

If the application is received:	The look back period is:
Prior to November 1, 2010	36 months prior to the month of application
November 2010	37 months prior to the month of application
December 2010	38 months prior to the month of application
January 2011	39 months prior to the month of application
February 2011	40 months prior to the month of application
March 2011	41 months prior to the month of application
April 2011	42 months prior to the month of application
May 2011	43 months prior to the month of application
June 2011	44 months prior to the month of application
July 2011	45 months prior to the month of application
August 2011	46 months prior to the month of application
September 2011	47 months prior to the month of application
October 2011	48 months prior to the month of application
November 2011	49 months prior to the month of application
December 2011	50 months prior to the month of application
January 2012	51 months prior to the month of application
February 2012	52 months prior to the month of application
March 2012	53 months prior to the month of application
April 2012	54 months prior to the month of application
May 2012	55 months prior to the month of application
June 2012	56 months prior to the month of application
July 2012	57 months prior to the month of application
August 2012	58 months prior to the month of application
September 2012	59 months prior to the month of application
On or after October 1, 2012	60 months prior to the month of application

(6) Copies of the forms and materials incorporated by reference in this rule are available from the ACCESS Florida Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department’s web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1)(a), (f), 8-10-06(1)(f), 8-10-06(3)(g)1., 11-1-07,_____.

IF REQUESTED WITHIN 7 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 4, 2009, 2:00 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, phone (850)410-3479

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-171.009
 RULE TITLE: Medical Malpractice Insurance Open Claims Reporting

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**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.: 53ER09-51
 RULE TITLE: Facility Leases

SUMMARY: This emergency rule sets forth the provisions of facility leases of 10,000 square feet or more and replaces Rule 53ER08-79, 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:

53ER09-51 Facility Leases.

(1) The Lottery finds that, due to the unique nature of its business, strict compliance with Chapter 255, F.S., and the rules adopted thereunder, would impair or impede the effective and efficient operation of the Lottery. Therefore, the Lottery is adopting this rule to provide the following alternative procedures for acquiring facility leases in an open and competitive manner.

(2) The Lottery will follow Section 255.25, F.S., and the rules (excluding the forms) adopted thereunder, to competitively acquire leased office or warehouse space of 10,000 square feet or more, subject to the provisions of Section 24.105(13), F.S.

(3) For leases of office or warehouse space less than 10,000 square feet, competitive offers will be solicited. Negotiation of terms, conditions and costs will be conducted thereafter. Alternatively, if the Lottery rejects all offers received, it will either re-solicit competitive offers or the procurement will be canceled.

(4) The Lottery shall enter into facility lease agreements that have a base term, renewal and/or extension periods that are determined by the Lottery to provide the greatest long-term benefit to the state.

Rulemaking Authority 24.105(13), 24.109(1) FS. Law Implemented 24.105(13), 24.111, 255.25 FS. History—New 10-9-09, Replaces 53ER08-79, 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: October 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-52 POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of POWERBALL® and replaces Rule 53ER08-84. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-52 POWERBALL®.

(1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) Annuity prize – A Grand Prize paid in thirty annual installments.

(b) Match 5 prize – The prize won by players matching 5 numbers from the first set of numbers and not the Powerball from the second set of numbers.

(c) Match 5 Bonus prize – The bonus money won when a Grand Prize has reached a new high level and bonus prize monies have been declared by the Powerball Product Group. The Match 5 Bonus prize does not include the original amount declared for the Match 5 prize.

(d) MUSL – The Multi-State Lottery Association.

(e) MUSL Board – The governing body of MUSL which is comprised of the chief executive officer of each party lottery.

(f) MUSL Powerball Product Group – The group of lotteries that have joined together to offer the Powerball lottery game under the terms of the MUSL agreement and MUSL Powerball Product Group rules.

(g) Party lottery – A State lottery or lottery of a political subdivision or entity which has joined MUSL and, in the context of the Powerball Product Group Rules, which has joined in selling the Powerball game.

(h) Set prize – All prizes except the Grand Prize that are advertised to be paid by a single lump-sum payment and, except as set forth in paragraph (6)(g), will be equal to the prize amount established by the MUSL Board for the prize level.

