

(b) The insurers used to tabulate the above rates are:

| Insurer                                   | Weighting Percentage |
|---|----------------------|
| Bankers Life & Casualty Insurance Company | 52.7%                |
| Blue Cross Blue Shield of Florida         | 5.1%                 |
| Genworth Life Insurance Company           | 11.5%                |
| Great American Life Insurance Company     | 9.8%                 |
| John Hancock Life Insurance Company       | 14.2%                |
| Metlife Insurance Company                 | 6.7%                 |

Specific Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History-New 11-1-07, Amended \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

| RULE NOS.:  | RULE TITLES:                |
|-------------|-----------------------------|
| 69O-157.302 | Facility Only Rates         |
| 69O-157.303 | Home Health Care Only Rates |
| 69O-157.304 | Comprehensive Only Rates    |

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly.

The notice of change published for this rule on January 16, 2009, failed to state that the reason for the change was not only comments by JAPC but also in response to written material received.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

| RULE NO.:   | RULE TITLE:                           |
|-------------|---------------------------------------|
| 69O-197.006 | Insurance Administrator Annual Report |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 44, October 31, 2008 issue of the Florida Administrative Weekly.

69O-197.006 Insurance Administrator Annual Report.

(1) The form adopted in subsection (2) below, is a form that Insurance Administrators must submit to the Office of Insurance Regulation to report financial information. This form may be viewed at the Office’s website: <http://www.florir.com/pdf/OIR-A3-975.pdf>.

(2) Form OIR-A3-975, “Insurance Administrator Annual Report” (REV 12/08), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation to report financial information.

(3) All forms submitted for review or approval shall be submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 626.89(1), 626.8991 FS. Law Implemented 626.8805, 626.8809, 626.89, 626.891 FS. History-New \_\_\_\_\_.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

| RULE NOS.: | RULE TITLES:                       |
|------------|------------------------------------|
| 12DER08-32 | Scope of Emergency Rules           |
|            | 12DER08-33 Through                 |
|            | 12DER08-35; How to Obtain          |
|            | Forms                              |
| 12DER08-33 | Transfer of Assessment Limitation  |
|            | Difference; “Portability;” Sworn   |
|            | Statement Required                 |
| 12DER08-34 | Tangible Personal Property         |
|            | Exemption                          |
| 12DER08-35 | Additional Homestead Exemption     |
|            | Pursuant to Section 196.031(1)(b), |
|            | Florida Statutes                   |

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here are based on the requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the 2008 Legislature. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include property appraisers and the professional associations that represent them, counties, municipalities, and independent districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: posting information, forms and procedures associated with implementation of this act on a special Internet website at <http://dor.myflorida.com/dor/property/sb4d.html> for issues

regarding recent legislative changes to the laws governing property tax; emailing and/or mailing copies of the draft forms to property appraisers with requests for comments; and previously-adopted Emergency Rules 12DER08-01 through 12DER08-06, 12DER08-07 through 12DER08-12 and 12DER08-20 through 12DER08-23.

SUMMARY: Rule 12DER08-32 (Scope of Emergency Rules 12DER08-33 through 12DER08-35; How to Obtain Forms) describes in detail the scope and application of emergency rules when implementing the provisions of Chapter 2007-339 (Senate Bill 4-D), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. Emergency Rules 12DER08-32 through 12DER08-35 supersede any other existing rules of the Department that deal with the same or similar issues and should be read in conjunction with those source documents that created the laws, and not rely solely on these rules. Rule 12DER08-33 (Transfer of Assessment Limitation Difference; "Portability;" Sworn Statement Required) shall replace Rule 12DER08-21. This rule sets forth the limitations and special rules to be observed and the forms to be used by applicant taxpayers and property appraisers for the transfer of assessment limitation difference, when a homestead is abandoned. 12DER08-34 (Tangible Personal Property Exemption) shall replace Rule 12DER08-22. This rule describes the procedure applicant taxpayers can use to apply for and receive this exemption, and the duties of the property appraiser when allocating exemptions and preparing the tax roll. Emergency Rule 12DER08-35 (Additional Homestead Exemption Pursuant to Section 196.031(1)(b), F.S.; 2008 Tax Year) shall replace Rule 12DER08-23. This rule provides that no new application form will be necessary. The additional homestead exemption shall only apply to non-school levies, and the property appraiser shall have additional duties when documenting changes in the assessment roll. Rules 12DER08-11, 12DER08-24 through 12DER08-26 are not affected.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-32 Scope of Emergency Rules 12DER08-33 Through 12DER08-35; How to Obtain Forms.

