

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. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

(2) Definitions

(a) through (b) No change.

(c) ~~“Townhouse” means a single family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with open space on at least two sides.~~

(3) Any commercial, industrial, or multiunit residential structure of three units or more, ~~(excluding townhouses)~~ which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Townhouses are not multiunit residential structures and therefore not subject to this rule. Each approved symbol shall include within the center circle one of the following designations:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

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.: 53ER09-47
RULE TITLE: Instant Game Number 1038, HOLIDAY CASH

SUMMARY: This emergency rule describes Instant Game Number 1038, “HOLIDAY CASH,” 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: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-47 Instant Game Number 1038, HOLIDAY CASH.

(1) Name of Game. Instant Game Number 1038, “HOLIDAY CASH.”

(2) Price. HOLIDAY CASH lottery tickets sell for \$1.00 per ticket.

(3) HOLIDAY CASH 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 HOLIDAY CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

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



(5) Determination of Prizewinners.

A ticket having three like prize amounts and corresponding prize amount captions in the play area shall entitle the claimant to a prize of that amount. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100 and \$2,500.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 1038 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	10.71	1,120,000
\$2	\$2	15.00	800,000
\$4	\$4	42.86	280,000
\$5	\$5	150.00	80,000
\$10	\$10	100.00	120,000
\$20	\$20	300.00	40,000
\$30	\$30	1,500.00	8,000
\$40	\$40	2,000.00	6,000
\$100	\$100	2,400.00	5,000
\$2,500	\$2,500	120,000.00	100

(7) The estimated overall odds of winning some prize in Instant Game Number 1038 are 1 in 4.88. 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.

(8) For reorders of Instant Game Number 1038, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) Payment of prizes for HOLIDAY CASH lottery tickets shall be made in accordance with the rule 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.

Rulemaking 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 10-2-09.

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: October 2, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-48
 RULE TITLE: Instant Game Number 1039, HOLIDAY TRIPLER

SUMMARY: This emergency rule describes Instant Game Number 1039, “HOLIDAY TRIPLER,” 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: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-48 Instant Game Number 1039, HOLIDAY TRIPLER.

(1) Name of Game. Instant Game Number 1039, “HOLIDAY TRIPLER.”

(2) Price. HOLIDAY TRIPLER lottery tickets sell for \$2.00 per ticket.

(3) HOLIDAY TRIPLER 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 HOLIDAY TRIPLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

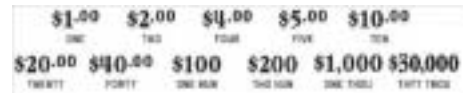
(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



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



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





(7) The legends are as follows:



(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 corresponding prize shown for that symbol. A

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

“” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to triple the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$200, \$1,000 and \$30,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1039 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 50 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	1 IN 10.71	840,000
\$1 + \$1 (3X)	\$4	50.00	180,000
\$1 (2X) + \$2	\$4	75.00	120,000
\$2 (2X)	\$4	50.00	180,000
\$4	\$4	50.00	180,000
\$1 x 5	\$5	375.00	24,000
\$1 (3X) + \$2	\$5	375.00	24,000
\$2 (2X) + \$1	\$5	375.00	24,000
\$1 + \$4	\$5	375.00	24,000
\$5	\$5	375.00	24,000
\$1 x 10	\$10	250.00	36,000
\$2 (2X) + \$2 (3X)	\$10	250.00	36,000
\$2 (3X) + \$4	\$10	250.00	36,000
\$5 (2X)	\$10	250.00	36,000
\$10	\$10	250.00	36,000
\$2 x 10	\$20	750.00	12,000
\$5 + \$5 (3X)	\$20	750.00	12,000
\$4 (2X) + \$4 (3X)	\$20	750.00	12,000
\$10 (2X)	\$20	750.00	12,000
\$20	\$20	750.00	12,000
\$4 x 10	\$40	720.00	12,500