(2) How to Play POWERBALL.

(a) POWERBALL is a multi-state lottery on-line game. In POWERBALL, players select five (5) numbers from a field of one (1) through fifty-nine (59) and one (1) Powerball number from a separate field of one (1) through thirty-nine (39).

(b) Players may make their POWERBALL ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers (five (5) in the upper play area and one (1) in the lower play area) from each panel played. Players may also mark the “Quick Pick” box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from either or both play areas. 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. For each panel played, the first five of the six numbers appearing in a single horizontal row on a POWERBALL ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Powerball number selected from the lower play area of the play slip.

(c) Players may mark the 5, 10 or 20 “Quick Picks” box to receive a ticket(s) with the selected number of sets of six (6) randomly selected numbers for the next POWERBALL drawing.

(d) 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.

(e) Players may play up to fifty-two (52) consecutive POWERBALL 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-E) played.

(3) POWERBALL Drawings.

(a) POWERBALL drawings shall be conducted by MUSL two (2) times per week, on Wednesday and Saturday at approximately 10:59 p.m., ET.

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

(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 must match the official winning POWERBALL numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

(a) Grand Prize: Five (5) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(b) Second Prize: Five (5) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(c) Third Prize: Four (4) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(d) Fourth Prize: Four (4) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(e) Fifth Prize: Three (3) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(f) Sixth Prize: Three (3) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(g) Seventh Prize: Two (2) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(h) Eighth Prize: One (1) number selected from the first set of balls plus the Powerball number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the Powerball number selected from the second set of balls.

(5) POWERBALL Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Grand Prize – 1:195,249,054.0000
2. Second Prize – 1:5,138,133.0000
3. Third Prize – 1:723,144.6444

<u>Tickets Containing The Following</u>	<u>Prize</u>	<u>Prize</u>	<u>Approximate Percentage of Winnings Pool Allocated to Prize Category</u>
<u>In One Single Lettered Game Section</u>	<u>Category</u>	<u>Payment</u>	<u>to Prize Category</u>
<u>Five first set numbers and the Powerball number</u>	<u>Grand Prize</u>	<u>Grand Prize</u>	<u>65.0577% *</u>
<u>Five first set numbers</u>	<u>Second Prize</u>	<u>\$200,000</u>	<u>7.7849%</u>
<u>Four first set numbers and the Powerball number</u>	<u>Third Prize</u>	<u>\$10,000</u>	<u>2.7657%</u>
<u>Four first set numbers</u>	<u>Fourth Prize</u>	<u>\$100</u>	<u>1.0510%</u>
<u>Three first set numbers and the Powerball number</u>	<u>Fifth Prize</u>	<u>\$100</u>	<u>1.4658%</u>
<u>Three first set numbers</u>	<u>Sixth Prize</u>	<u>\$7</u>	<u>3.8991%</u>
<u>Two first set numbers and the Powerball number</u>	<u>Seventh Prize</u>	<u>\$7</u>	<u>1.7785%</u>
<u>One first set number and the Powerball number</u>	<u>Eighth Prize</u>	<u>\$4</u>	<u>6.4789%</u>
<u>The Powerball number</u>	<u>Ninth Prize</u>	<u>\$3</u>	<u>9.7184%</u>

* When the Grand Prize reaches a new high level, the Prize Pool Percentage allocated to the Grand Prize shall be reduced to that percentage needed to fund the maximum Grand Prize increase, with the remainder funding the Match 5 Bonus Prize category.

4. Fourth Prize – 1: 19,030.1222

5. Fifth Prize – 1:13,644.2386

6. Sixth Prize – 1:359.0589

7. Seventh Prize- 1:787.1676

8. Eighth Prize – 1:123.4773

9. Ninth Prize – 1: 61.7386

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:35.1138.

(6) POWERBALL Prize Pool.

(a) Prize Pool. The prize pool for all prize categories shall consist of 50% of each drawing period’s sales after the prize reserve accounts are funded to the amounts set by the MUSL Powerball Product Group.

