

2. The Law Implemented shall be cited as: “456.036(4)(b), 456.036(10) FS.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-2.002
 RULE TITLE: Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage

NOTICE OF CHANGE

Notice is hereby given that the Department has made changes to subsection (3) of Rule 69J-2.002 based on comments from the Joint Administrative Procedures Committee. When adopted, subsection (3) will read as follows:

(3) Notice of Right to Mediate Disputed Claims. The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the insured or the Department notifies an insurer of a dispute regarding the insured’s claim. An insurer shall mail to the insured a notice of the right to mediate disputed claims in the same mailing as the insurer’s notice that the claim is to be denied. An insurer is not required to mail to the insured a notice of right to mediate disputed claims if the claim is denied because the amount of the claim is less than the applicable deductible. Notice shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statements: “Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of commercial residential property insurance claims arising out of the hurricanes that have devastated so many residences in Florida. The rule gives you the right to attend a mediation conference with the insurer in order to settle any dispute about your claim. An independent mediator, who has no connection with the insurer, will be in charge of the mediation conference. You may begin the mediation process by completing a Commercial Residential Mediation Request Form and returning it to the Department of Financial Services. Forms are available by calling the Department at 1(800)227-8676 (1(800)22-STORM), by faxing the Department at (850)488-6372, or by logging onto the Department’s website at <http://www.fldfs.com>, and clicking on the “Commercial Residential Mediation Request” icon. Once the Department receives your completed Commercial

Residential Mediation Request Form, your insurance company will be notified, and will have 21 days to settle your claim before your request for mediation is further processed.”

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-24
 RULE TITLE: Suspension and Termination of Retailer Contract

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the suspension and termination of a retailer’s contract.

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:

53ER06-24 Suspension and Termination of Retailer Contract.

(1) A retailer contract can be terminated by the retailer at any time upon written notice to the Lottery.

(2) The Lottery is authorized to terminate or suspend a retailer contract, and reject any later-filed application for a new contract, if the retailer fails to comply with the terms of the retailer contract, or for any of the following reasons:

(a) Retailer has provided false or misleading information in obtaining or attempting to obtain a retailer contract and Certificate of Authority.

(b) Retailer has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to an offense punishable as a felony; or has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to any gambling-related offense.

(c) Retailer has outstanding tax delinquencies owed to the federal government or any taxing authority within the State of Florida.

(d) Retailer has jeopardized the integrity, security or efficient operation of the Lottery.

(e) The ownership or location of the business has changed.

(f) Retailer has failed to accurately account for lottery tickets, revenues or prizes as required by the Lottery.

(g) Retailer has failed to remit or is delinquent in remitting money owed to the Lottery.

(h) Retailer has committed any fraud, deceit or misrepresentation to the Lottery or to any individual purchasing a lottery ticket or tickets from Retailer.

(i) Retailer has sold a lottery ticket or paid a prize to any person under eighteen (18) years of age.

(j) Retailer has sold a lottery ticket at any place other than the place authorized in its Certificate of Authority.

(k) Retailer has not prominently displayed its Certificate of Authority at the approved sales location.

(l) Retailer has not prominently displayed and maintained ticket displays/dispensers and point-of-sale materials provided by the Lottery.

(m) Retailer has not made point-of-sale information for lottery products accessible to the public.

(n) Retailer has sold tickets at a price other than established by the Lottery.

(o) Retailer has violated any rule or regulation promulgated by the Lottery.

(p) Retailer has violated any directive or instruction issued by the Lottery.

(q) Retailer has violated any provision of Chapter 24, F.S.

(r) Retailer's reputation is no longer consistent with the protection of the public interest.

(s) Retailer has materially changed any factor considered by the Lottery in selecting the retailer.

(t) Retailer has engaged in conduct prejudicial to public confidence in the Lottery.

(u) Retailer has exchanged a book(s), ticket(s), or ticket stock with another retailer or location.

(v) Retailer has purchased a book(s) or ticket(s) from another lottery retailer for resale.

(w) Retailer has charged a fee to redeem a lottery ticket or has required a customer to purchase another item in order to purchase a lottery ticket.

(x) Retailer has paid a prize of \$600 or more.

(y) Retailer has violated the Lottery's ethics rules or policies.

(3) The Lottery is authorized to terminate a retailer contract at any time upon thirty (30) days' written notice to the retailer if the Lottery determines that, due to a change in the type of game to be played, a change in the method by which games are to be played, or a change in the method the Lottery will use in servicing or contracting with retailers, it is in the best interest of the Lottery to terminate the contract.