\$5 (2X) + \$10 (3X)	\$40	720.00	12,500
\$10 (2X) + \$20	\$40	720.00	12,500
\$20 (2X)	\$40	900.00	10,000
\$40	\$40	900.00	10,000
\$10 x 10	\$100	3,600.00	2,500
\$20 (3X) + \$40	\$100	3,600.00	2,500
\$20 (2X) + \$20 (3X)	\$100	3,600.00	2,500
\$20 + \$40 (2X)	\$100	3,600.00	2,500
\$100	\$100	3,600.00	2,500
\$20 x 10	\$200	30,000.00	300
\$10 (2X) + \$20 (3X) + \$40 (3X)	\$200	22,500.00	400
(\$20 x 6) + \$40 (2X)	\$200	22,500.00	400
\$100 (2X)	\$200	22,500.00	400
\$200	\$20	30,000.00	300
\$100 x 10	\$1,000	90,000.00	100
\$200 (2X) + \$200 (3X)	\$1,000	90,000.00	100
\$10 (2X) + \$40 (2X) + \$100 (3X)	\$1,000	180,000.00	50
\$100 (2X) + \$100 (2X) + \$200 (3X)	\$1,000	180,000.00	50
\$1,000	\$1,000	180,000.00	50
\$30,000	\$30,000	750,000.00	12

(10) The estimated overall odds of winning some prize in Instant Game Number 1039 are 1 in 4.66. 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 1039, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for HOLIDAY TRIPLER lottery tickets shall be made in accordance with the rule 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.

Rulemaking 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 10-2-09.

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: October 2, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-49
 RULE TITLE: Instant Game Number 1040, MERRY MILLIONAIRE

SUMMARY: This emergency rule describes Instant Game Number 1040, “MERRY MILLIONAIRE,” 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: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-49 Instant Game Number 1040, MERRY MILLIONAIRE.

(1) Name of Game. Instant Game Number 1040, “MERRY MILLIONAIRE.”

(2) Price. MERRY MILLIONAIRE lottery tickets sell for \$10.00 per ticket.

(3) MERRY MILLIONAIRE 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 MERRY MILLIONAIRE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

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



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



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



\$5.00	\$10.00	\$15.00	\$20.00	\$25.00	\$30.00	\$50.00
FIVE	TEN	FIFTEEN	TWENTY	TWENTY FIVE	THIRTY	FIFTY
ONE HUN	TWO HUN	THREE HUN	FOUR THOU	FIVE THOU	TEN THOU	ONE HUNDRE

(7) The legends are as follows:

MERRY 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 “MERRY NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to \$100. A ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000.

(9) \$1,000,000 Prize Payment Options.

(a) A winner of a \$1 million prize may choose one of two payment options for receiving his or her prize. Payment options are “Cash Option” or “Annual Payment.” At the time the \$1,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner files a claim and exercises the winner’s chosen option, the election of that option shall be final.

(b) Cash Option prizes will be paid in one (1) lump sum cash payment of \$650,000, less applicable withholding taxes.

(c) Annual Payment prizes will be paid in twenty (20) equal annual installments of \$50,000 each, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1040 are as follows:

GAME PLAY	VALUE	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 30 POOLS OF 120,000 TICKETS PER POOL
\$5 x 2	\$10	30.00	120,000
\$5 (\$\$)	\$10	30.00	120,000
\$10	\$10	30.00	120,000
\$5 x 3	\$15	60.00	60,000
\$5 + \$10	\$15	60.00	60,000
\$15	\$15	60.00	60,000
\$5 x 4	\$20	60.00	60,000
(\$5 x 2) + \$10	\$20	60.00	60,000
\$10 x 2	\$20	60.00	60,000
\$10 (\$\$)	\$20	60.00	60,000
\$20	\$20	60.00	60,000
\$5 x 5	\$25	300.00	12,000
(\$5 x 3) + \$10	\$25	300.00	12,000
\$5 + (\$10 x 2)	\$25	300.00	12,000
\$5 (\$\$) + \$15	\$25	300.00	12,000