(b) Prize Reserve Accounts. An amount equal to up to 2% of a party lottery’s sales shall be deducted from a party lottery’s grand prize pool and placed in trust in one or more prize reserve accounts until the party lottery’s share of the prize reserve accounts reaches the amounts designated by the MUSL Powerball Product Group. Once the party lottery’s share of the prize reserve accounts exceeds the designated amounts, the excess shall become part of the grand prize pool. The MUSL Powerball Product Group, with the approval of the MUSL Finance and Audit Committee, may establish a maximum balance for the prize reserve accounts. The shares of a party lottery may be adjusted with refunds to the party lottery from the prize reserve accounts as may be needed to maintain the approved maximum balance and shares of the party lotteries.

(c) Expected prize payout percentages.

The Grand Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set cash prizes with the following expected prize payout percentages:

(d) Prize money allocated to the Grand Prize category will be paid on a pari-mutuel basis, divided equally by the number of plays determined to be winners of the Grand Prize.

(e) The number of plays determined to be winners of the second through ninth prize categories will be paid as set cash prizes, except as provided in subparagraph (g) below. If all or

any portion of the set prize pool is not awarded in the current POWERBALL drawing, that portion of the set prize pool shall be carried forward to subsequent POWERBALL drawings.

(f) If the total of the set prizes awarded in a POWERBALL drawing exceeds the percentage of the prize pool allocated to the set prizes, the amount needed to fund the set prizes shall be drawn from the following sources in the following order:

1. The amount allocated to the set prizes and carried forward from previous draws, if any.

2. An amount from the MUSL set prize reserve account, if available, not to exceed \$25,000,000 per Powerball drawing.

(g) If the sources set forth in subparagraph (f) are depleted and there still are not sufficient funds to pay the set prizes for a particular POWERBALL drawing, the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining set prizes, the next highest set prize shall become a pari-mutuel prize. If necessary, and under the same test conditions set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in paragraph (f) shall be divided among the winning plays in proportion to their respective prize percentages.

(h) Any interest or earnings accrued on a POWERBALL set prize prior to prize payment shall accrue to the State of Florida and not to the winner.

(7) POWERBALL Grand Prize.

(a) Players can choose one of two payment options for receiving their portion of the POWERBALL Grand Prize. Payment options are "Cash Option" and "Annual Payment."

(b) Grand Prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Grand Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in paragraph (i) below.

(c) In order to select the Cash Option, the Grand Prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Grand Prize winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (f) below.

(d) Shares of the Grand Prize shall be determined by dividing the cash available in the Grand Prize pool equally among all winners of the Grand Prize. A Grand Prize winner who chooses the Cash Option will receive his or her share of the cash available in the Grand Prize pool in a single cash payment, less applicable withholding taxes.

(e) If a Grand Prize winner elects the Annual Payment option, his or her share of the Grand Prize will be paid in thirty (30) equal annual installments, each less applicable withholding taxes. The amount of the prize shall be determined by multiplying the winner's share of the Grand Prize pool by the MUSL annuity factor. The MUSL annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-approved brokers made after the prize is claimed. MUSL shall purchase and hold the investments that shall fund the Grand Prize winner's prize payments. Neither MUSL nor the party lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL.

(f) If individual shares of the cash held to fund Annual Payments are less than \$250,000, the Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the Grand Prize pool.

(g) Annuitized payment of the grand prize or a share of the grand prize will be rounded to the nearest one thousand dollars (\$1,000) to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized grand prize win shall be added to the first cash payment to the winner or winners. Prizes other than the grand prize, which under this rule may become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(h) The Florida Lottery will make the initial and any subsequent payments of a prize upon receipt of funds for such prize from MUSL.

(i) In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may file a petition with the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such petition will be forwarded by the Florida Lottery to MUSL for processing.

(j) If the Grand Prize is not won in a drawing, the prize money allocated for the Grand Prize shall roll over and be added to the Grand Prize pool for the following drawing. If a new high Grand Prize is not won in a drawing, the prize money allocated for the Match 5 Bonus prizes shall roll over and be added to the Match 5 Bonus prize pool for the following drawing.