(1) These rules shall replace Rules 12DER08-20 through 12DER08-23, which were effective July 18, 2008. Rules 12DER08-11, 12DER08-24, 12DER08-25 and 12DER08-26 have not been affected.

(2) These rules shall supersede any existing rule to the contrary to the extent necessary to implement Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(3) These rules are to be read in conjunction with applicable statutes and not as a substitute for them. They are designed to assist with the understanding and deployment of the requirements of Chapter 2007-339 (Senate Bill 4-D) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. Users should consult those laws as the source documents that created the legal requirements, and not rely solely on these rules.

(4)(a) Copies of the forms incorporated in Emergency Rules 12DER08-11, 12DER08-33 and 12DER08-35 may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/codownloads.html>. Copies of the forms incorporated in Emergency Rule 12DER08-34 can be obtained by calling Ed Parker, Property Tax Oversight Program, Florida Department of Revenue, at (850)922-7944.

(b) The Department has also sent an email to all property appraisers telling them that the forms are available on the above site.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 193.155, 196.031, 196.183 FS. History—New 12-31-08.

12DER08-33 Transfer of Assessment Limitation Difference; "Portability;" Sworn Statement Required.

(1) This rule shall replace Rule 12DER08-21, which was effective July 18, 2008.

(2) Section 193.155(8), Florida Statutes, provides the procedures for the transfer of the assessment limitation difference, within stated limits, when a homestead is abandoned. These rules describe those procedures, which are an alternative to assessment at just value. The transfer of the assessment limitation difference is to the just value of the interest owned by those persons that qualify and receive homestead exemption on a new homestead.

(a) These rules set forth limitations and special rules that must be met consistent with Section 193.155(8), Florida Statutes. A person may apply for the transfer of a homestead assessment difference from a previous homestead property to a new homestead property if:

1. That person received a homestead exemption on the previous property as of January 1 of either of the two (2) immediately preceding years; and,

2. The previous property was abandoned as a homestead after such January 1 and was, or will be, reassessed at just value or assessed under Section 193.155(8), Florida Statutes, as of January 1 of the year after the year in which the abandonment occurred; and,

3. The new homestead property was assessed at just value without the homestead exemption either because it did not receive a homestead exemption, or the homestead exemption was abandoned, as of January 1 of the year for which application is made.

(b) Under Section 193.155(8), Florida Statutes, the transfer of an assessment limitation difference is available to a person only from a prior homestead in which that person received a homestead exemption.

1. For a husband and wife who owned, shared and both resided on a previous homestead, each shall be considered to have received the homestead exemption for purposes of these rules.

2. For joint tenants with right of survivorship, those tenants that applied for, received the homestead exemption, and resided on a previous homestead shall be considered to have received the homestead exemption for purposes of these rules.

3. For tenants in common, those tenants that applied for and received the homestead exemption and resided on a previous homestead shall be considered to have received the homestead exemption for purposes of these rules.

(3) To apply for portability, the applicant taxpayer shall file Form DR-501T (Transfer of Homestead Assessment Difference-Attachment to Original Application for Ad Valorem Tax Exemption) which the Department of Revenue hereby adopts and incorporates in this rule by reference, by March 1, as an attachment to the homestead exemption application, Form DR-501, Original Application for Tax Exemption, (incorporated by reference in Rule 12D-16.002, Florida Administrative Code). Completing Form DR-501T, including a sworn statement, and Form DR-501 shall be considered sufficient documentation for applying for the transfer. Note: Section 192.047(2), Florida Statutes provides "When the deadline for filing an ad valorem tax application or return falls on a Saturday, Sunday, or legal holiday, the filing period shall extend through the next working day immediately following such Saturday, Sunday, or legal holiday."

