over 15,000 developmentally disabled persons who seek services that cannot be provided as the result of APD’s severe budget deficit.

No one will be removed from the Developmental Disabilities Home and Community-Based Services Medicaid waiver program as a result of the Emergency Rule. Instead, effective January 1, 2008, the Emergency Rule will immediately reduce the rates paid to providers of residential habilitation services by an average of approximately 3% from the rates that were in effect until November 30, 2007. APD determined that this rate reduction combined with the effect of other actions to reduce the projected deficit enough to permit continued funding of services. The rate reduction is a critical component of a total deficit reduction of approximately \$31 million dollars.

APD’s other actions in response to the legislature’s mandate to reduce the deficit include imposing a 180 hours per month limit on personal care services for adult clients, and eliminating therapeutic massage, homemaker, chore, non-residential support services, and psychological assessment services. The combined savings from those actions are projected to reduce the deficit by \$24.6 million dollars.

Without the savings achieved by the immediate implementation of these residential habilitation rate reductions required by the Florida Legislature, the Agency for Persons with Disabilities’ budget deficit will continue to increase by approximately \$1 million per month. In addition, the State of Florida’s latest official revenue estimate was revised downward by \$1 billion for the current budget year. This estimate comes after a special session in which the Legislature reduced the current year budget by approximately \$1.1 billion due to a previously projected revenue shortfall. Every dollar not saved now is a dollar that cannot be used to make needed services available to persons with developmental disabilities.

If this rate reduction and the other savings measures mandated by the Legislature are not implemented, the Developmental Disabilities Home and Community-Based Services Medicaid waiver program service expenses are projected to exceed the legislative appropriation by \$84,006,018.

This deficit of over \$84 million dollars creates an immediate and continuing danger to the developmentally disabled people APD serves. Thousands of needy go unserved as a result. The consequence of the deficit is that APD will not have a sufficient amount of appropriated funds in the 2007-2008 Fiscal Year to cover the projected expenditures as the budget year ends.

Without the immediate implementation of the rate structure, the Developmental Disabilities Home and Community-Based Services Medicaid waiver will not have a sufficient amount of

appropriated funds in the 2007-2008 Fiscal Year to cover the projected expenditures as the budget year ends. Consequently, there is an immediate danger to the public health, safety and welfare. There is insufficient time to promulgate a rule through the regular rulemaking process as the rate structure assumes the start date of January 1, 2008, to accomplish the minimum saving necessary for protection of the public health, safety and welfare. Each month the new rate is not in effect, the budget deficit will continue to grow which means the effect of the deficit will be increased.

The Florida Legislature has emphasized curing the financial problems by any means in statute and General Appropriations Act proviso requirements. Section 393.0661(4), F.S. (2007), states: Nothing in this section or in any administrative rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or direction provided for in the General Appropriations Act.

The budget proviso to the 2007 General Appropriations Act provides: The agency [for Persons with Disabilities] shall work with the Agency for Health Care Administration to implement the plan to remain within appropriation. From the funds in Specific Appropriation 270, the agency [for Persons with Disabilities] shall only serve additional clients on the Developmental Disabilities Home and Community Based Services Medicaid waiver if they are in crisis and sufficient funding is made available through attrition.

If the projected deficit is not reduced by at least the amount projected to be saved by the rate reductions of the emergency rule, APD will have to stop enrollment of clients in crisis for waiver service. Clients in crisis are the most vulnerable of the developmentally disabled. Rules 65G-1.046 and 65G-1.047, Florida Administrative Code, establish the process and criteria for determining crisis eligibility and prioritizing those in crisis. The criteria included, in the first priority classification are individuals who are currently homeless, living in a homeless shelter, or living with relatives in an unsafe environment whose health and safety are at risk without immediate provision of waiver services.

Payment for residential habilitation services is a major part of the APD's expenditures. For FY 2006-2007, APD spent \$312,366,441 on residential habilitation services. That is approximately 30% of total Developmental Disabilities Home and Community-Based Services Medicaid waiver budget and nearly 400% more than any other waiver service. Approximately 6,000 persons receive residential habilitation services. That is 20% of the total number of people receiving Developmental Disabilities Home and Community-Based Services Medicaid waiver services. In addition to

Developmental Disabilities Home and Community-Based Services Medicaid waiver costs, APD spends \$2 million on room and board for children in group homes. APD also pays the difference if an adult's Supplemental Security Income (SSI) payment is less than the standard monthly amount.