(k) Guaranteed Grand Prize.

On occasion, guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings will be offered for promotional purposes. If a minimum Grand Prize amount or a minimum increase in the Grand Prize amount between drawings is offered, the Grand Prize shares shall be determined as follows:

1. If there are multiple Grand Prize winners during a single drawing, each selecting the Annual Payment option, then a winner's share of the guaranteed Grand Prize shall be determined by dividing the guaranteed Grand Prize by the number of winners.

2. If there are multiple Grand Prize winners during a single drawing and at least one of the Grand Prize winners has elected the Annual Payment option, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed Grand Prize.

3. If no winner of the Grand Prize during a single drawing has elected the Annual Payment option, then the amount of cash in the Grand Prize pool shall be an amount equal to the guaranteed amount divided by the average annuity factor of the most recent three best quotes provided by MUSL's pre-approved qualified brokers submitting quotes.

4. In no case shall quotes be used which are more than two weeks old and if fewer than three quotes are submitted, then MUSL shall use the average of all quotes submitted.

(l) Grand Prize Maximum Increase – Creation of Match 5 Bonus Prizes.

When the Grand Prize reaches a new high annuitized amount, the maximum amount to be allocated to the Grand Prize pool from the Grand Prize percentage shall be the previous high amount plus \$25 million (annuitized) or as otherwise set by the Product Group. Any amount of the Grand Prize percentage which exceeds the \$25 million (annuitized) increase shall be deposited into a Match 5 Bonus prize pool. The Match 5 Bonus prize pool shall accumulate until the Grand Prize is won, at which time the Match 5 Bonus prize pool shall be divided equally by the winners of the Match 5 prize for that draw. If there are no Match 5 winners on the draw when the new high Grand Prize is won, then the Match 5 Bonus prize pool shall be divided equally by the winners of the Match 4+1 prize.

(m) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(n) Any interest or earnings accrued on a POWERBALL Grand Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) Power Play® Option.

(a) The Power Play option shall be available in association with the POWERBALL game. The Power Play option will be conducted in accordance with the POWERBALL rules. The POWERBALL Grand Prize will not be eligible for multiplication under the Power Play option. Match 5 Bonus prizes are awarded independent of the Power Play option and are not multiplied by the Power Play multiplier.

(b) At the time of purchasing a POWERBALL ticket, a player may choose the Power Play option for an additional \$1 per play for each play on the POWERBALL ticket.

(c) At the time of each POWERBALL drawing, a Power Play drawing shall be conducted to select the Power Play number from among a series of numbers designated for the drawing.

(d) POWERBALL tickets that contain the Power Play option and one or more plays eligible for POWERBALL set prizes shall be entitled to a total set prize calculated by multiplying each POWERBALL set prize other than the Match 5 prize by the Power Play number. The Match 5 prize shall be multiplied by five (5) unless a higher multiplier is announced for promotional purposes prior to the drawing, in which case the Match 5 prize will be multiplied by the higher multiplier.

(e) The prize pool for Power Play set prizes shall consist of up to 49.5% of Power Play sales after POWERBALL prize reserve accounts are funded to the amounts set by MUSL. The prize pool percentage allocated to Power Play set prizes shall be carried forward to subsequent Power Play drawings if all or a portion of the percentage is not required to pay the set prizes for the current Power Play drawing.

(f) An additional .5% of Power Play sales will be collected and placed in prize reserve accounts until the prize reserve accounts meet the amounts designated by MUSL.

(g) If, with respect to a single POWERBALL drawing and associated Power Play drawing, the total of the POWERBALL set prizes without the Power Play option and the POWERBALL set prizes multiplied by the Power Play number exceeds the amount in the prize pools allocated to the set prizes, the amount needed to fund those combined set prizes shall be drawn from the following sources in the following order:

1. The amount allocated to the set prizes and carried forward from previous POWERBALL drawings and Power Play drawings, if any.