(4) The Lottery is authorized to terminate the retailer contract of the retailer with the lowest average weekly ticket sales of all Lottery retailers statewide who have been active for at least 26 weeks upon receipt of a retailer application from a

business whose sales are projected to exceed the weekly sales average of the retailer being terminated, subject to considerations of public convenience (whether the retailer is in a remote location or whether there are other retailers available within a reasonable distance); whether there are extenuating circumstances that have adversely impacted sales volume (for example, the retailer's business is seasonal; road construction has caused a temporary decrease in normal sales volume; or other factors that are temporary in nature); the impact, if any, on the status of a corporate or chain (multi-location) retailer if a terminal is removed from one of the retailer's locations; and the impact, if any, on the overall level of participation of minority businesses as Lottery retailers.

(5) If a retailer possesses multiple locations, restriction, suspension or termination of one (1) location is grounds for restriction, suspension or termination of the others.

(6) The Lottery is authorized to suspend a retailer contract without prior notice if the Lottery determines that immediate suspension is necessary to ensure the integrity, security, honesty, or fairness of the operation of the Lottery.

(7) The Lottery is authorized to temporarily suspend a retailer contract without prior notice if the retailer, or any of its officers, directors, or employees has been arrested for any violation of law occurring on the retail premises, including by way of example, but not limited to, dealing in stolen property, unlawful sale of controlled substances, or maintaining a nuisance.

(8) A retailer whose contract has been terminated for the reasons set forth in paragraph (2)(b) above is prohibited from reapplying for a retailer contract for a period of one (1) year from the date of conviction or entry of plea and any application received during this time period will be rejected. In reviewing any subsequent application from such a retailer, the Lottery will consider the following factors:

(a) Whether the retailer has been pardoned or had his civil rights restored; and

(b) Whether, subsequent to such conviction or plea, the retailer has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the Lottery. Under this paragraph, the retailer must prove to the satisfaction of the Lottery that the retailer has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the Lottery; and

(c) Whether, if the retailer is a firm, association, partnership, trust, corporation or other entity, the retailer has terminated its relationship with the person whose actions directly contributed to the conviction or plea.

(9) A retailer's sole remedy following termination or suspension of its retailer contract is by such civil action as may be appropriate.

(10) This emergency rule replaces Emergency Rules 53ER05-21 and 53ER05-56, F.A.C.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(5) FS. History--New 4-28-06, Replaces 53ER05-21 and 53ER05-56.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 28, 2006

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-25
 RULE TITLE: Instant Game Number 638, HEADS OR TAILS

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 638, "HEADS OR TAILS," 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:

53ER06-25 Instant Game Number 638, HEADS OR TAILS.

(1) Name of Game. Instant Game Number 638, "HEADS OR TAILS."

(2) Price. HEADS OR TAILS lottery tickets sell for \$1.00 per ticket.

(3) HEADS OR TAILS 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 HEADS OR TAILS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, 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:

TICKET	\$1.00	\$2.00	\$3.00	\$5.00		
TICKET	ONE	TWO	THREE	FIVE		
\$10.00	\$20.00	\$25.00	\$50.00	\$100	\$2,500	
TEN	TWENTY	THY FIVE	FIFTY	ONE HUN	THY FIVE HUN	

(6) The legends are as follows:

- TOSS 1
- TOSS 2
- TOSS 3
- TOSS 4

(7) Determination of Prizewinners.

(a) A ticket having two "HEADS" symbols or two "TAILS" symbols in the same TOSS play area shall entitle the claimant to the corresponding prize shown to the right of the toss.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$2,500. A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a HEADS OR TAILS lottery ticket that 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.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 638 are as follows:

GAME PLAY:	WIN:	ODDS OF 1 IN:	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL:
TICKET	\$1	10.00	1,008,000
\$1	\$1	15.00	672,000
\$2	\$2	25.00	403,200
\$1 x 4	\$4	75.00	134,400
\$2 + \$3	\$5	100.00	100,800
\$5	\$5	100.00	100,800
\$10	\$10	300.00	33,600
\$1 + (\$2 x 2) + \$5	\$10	300.00	33,600
\$2 + \$3 + (\$10 x 2)	\$25	1,000.00	10,080
\$5 + (\$10 x 2)	\$25	1,800.00	5,600
\$25	\$25	562.50	17,920
\$5 + (\$10 x 2) + \$25	\$50	1,800.00	5,600
\$25 x 2	\$50	3,600.00	2,800
\$50	\$50	3,600.00	2,800
\$25 x 4	\$100	30,000.00	336
\$5 + \$20 + \$25 + \$50	\$100	18,000.00	560
\$100	\$100	30,000.00	336
\$50 x 4	\$200	180,000.00	56
\$2,500	\$2,500	720,000.00	14

(9) The estimated overall odds of winning some prize in Instant Game Number 638 are 1 in 3.98. 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.