The proposed changes will reduce the expenditure for residential habilitation services for the remainder of FY 2007-2008 by about \$6 million dollars. These savings are necessary to help reduce APD's deficit, to comply with Legislative mandates, and to continue to serve the needy at the current level and expand the number APD can help. The Legislature has also required the APD to do all things necessary to cure the deficit. Section 393.0061, F.S. (2007), commands APD to reduce the deficit by all means including limiting services, reducing rates or even limiting the number of people provided services.

No reasonable rate reduction for any other provider group can generate the savings that will be generated by the residential habilitation rate reduction of the emergency rule.

The Legislature also specifically commanded the Agency for Persons with Disabilities to reduce residential habilitation rates and implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services. The emergency rule fulfills that requirement.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure for adoption of this emergency rule is "fair under the circumstances" as required by Section 120.54(4), F.S., and provides the procedural protection required for adoption of an emergency rule. Section 393.0661(4), F.S. (2007), mandated APD to reduce the deficit by all means including limiting services, reducing rates, or limiting the number of people provided services. Chapter 2007-64, Laws of Florida, specifically mandated APD to reduce residential habilitation rates by implementing a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

The provider community received timely advance notice that the Agency for Persons with Disabilities was considering rate adjustments to meet the legislature's mandate to increase savings and establish uniform rates for providers. APD hosted a series of Systems Review Workgroups for the purpose of identifying means of dealing with the projected deficit for APD, improving the accountability of the Developmental Disabilities Home and Community Based Services Medicaid waiver system, and restructuring the residential habilitation rate structure. In addition to the 12 meetings held between APD and various interest groups, there was also a specific sub-workgroup developed to exclusively address the residential habilitation rates. Along with staff from APD and

AHCA, participants in the process included self-advocates (clients), family members, providers and provider associations, waiver support coordinators, representatives from advocacy groups including Florida Association for Rehabilitation Facilities (FARF), the Family Care Council, Arc of Florida, Florida Association of Support Coordinators, Sunrise (a provider agency) and Mentor (a provider agency). After the initial introduction of the APD Residential Habilitation rate structure, additional input was obtained from the various affected groups. The Agency for Persons with Disabilities received, considered and incorporated comments from the provider community regarding its position on the proposed rate adjustments.

Constitutional and statutory due process requirements are met as an opportunity for judicial review of the emergency rule is provided by Section 120.54(4)(a)3., F.S., and an opportunity to contest the emergency rule is provided by Section 120.5615, F.S.

SUMMARY: The emergency rule implements the mandate of the Florida Legislature in Chapter 2007-64 of the Laws of Florida amending Sections 393.0661(3)(f)4. and 393.0661(3)(f)8., F.S. (2007) and the budget proviso requirements of the 2007 General Appropriations Act. It supersedes Rule 59GER07-2. Chapter 2007-64, Laws of Florida required: Section 393.0661(3)(f)8., F.S. The agency [for Persons with Disabilities] shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

The budget proviso to the 2007 General Appropriations Act provides: The agency [for Persons with Disabilities] shall implement a consolidated Residential Habilitation rate structure to increase savings to the state through a more cost effective payment method and establish uniform rates for the Intensive Behavior Residential Habilitation services.

The Emergency Rule establishes the rates paid providers of residential habilitation services provided to developmentally disabled individuals enrolled in the Developmental Disabilities Home and Community Based Services Medicaid waiver. Residential habilitation provides supervision and specific training activities that assist the recipient to acquire, maintain or improve skills related to activities of daily living.

The purpose of Rule 59GER08-1, is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, January 1, 2008. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, January 1, 2008.

The Agency for Health Care Administration published a Notice of Proposed Rulemaking for proposed changes to residential rehabilitation rates paid by the Agency for Persons with Disabilities to providers in the February 8, 2008, Florida Administrative Weekly. The Agency conducted a public hearing on Monday, March 3, from 2:00 to 4:00 p.m.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, Kyllonep@ahca.myflorida.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

59GER08-1 Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, January 1, 2008, which is incorporated by reference. The Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 393.066, 393.0661, 409.906, 409.908 FS., Chapter 2007-64, L.O.F. History—New 3-31-08.

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: March 31, 2008

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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on March 26, 2008, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of Rule 11B-35.0011, F.A.C.,