2. An amount from the POWERBALL set prize reserve account, if available, not to exceed \$25,000,000 per drawing.

(h) If the sources set forth in subsection (g) are depleted and there still are not sufficient funds to pay the set prizes for a particular POWERBALL drawing and associated Power Play drawing, the highest set prize, including the multiplied set prize, shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining prizes, the next highest set prize, including the multiplied set prize, shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in paragraph (g) shall be divided among the winning plays in proportion to their respective prize percentages.

(i) Power Play set prizes which become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next Power Play drawing.

(j) Except as otherwise provided, all Power Play set prizes shall be paid in single, lump-sum payments determined by multiplying the POWERBALL set prize by the number selected in the Power Play drawing as follows:

	Prize Amount	5X	5X	5X	5X
Match 5+0	\$200,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
	Prize Amount	5X	4X	3X	2X
Match 4+1	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4+0	\$100	\$500	\$400	\$300	\$200
Match 3+1	\$100	\$500	\$400	\$300	\$200
Match 3+0	\$7	\$35	\$28	\$21	\$14
Match 2+1	\$7	\$35	\$28	\$21	\$14
Match 1+1	\$4	\$20	\$16	\$12	\$8
Match 0+1	\$3	\$15	\$12	\$9	\$6

(k) When the POWERBALL set prizes become pari-mutuel, the POWERBALL set prize amounts will be less than the amount shown and the Power Play set prizes shall be a multiple of the new POWERBALL set prize amounts.

(l) The odds of various Power Play numbers being selected in a Power Play drawing are:

Power Play Multiplier	Odds
Two	1:4
Three	1:4
Four	1:4

(9) POWERBALL Rules and Prohibitions.

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

(b) Florida POWERBALL prizes shall be claimed only through a Florida Lottery retailer or Lottery office beginning on the day following the drawing. The Lottery is not authorized to accept claims or pay prizes for POWERBALL tickets purchased in other jurisdictions. POWERBALL 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, POWERBALL lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET). Ticket sales for a specific POWERBALL drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next POWERBALL draw date.

(e) POWERBALL tickets cannot be cancelled.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 10-9-09, Replaces 53ER08-84, 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: October 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-53
 RULE TITLE: \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a \$250,000 Treasure Tree Holiday Shopping Spree Second Chance drawing between October 14, 2008 and December 2, 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:

53ER09-53 \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing.

(1) Beginning Tuesday, October 13, 2009, players can enter their non-winning Florida Lottery “\$250,000 Treasure Tree” scratch-off tickets in the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing on the Florida Lottery website to win a \$5,000 Shopping Spree or Simon Mall gift cards.

(2) One \$250,000 Treasure Tree Second Chance Drawing Holiday Shopping Spree drawing will be held on Tuesday, December 15, 2009, from entries received by midnight Monday, December 14, 2009, to award nine (9) Grand Prizes and all second and third prizes. One final drawing to award the final Grand Prize will be held on the second Tuesday following the end of game sales (to be determined) from all entries received between December 15, 2009 and midnight on the night before the drawing. Entries will be good for one (1) drawing only.

(3) A total of ten (10) \$250,000 Treasure Tree Holiday Shopping Spree Grand Prize \$5,000 shopping sprees, consisting of \$5,000 in Simon Mall gift cards, will be awarded.

(4) A total of ten (10) second place prizes of \$1,000 in Simon Mall gift cards and thirty (30) third place prizes of \$500 Simon Mall gift cards will be awarded on Tuesday, December 15, 2009.

(5) To enter a non-winning ticket in the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing, players must visit the Florida Lottery's Web site at www.flalottery.com, click on the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing icon and follow the directions.

The ticket number, which is needed for entry into a second chance drawing, is located below the play instructions on the front of the \$250,000 Treasure Tree scratch-off ticket. Scratch off the latex covering to reveal the 24-digit ticket number. Winning \$250,000 Treasure Tree tickets cannot be used for entry into a second chance drawing. 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 next scheduled drawing. The ticket must be presented in order to claim a prize in the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance drawing. Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(6) A total of forty-nine (49) entries will be drawn on December 15, 2009. The first nine (9) numbers drawn will win the Grand Prize of a \$5,000 Holiday Shopping Spree, consisting of \$5,000 in Simon Mall gift cards. The tenth through nineteenth numbers drawn will win \$1,000 in Simon Mall gift cards and will be alternates for the Grand Prize Shopping Spree prize. The twentieth through forty-ninth numbers drawn will win a \$500 Simon Mall gift card and will be alternates for the second prize.

