

the changes are made, the rules will read as follows:  
 1. When changed, subsection 61G15-34.002(7) shall read as follows:

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in ~~Part II, Chapter 553, Florida Statutes~~; Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code.

3. When changed, subsection 61G15-34.003(1) shall read as follows:

(1) Heating, Ventilating, and Air Conditioning (HVAC) Systems ~~include~~ are those systems that control the temperature ~~and/or humidity, or mechanical ventilation~~ of a particular space or building.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-4.003  
 RULE TITLE: Grading Criteria and Procedures  
 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. 34, No. 34, August 22, 2008 issue of the Florida Administrative Weekly.

The change is in response to a scrivener's error discovered after the Notice of Proposed Rulemaking published. The changes are as follows:

- Subsection (2) shall now read as follows:  
 (2) The Florida Jurisdictional Multiple Choice Examination consists of 100 multiple choice questions. The multiple choice questions will be weighted equally and machine graded. Scores for the multiple choice portion shall be determined by the applicant's ability to choose the correct answer from several given choices. A minimum of 70 questions must be answered correctly in order to receive a passing grade.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**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 IV  
 Emergency Rules**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.:	RULE TITLE:
12DER08-27	Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here are based on the requirements of Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, and will replace the forms used in previous years. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, taxing authorities, including counties, municipalities, and independent districts, school districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: making the proposed drafts available via the Internet on two separate occasions for public review and comments, establishing a new Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the drafts of forms DR-420MM, DR-420S, DR-422, DR-428A, DR-487, and DR-487V.

SUMMARY: Emergency Rule 12DER08-27, (Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida),

provides assistance regarding certain actions to be taken by local governments and officials. This rule adopts and incorporates by reference certain millage levy calculation forms to be used by each county, municipality, independent special district and their related dependent special districts, municipal service taxing units, and each local taxing authority

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Renee Harkins, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6104; Fax (850)488-9482; email address: harkinre@dor.state.fl.us

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

12DER08-27 Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(1) Emergency Rule 12DER08-27 applies to the property tax administered under Chapters 192 through 197, 200, and 218, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, relating to certain actions required to be taken by local governments and officials under those provisions of law.

(2) This rule subsection adopts and incorporates by reference the following millage levy calculation forms:

(a) Form DR-420MM, Maximum Millage Levy Calculation-Final Disclosure (N. 09/08), hereby incorporated by reference, is the form to be completed by each county, municipality, and independent special district and their related dependent special districts and municipal service taxing units and submitted to the Department of Revenue. This form is used to calculate the governments' and related governmental units' maximum millages based on the vote of the governing body.

(b) Form DR-420S, Certification of School Taxable Value (R. 06/08), hereby incorporated by reference, is to be used by each Property Appraiser to certify school taxable value and to be used by each district school board to certify property tax millages and rates.

(c) Form DR-422, Certification of Final Taxable Value (R. 09/08), hereby incorporated by reference, is the form to be used by each Property Appraiser to certify final taxable value to taxing authorities and for taxing authorities to report adopted millage rates and administrative adjustments pursuant to Section 200.065(6), Florida Statutes, if made.

(d) Form DR-428A, Maximum Millage Limitation Calculation, General Information for Fiscal Year 2008-09 (N. 09/08), hereby incorporated by reference, contains information offered by the Department to help affected governing bodies calculate and report their maximum millage and total maximum taxes under the requirements imposed by Chapters 2007-321 and 2008-173, Laws of Florida.

(e) Form DR-487, Certification of Compliance (R. 09/08), hereby incorporated by reference, is the form to be used by taxing authorities to certify to the Department of Revenue compliance with the Truth in Millage and maximum millage requirements of Chapter 200, Florida Statutes.

(f) Form DR-487V, Vote Record for Final Adoption of 2008-2009 Millage Levy (R. 09/08), hereby incorporated by reference, is to be used by each taxing authority as proof of the vote by which the millage levy was adopted at their final hearing.

(3) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at <http://dor.myflorida.com/dor/property/> or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blouinstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority Section 9 of Ch. 2007-321 (House Bill 1B), L.O.F., Section 13 of Ch. 2008-173 (Senate Bill 1588), L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. Sections 11-12 of Ch. 2008-173 (Senate Bill 1588), L.O.F. History-New 9-11-08.

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: September 11, 2008

#### **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**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
53ER08-55	Instant Game Number 771, BIG RICHES

**SUMMARY:** This emergency rule describes Instant Game Number 771, "BIG RICHES," 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:

53ER08-55 Instant Game Number 771, BIG RICHES.

(1) Name of Game. Instant Game Number 771, “BIG RICHES.”

(2) Price. BIG RICHES lottery tickets sell for \$5.00 per ticket.

(3) BIG RICHES 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 BIG RICHES 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:

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

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

1	2	3	4	5	6	7	8	9	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	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

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

\$5.00	\$10.00	\$20.00	\$25.00	\$50.00
FIVE	TEN	TWENTY	25 FIVE	FIFTY
\$100	\$500	\$1,000	\$10,000	\$100,000
ONE HUNDRED	FIVE HUNDRED	ONE THOUSAND	TEN THOUSAND	HUNDRED THOUSAND

(7) The legends are as follows:

BIG 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 “BIG NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a “10X” symbol in the play area shall entitle the claimant to ten times the prize shown.