\$25	\$25	300.00	12,000
\$5 x 6	\$30	500.00	7,200
(\$5 x 2) + (\$10 x 2)	\$30	500.00	7,200
\$10 x 3	\$30	500.00	7,200
\$15 (\$\$)	\$30	500.00	7,200
\$30	\$30	500.00	7,200
\$5 x 10	\$50	600.00	6,000
\$10 x 5	\$50	600.00	6,000
\$10 + \$20 (\$\$)	\$50	600.00	6,000
\$10 (\$\$) + \$15 (\$\$)	\$50	600.00	6,000
\$50	\$50	600.00	6,000
(\$5 x 10) + (\$10 x 5)	\$100	600.00	6,000
\$10 x 10	\$100	600.00	6,000
\$20 (\$\$) + \$30 (\$\$)	\$100	600.00	6,000
\$50 (\$\$)	\$100	600.00	6,000
\$100 (GIFT)	\$100	600.00	6,000
\$100	\$100	600.00	6,000
(\$10 x 10) + (\$20 x 5)	\$200	2,400.00	1,500
\$20 x 10	\$200	1,200.00	3,000
(\$25 x 4) + \$100 (GIFT)	\$200	1,200.00	3,000
\$25 (\$\$) + \$50 + \$100 (GIFT)	\$200	1,200.00	3,000
\$200	\$200	2,400.00	1,500
(\$25 x 10) + (\$50 x 5)	\$500	7,500.00	480
\$50 x 10	\$500	8,000.00	450
\$50 (\$\$) x 5	\$500	10,000.00	360
\$200 (\$\$) + \$100	\$500	10,000.00	360
\$500	\$500	10,000.00	360
(\$50 x 10) + (\$100 x 5)	\$1,000	15,000.00	240
\$100 x 10	\$1,000	15,000.00	240
(\$50 x 10) + \$100 (GIFT) + \$200 (\$\$)	\$1,000	15,000.00	240
\$200 x 5	\$1,000	15,000.00	240
\$1,000	\$1,000	15,000.00	240
\$1,000 x 5	\$5,000	120,000.00	30
\$5,000	\$5,000	120,000.00	30
\$10,000	\$10,000	120,000.00	30
\$1,000,000	TOP	1,200,000.00	3
(\$50K/yr/20yrs)	PRIZE		

(11) The estimated overall odds of winning some prize in Instant Game Number 1040 are 1 in 3.54. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1040, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for MERRY MILLIONAIRE lottery tickets shall be made in accordance with the rule 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.

Rulemaking 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 10-2-09.

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: October 2, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-50
RULE TITLE: Instant Game Number 1044, \$250,000 TREASURE TREE

SUMMARY: This emergency rule describes Instant Game Number 1044, “\$250,000 TREASURE TREE,” 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: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-50 Instant Game Number 1044, \$250,000 TREASURE TREE.

(1) Name of Game. Instant Game Number 1044, “\$250,000 TREASURE TREE.”

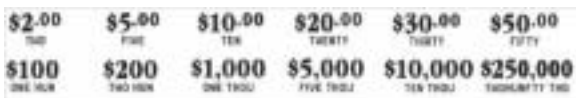
(2) Price. \$250,000 TREASURE TREE lottery tickets sell for \$5.00 per ticket.

(3) \$250,000 TREASURE TREE 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 TREASURE TREE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, 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) Determination of Prizewinners.