Two (2) entries will be drawn in the final drawing held following the end of the "\$250,000 Treasure Tree" game. The first number drawn will be awarded a \$5,000 Holiday Grand Prize Shopping Spree and the second number drawn will be an alternate.

(7) The prizewinners in each \$250,000 Treasure Tree Holiday Shopping Spree Second Chance drawing will be posted on www.flalottery.com on the day of the draw. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate. For the December 15, 2009, drawing, alternates will be selected, in the order in which they were drawn, from winners in the next lowest prize category who have been contacted within the three (3) week period. An alternate who has already claimed his or her prize will be awarded additional gift cards valued at the difference between the prize already claimed and the higher prize. For the drawing after the end of the \$250,000 Treasure Tree game, if the Florida Lottery is unable to contact the alternate winner within three (3) weeks of forfeiture by the initial winner, the alternate winner will forfeit his or her right to claim the prize and the prize will not be awarded. Second Chance Shopping Spree prizes will be shipped to the winner's address within approximately 15

business days after the winning ticket has been received by the Lottery. Unclaimed gift cards, if any, will be used for future Florida Lottery promotional prizes.

(8) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing prize, the player must submit to the Florida 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 DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER08-89, F.A.C., and a copy of acceptable identification to the Florida Lottery within two (2) weeks of notification by the Lottery that they are a winner. Winners who cannot produce a valid entry ticket and/or do not return the required documents as set forth above will forfeit their right to claim the prize.

(9) Federal income tax withholding for the value of the \$250,000 Treasure Tree Holiday Shopping Spree Grand Prize will be paid by the Florida Lottery. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner. The value of the prize reported to the Internal Revenue Service as income will be \$6,666.67 for a U.S. citizen.

All federal, state and/or local taxes or other fees on the second and third prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because the second and third prizes in this promotion do not involve cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

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

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

(12) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing rule. Prizes will be paid in accordance with the rule of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule and the \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(13) 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.

(14) A player entering \$250,000 Treasure Tree Holiday Shopping Spree 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.

(15) The \$250,000 Treasure Tree Holiday Shopping Spree Second Chance Drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Website at www.flalottery.com, by phone at (850)487-7777 and at Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 10-9-09.

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 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-54
RULE TITLE: FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER08-88, 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:

53ER09-54 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

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

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

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

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

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

(2) FLORIDA LOTTO Drawings.

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

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

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

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

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

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

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and

effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

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

(3) FLORIDA LOTTO Prize Divisions.

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

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

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

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

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

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

fourth prizes are insufficient to pay the minimum amount, the variable percentage described in paragraph (3)(a) above will be adjusted to cover the prize liability.

(4) Determination of Prize Winners.

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

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

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

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

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

(5) FLORIDA LOTTO Guaranteed Jackpot.

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

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

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

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

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

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

(6) FLORIDA LOTTO with XTRA® Option.

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

(b) At the time of purchasing a FLORIDA LOTTO ticket, a player may choose the XTRA option for an additional \$1 per play for each play on the FLORIDA LOTTO ticket. The XTRA option will apply to all panels and selections marked on the play slip. The prize pool for XTRA prizes shall be funded by LOTTO with XTRA ticket sales. If the funds available from XTRA ticket sales are insufficient to pay all XTRA prizes, the

variable percentage described in paragraph (3)(a) above will be adjusted or prize money rendered unclaimable by Section 24.115, F.S., will be used to cover the prize liability.

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

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

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

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

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

(7) FLORIDA LOTTO Odds of Winning.

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

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

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

(8) FLORIDA LOTTO Payment Options.

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

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

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

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

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

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

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

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

(9) FLORIDA LOTTO Rules and Prohibitions.