(b) The prizes are: \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$10,000 and \$100,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 771 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 62 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	744,000
\$5 x 2	\$10	30.00	248,000
\$10	\$10	12.00	620,000
\$5 x 4	\$20	120.00	62,000
\$10 x 2	\$20	120.00	62,000
\$20	\$20	60.00	124,000
\$5 x 5	\$25	240.00	31,000
\$5 + \$20	\$25	240.00	31,000
\$5 + (\$10 x 2)	\$25	240.00	31,000
\$25	\$25	240.00	31,000
\$5 (10X)	\$50	240.00	31,000
\$50	\$50	1,200.00	6,200
\$10 (10X)	\$100	600.00	12,400
\$5 x 20	\$100	6,000.00	1,240
(\$5 x 10) + (\$10 x 5)	\$100	6,000.00	1,240
\$100	\$100	12,000.00	620
\$50 (10X)	\$500	30,000.00	248
\$25 x 20	\$500	120,000.00	62
\$500	\$500	120,000.00	62
\$100 (10X)	\$1,000	372,000.00	20
\$50 x 20	\$1,000	744,000.00	10
\$1,000	\$1,000	744,000.00	10
\$1,000 (10X)	\$10,000	744,000.00	10
\$10,000	\$10,000	744,000.00	10
\$100,000	\$100,000	744,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 771 are 1 in 3.65. 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 771, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for BIG RICHES 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 9-12-08.

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: September 12, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-56  
 RULE TITLE: Instant Game Number 770, GIMME 5

SUMMARY: This emergency rule describes Instant Game Number 770, “GIMME 5,” 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:

53ER08-56 Instant Game Number 770, GIMME 5.

(1) Name of Game. Instant Game Number 770, “GIMME 5.”

(2) Price. GIMME 5 lottery tickets sell for \$1.00 per ticket.

(3) GIMME 5 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 GIMME 5 lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

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



(5) The “PRIZE” symbols and prize symbol captions are as follows:



(6) The “BONUS BOX” play symbols and play symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having three “**5**” play symbols and corresponding play symbol captions in any vertical, horizontal or diagonal row shall entitle the claimant to the prize shown in the “PRIZE” box. A ticket having a “**5**” play symbol and corresponding play symbol caption in the “BONUS BOX” shall entitle the claimant to \$5.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$7.00, \$10.00, \$20.00, \$40.00, \$60.00, \$100 and \$555. 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 GIMME 5 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.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 770 are as follows:

GAME PLAY TICKET	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	30.00	1,008,000
\$2	\$2	21.43	336,000
\$4	\$4	150.00	470,400
\$5 (FIVE)	\$5	30.00	67,200
\$7	\$7	300.00	336,000
\$10	\$10	300.00	33,600
\$20	\$20	300.00	33,600
\$40	\$40	900.00	11,200
\$60	\$60	5,625.00	1,792
\$100	\$100	18,000.00	560
\$555	\$555	30,000.00	336

(10) The estimated overall odds of winning some prize in Instant Game Number 770 are 1 in 4.32. 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 770, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GIMME 5 lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GIMME 5 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 9-12-08.

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: September 12, 2008

#### DEPARTMENT OF THE LOTTERY

RULE NO.:                   RULE TITLE:  
53ER08-57                   FANTASY 5®

SUMMARY: This emergency rule sets forth the provisions for the conduct of FANTASY 5® and replaces Emergency Rule 53ER06-17, F.A.C.

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:

#### 53ER08-57 FANTASY 5®.

##### (1) How to Play FANTASY 5®.

(a) FANTASY 5 is a lottery on-line game in which players select five (5) numbers from a field of one (1) to thirty-six (36).

(b) Players may make their FANTASY 5 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 five (5) numbers from each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select one (1) or more of the five (5) 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.

1. Players may mark the “Grouper™” box to 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. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

2. Players may mark the \$5 “Quick Picks” box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing; or may mark the \$10 “Quick Picks” box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

3. Players may mark the appropriate EZmatch box to receive a Fantasy 5 ticket with Ezmatch for a chance to instantly win cash prizes.

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 also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty (30) consecutive FANTASY 5 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 drawings marked will include the next available drawing and will apply to each panel (A-J) played. Advance play does not apply to Grouper or Quick Picks.

##### (2) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) FANTASY 5 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 FANTASY 5 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 five (5) balls are drawn from one (1) set of balls numbered one (1) through thirty-six (36).

(e) Once a 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) Five (5) balls shall be drawn by vacuum action into the display devices. The numbers shown on the five (5) balls, after certification by the Draw Manager and the Accountant, shall be 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 (2)(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) FANTASY 5 Prize Divisions.