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

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$1,000, \$5,000, \$10,000 and \$250,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 1044 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 63 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	12.00	630,000
\$5 (\$\$)	\$10	20.00	378,000
\$5 x 2	\$10	30.00	252,000
\$10	\$10	30.00	252,000
\$2 x 10	\$20	300.00	25,200
\$5 (\$\$) + (\$5 x 2)	\$20	300.00	25,200
\$5 x 4	\$20	300.00	25,200
\$10 (\$\$)	\$20	300.00	25,200
\$20	\$20	300.00	25,200
(\$2 x 10) + \$5 (\$\$)	\$30	600.00	12,600
(\$2 x 10) + (\$5 x 2)	\$30	600.00	12,600
\$5 (\$\$) + \$10 (\$\$)	\$30	600.00	12,600
\$10 + \$20	\$30	600.00	12,600
\$30	\$30	800.00	9,450
(\$2 x 10) + \$10 + \$20	\$50	1,200.00	6,300
(\$2 x 10) + \$5 (\$\$) + \$20	\$50	1,200.00	6,300
\$5 (\$\$) + \$20 (\$\$)	\$50	1,200.00	6,300
\$10 (\$\$) + \$30	\$50	1,200.00	6,300
\$50	\$50	1,200.00	6,300
(\$5 x 6) + (\$10 x 5) + \$20	\$100	1,200.00	6,300
(\$10 x 3) + \$20 + \$50	\$100	1,200.00	6,300
\$10 x 10	\$100	1,200.00	6,300
\$20 (\$\$) + \$30 (\$\$)	\$100	1,500.00	5,040
\$50 (\$\$)	\$100	1,500.00	5,040
\$100	\$100	1,500.00	5,040
\$20 x 10	\$20	6,000.00	1,260
(\$10 x 10) + (\$50 x 2)	\$200	6,000.00	1,260
\$100 (\$\$)	\$200	6,000.00	1,260
\$100 x 2	\$200	6,000.00	1,260
\$200	\$200	6,000.00	1,260
\$100 x 10	\$1,000	60,000.00	126
(\$50 x 10) + \$100 + \$200 (\$\$)	\$1,000	60,000.00	126
(\$50 x 4) + \$200 (\$\$) + \$200 (\$\$)	\$1,000	40,000.00	189

(\$100 x 4) + \$100	\$1,000	40,000.00	189
(\$\$) + \$200 (\$\$)			
\$1,000	\$1,000	60,000.00	126
\$5,000	\$5,000	60,000.00	126
\$10,000	\$10,000	120,000.00	63
\$250,000	\$250,000	945,000.00	8

(8) The estimated overall odds of winning some prize in Instant Game Number 1044 are 1 in 4.27. 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.

(9) For reorders of Instant Game Number 1044, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for \$250,000 TREASURE TREE lottery tickets shall be made in accordance with the rule 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.

Rulemaking 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 10-2-09.

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: October 2, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Progress Energy Florida, Inc.'s Petition for Waiver of subsection 25-17.250(1) and paragraph (2)(a), F.A.C. was approved by Commission Order No. PSC-09-0643-FOF-EI.

DOCKET NO.: 080501-EI – Petition for Waiver of subsection 25-17.250(1) and paragraph (2)(a), F.A.C., which requires Progress Energy Florida to have a standard offer contract open until a request for proposal is issued for same avoided unit in standard offer contract.

Progress Energy Florida, Inc.'s (Progress) petition for a waiver of subsection 25-17.250(1) and paragraph (2)(a), Florida Administrative Code, was filed July 15, 2008. The rule provides that each investor-owned utility shall, by April 1 of each year, file with the Commission a Standard offer contract or contracts for the purchase of firm capacity and energy from renewable generating facilities and small qualifying facilities with a design capacity of 100 kW or less. A separate standard offer contract shall be based on the next avoidable fossil fueled generating unit of technology type identified in the utility's Ten-Year Site Plan. Notice of the petition was published in the F.A.W. on August 8, 2008.

The petition was approved as a proposed agency action at the Commission's September 29, 2008, Agenda Conference. It was approved as the utility demonstrated that the purpose of the underlying statute could be approved by other means and that the application of the rule would create a substantial hardship. The Commission also approved Progress's standard offer contract at that time. Commission Order No. PSC-08-0706-TRF-EI issued October 23, 2008, memorialized the decision. On November 13, 2008, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs timely filed a petition for formal hearing, but did not challenge the waiver of rule. The formal hearing was held April 16, 2009. Following the hearing, the Commission issued Order No. PSC-09-0643-FOF-EI, on September 22, 2009, which approved the standard offer contract and consummated the grant of the waiver of the rule.

A copy of the Commission's orders may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.