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

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

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

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

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

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. FLORIDA LOTTO tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour cancellation period may

be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

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

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

(a) Sales of \$2.00 and \$3.00 FLORIDA LOTTO jackpot tickets as described in Rule 53ER08-88, F.A.C., will be discontinued at approximately 10:38 p.m. on Saturday, October 10, 2009 before the FLORIDA LOTTO draw.

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

(c) The higher jackpot prize payouts described in subsections 53ER08-88(4), (8) and (9), F.A.C., will be honored for players who have purchased Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets for drawings beyond October 10, 2009. When Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot winning tickets are claimed, players will receive a continuation FLORIDA LOTTO \$2.00 or \$3.00 Jackpot ticket for any remaining draws.

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

(11) This rule becomes effective October 10, 2009.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 10-10-09, Replaces 53ER08-88, 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: October 10, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-55
 RULE TITLE: FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission Program

SUMMARY: The Florida Lottery will award bonus and sales commissions to the retailer(s) that sell FLORIDA LOTTO™ with XTRA® tickets.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-55 FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission Program.

(1) Beginning October 11, 2009 through November 8, 2009, the Florida Lottery will conduct, as a retailer sales incentive, a FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission Program in which the Florida Lottery will award bonus sales commissions to retailers.

(2) The Florida Lottery will pay retailers a 2% bonus sales commission on each XTRA sale in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for a total of \$.12 for each \$2.00 FLORIDA LOTTO with XTRA ticket.

(3) The bonus commission will be reflected on the retailer's weekly Settlement Report.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

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

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 10-9-09.

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 9, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-56
 RULE TITLE: Retailer FLORIDA LOTTO™ Bonus Commission Program

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

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-56 Retailer FLORIDA LOTTO™ Bonus Commission Program.

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

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

(3) The bonus commission awarded to retailers that sell a winning \$2.00 or \$3.00 Lotto Plus™ jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing described in Rule 53ER08-37, F.A.C., will be continued for Advance Play FLORIDA LOTTO \$2.00 or \$3.00 Jackpot tickets sold on or before October 10, 2009, the date the sale of such tickets will be discontinued.

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

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

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

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

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

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 10-9-09, Replaces 53ER08-13 and 53ER08-37, 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: October 9, 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**

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN THAT on October 12, 2009, the Department of Education has issued an order.

The Department has denied the request for a variance or waiver of subparagraphs 6A-1.039(3)(a)2. and (4), F.A.C., as the established deadline for submission of applications to be a Supplemental Educational Services Provider did not create a substantial hardship upon the Petitioners nor would it violate the principles of fairness. This order was issued in response to the petition filed RE: Applications by Sylvan Learning Centers of Collier and Lee Counties, Sylvan Learning Centers of Charlotte and Sarasota Counties, Ace It! Powered by Sylvan of Collier and Lee Counties, and Ace It! Powered by Sylvan of Charlotte and Sarasota Counties for Authorization to Serve as SES Providers. DOE Agency Case No.: DOE-2009-1872.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, lynn.abbott@fldoe.org or (850)245-9661.

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on February 19, 2009 the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Michael Marlowe, West Cove, Maitland, FL, to not comply with Rules 3.11.3, and 2.7.4, ASME A17.3, 1996 edition until August 31, 2009 (VW 2008-326).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 10, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Dr. Mickey Carter, Landmark Baptist, Haines City, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition to allow installation of door restrictors for a manned, attendant operated elevator operated by a trained operator in a building where it would be impossible to meet code (VW 2009-009).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code and a substantial hardship, as submitted by Mark J. Stempler, Lake Harbor Cove Condominium Association and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-017).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to William Snyder, Willow Lake Condominiums, Kenneth City, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 addenda edition to allow installation firefighters' service at the above project because the elevator travel is less than the required 25 feet (VW 2009-023).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on April 27, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That the order is denied as the petitioner has not met its burden to meet the intent of the code to address the factor of safety and breaking strength of ropes smaller than 9.5mm (3/8") as submitted by Ryan Fish, USF, Tampa, FL, Residence Facility and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-024).