(a) FANTASY 5 is a pari-mutuel game. For each draw, fifty percent (50%) of the gross revenue shall be allocated as the winning pool for payment of the top prize, second prize and third prize. Free FANTASY 5 tickets issued as a fourth prize shall not be included in gross revenue calculations.

(b) The top prize pool shall consist of sixty-two percent (62%) of the winning pool for the drawing plus any money carried forward from the previous draw. Prize money allocated to the top prize pool shall be divided equally among the players who match all five (5) official winning numbers. If there is no top prize winner in a drawing, the top prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing.

(c) The second prize pool shall consist of ten percent (10%) of the winning pool for the drawing plus any money rolled down from the top prize. The second prize pool shall be divided equally among the players matching four (4) of five (5) official winning numbers except that the maximum prize amount per winner shall be \$555. Any funds in the second prize pool in excess of the second prize liability shall roll down and be added to the third prize pool. If there is no winner in the second prize category for a drawing, the second prize pool shall roll down and be added to the third prize pool.

(d) The third prize pool shall consist of twenty-eight percent (28%) of the winning pool for the drawing plus any money rolled down from the second prize pool. The third prize pool shall be divided equally among the players matching three (3) of five (5) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool is carried over and added to the top prize pool of the next FANTASY 5 drawing.

(e) A fourth prize shall consist of one (1) free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prizes shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated.

(f) Except for the top prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(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 FANTASY 5 numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Top Prize: Five (5) of five (5) official winning numbers.

(b) Second Prize: Four (4) of five (5) official winning numbers.

(c) Third Prize: Three (3) of five (5) official winning numbers.

(d) Fourth Prize: Two (2) of five (5) official winning numbers.

(5) FANTASY 5 Odds of Winning. The odds of winning the prizes described above are as follows:

(a) Top Prize – 1:376,992

(b) Second Prize – 1:2,432.21

(c) Third Prize – 1:81.07

(d) Fourth Prize – 1:8.39

(e) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

(6) FANTASY 5 Rules and Prohibitions.

(a) By purchasing a FANTASY 5 ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FANTASY 5 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, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m.,

ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five (35) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date.

(f) Retailer cancellations of FANTASY 5 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 FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. Fantasy 5 tickets with EZmatch cannot be cancelled. The two (2)-hour ticket 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 FANTASY 5 close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on a ticket. 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 cancelable FANTASY 5 ticket produced upon request of the player by the quick pick method of number selection.

(7) How to Play EZmatch™.

(a) EZmatch is an instant-win feature associated with Fantasy 5 that costs \$1.00 per play in addition to the cost of the Fantasy 5 ticket. A player selecting EZmatch will receive five (5) EZmatch numbers printed below the Fantasy 5 numbers on the ticket. If any of the EZmatch numbers matches any of the Fantasy 5 numbers, the player shall instantly win the corresponding amount shown.

(b) Players may play EZmatch by marking the applicable EZmatch box on the Fantasy 5 playslip or by telling the retailer. Marking the EZmatch box within a panel will add EZmatch to only the panel marked. Marking the "EZmatch on all panels played" box will (1) add EZmatch to every panel containing Fantasy 5 number selections, (2) override the EZmatch box within any panel, and (3) when the "Quick Picks" box is also marked, result in each quick pick ticket having the EZmatch feature.

(c) Each panel played with EZmatch will be printed on a separate ticket.

(d) The base prize structure and estimated odds of winning EZmatch are as follows:

<u>Prize</u>	<u>Winners in 420,000 (Per Pool)</u>	<u>Estimated Odds</u>
<u>\$500</u>	<u>2</u>	<u>1:210,000.00</u>
<u>\$100</u>	<u>40</u>	<u>1:10,500.00</u>
<u>\$50</u>	<u>300</u>	<u>1:1,400.00</u>
<u>\$25</u>	<u>1,200</u>	<u>1:350.00</u>
<u>\$15</u>	<u>2,000</u>	<u>1:210.00</u>
<u>\$5</u>	<u>4,200</u>	<u>1:100.00</u>
<u>\$3</u>	<u>28,000</u>	<u>1:15.00</u>
<u>\$2</u>	<u>50,400</u>	<u>1:8.33</u>
<u>Overall</u>		<u>1:4.88</u>

The EZmatch prize structure will be replenished automatically when the top tier prizes are exhausted. The prize structure and odds of winning are subject to change. The current prize structure and odds are available at [www.flalottery.com](http://www.flalottery.com), Lottery district offices and retailer locations.

(e) EZmatch prizes can be claimed up to 180 days from the first draw date on the Fantasy 5 ticket.

(8) This rule becomes effective September 15, 2008.

Specific Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 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 9-15-08, Replaces 53ER06-17.

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: September 15, 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 September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Camile F. Araujo and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury which prevented completion of the firearms qualification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on September 4, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.00212(14), F.A.C., from Paula R. Boyd and Miami-Dade Police Department. Petitioner wishes to waive that provision of rule requiring officers to meet mandatory firearms training or become inactive. Petitioner suffered an on-duty injury and continuing medical condition which prevented and prevents her completion of the firearms qualification.