(10) For reorders of Instant Game Number 638, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a HEADS OR TAILS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for HEADS OR TAILS 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 4-28-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 28, 2006

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-26
 RULE TITLE: Instant Game Number 645, INSTANT RICHES

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 645, “INSTANT 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:


53ER06-26 Instant Game Number 645, INSTANT RICHES.

(1) Name of Game. Instant Game Number 645, “INSTANT RICHES.”

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

(3) INSTANT 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 INSTANT RICHES lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

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

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 TWENTY	21 TWYONE	22 TWYTWO	23 TWYTHR	24 TWYFOR
25 TWYFIV	26 TWYSIX	27 TWYSVN	28 TWYEGT	29 TWYNIN	 WIN

(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 TWENTY	21 TWYONE	22 TWYTWO	23 TWYTHR	24 TWYFOR
25 TWYFIV	26 TWYSIX	27 TWYSVN	28 TWYEGT	29 TWYNIN	

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

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN
\$25.00 TWY FIV	\$50.00 FIFTY	\$75.00 SVY FIV	\$100 ONE HUN	\$200 TWO HUN	\$500 FIV HUN
\$1,000 ONE THO	\$10,000 TEN THO	\$100,000 ONE HUN THO			

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.00.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 645 are as follows:

GAME PLAY	WIN	ODDS OF		NUMBER OF WINNERS IN 63 POOLS OF TICKETS PER POOL
		1 IN	120,000	
\$1 x 5	\$5	30.00	252,000	
(\$1 x 3) + \$2	\$5	30.00	252,000	
\$1 + (\$2 x 2)	\$5	30.00	252,000	
\$5	\$5	30.00	252,000	
\$5 x 2	\$10	60.00	126,000	
\$2 + (\$4 x 2)	\$10	60.00	126,000	
(\$1 x 4) + (\$2 x 3)	\$10	60.00	126,000	
\$1 + (\$2 x 2) + \$5	\$10	120.00	63,000	
\$10	\$10	120.00	63,000	
\$5 x 3	\$15	60.00	126,000	
\$15	\$15	60.00	126,000	
\$5 x 5	\$25	300.00	25,200	
(\$5 x 3) + \$10	\$25	400.00	18,900	
\$5 + (\$10 x 2)	\$25	300.00	25,200	
(\$2 x 5) + \$5 + \$10	\$25	300.00	25,200	
(\$1 x 5) + (\$2 x 10)	\$25	400.00	18,900	
\$25	\$25	600.00	12,600	
\$50 (MONEYBAG)	\$50	100.00	75,600	
\$5 x 15	\$75	30,000.00	252	
\$5 + (\$10 x 7)	\$75	30,000.00	252	
(\$5 x 5) + \$50 (MONEYBAG)	\$75	24,000.00	315	
(\$10 x 5) + \$25	\$75	30,000.00	252	
\$75	\$75	30,000.00	252	
\$10 + (\$15 x 6)	\$100	2,400.00	3,150	
(\$5 x 10) + \$50 (MONEYBAG)	\$100	444.44	17,010	
\$25 x 4	\$100	2,400.00	3,150	

(\$25 x 2) + \$50 (MONEYBAG)	\$100	480.00	15,750
\$100	\$100	2,400.00	3,150
\$50 x 10	\$500	120,000.00	63
(\$25 x 10) + (\$50 x 5)	\$500	120,000.00	63
\$500	\$500	120,000.00	63
\$100 x 10	\$1,000	756,000.00	10
\$200 x 5	\$1,000	756,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	756,000.00	10
\$500 x 2	\$1,000	756,000.00	10
\$1,000	\$1,000	756,000.00	10
\$1,000 x 10	\$10.00	3,780,000.	2
	0	00	
(\$500 x 10) + (\$1,000 x 5)	\$10.00	3,780,000.	2
	0	00	
\$10,000	\$10.00	3,780,000.	2
	0	00	
\$100,000	\$100.0	3,780,000.	2
	00	00	

(10) The estimated overall odds of winning some prize in Instant Game Number 645 are 1 in 3.76. 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 645, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a INSTANT 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 INSTANT 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 4-28-06.

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EFFECTIVE DATE: April 28, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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