(4)(a) Upsizing – When the just value of the new homestead is equal to or greater than the just value of the previous homestead, the maximum assessment limitation difference that can be transferred is \$500,000. Within that limit, the differential between assessed value and just value can be transferred to the new property, subject also to provisions for multiple owners described below.

(b) Downsizing – When the just value of the new homestead is less than the just value of the previous homestead, the maximum assessment difference that can be transferred is \$500,000. However, within that limit, the transferred assessment difference must be the same proportion of the new homestead's just value as the proportion of the assessment difference of the previous homestead was of the just value of the previous homestead, subject also to provisions for multiple owners described below.

(5)(a) Transferring without splitting or joining – When one or more people who previously owned a single homestead and each received the homestead exemption as described in these rules together qualify for a new homestead, where all persons

who qualify for homestead exemption in the new homestead also qualified for homestead exemption in the previous homestead without an additional person qualifying for homestead exemption in the new homestead, the maximum assessment difference that can be transferred is \$500,000. Within that limit, the assessment limitation difference from the previous homestead may be transferred, and it is not considered to be a splitting or joining as discussed in paragraphs (b) and (c) below. Further, the rules for "upsizing" and "downsizing" as set forth above apply.

(b) Splitting – When two or more people who previously shared a homestead abandon that homestead and establish separate homesteads, the maximum total limitation that can be transferred from the previous homestead is \$500,000. However, within that limit, each person that received a homestead exemption and who is eligible to transfer an assessment limitation difference is also limited to a share of the previous homestead's difference between assessed value and just value. For tenants in common, this share is equal to the difference between just value and assessed value for the tenant's proportionate interest in the property, in other words, the just value of the person's interest minus the assessed value of the person's interest. For tenancy with right of survivorship, the share is equal to the assessed value of the homestead portion of the property divided by the number of owners that received the exemption, unless another interest share is stated on the title in which case the portion of the assessment limitation difference that may be transferred is equal to the difference between just value and assessed value for the stated share. Within this limit, the rules for "upsizing" and "downsizing" as set forth above would apply. For purposes of the transfer of the assessment limitation difference, the shares of the assessment limitation difference cannot be sold, transferred, or pledged to any person. For example, a husband and wife divorcing and both abandoning the homestead would each take their share of the assessment limitation difference and the property appraiser could not accept a stipulation otherwise. In no case shall the shares of the persons that received the homestead exemption add up to more than 100 percent.

(c) Joining – When two or more people, some of whom previously owned separate homesteads on which they received homestead exemption, join together in qualifying for a new homestead, the maximum assessment limitation difference that can be transferred is \$500,000. However, within that limit, the assessment difference that can be transferred is further limited to the highest difference between assessed value and just value from any of the applicants' former homesteads. Within that limit, the rules for "upsizing" and "downsizing" as set forth above apply.

(6) For the applicant taxpayer to be eligible for any transfer, the prior homestead must be "reassessed" at just value in the year after the year in which the abandonment occurred,

or subject to such reassessment, either under the “change in ownership” rules of Section 193.155(3), Florida Statutes, or because the property is no longer used as a homestead. After it is assessed at just value, the prior homestead could have some assessment limitation difference transferred to it and be assessed under Section 193.155(8), Florida Statutes. Generally, if all joint owners of the prior homestead “abandon” it, then the prior homestead is reassessed at just value. However, under the referenced “change in ownership” rules of Section 193.155(3), Florida Statutes, some transfers do not subject property to re-assessment, such as transfers between husband and wife, equitable and legal title, and addition of persons to a title. Unless the property is reassessed at just value, or assessed under Section 193.155(8), Florida Statutes, if only one of the previous owners of the homestead property moved to another parcel and other previous owners of the homestead property stayed in the original homestead, the homestead would not be abandoned and the one who moved could not transfer any assessment limitation difference. For purposes of transferring an assessment limitation difference, a homestead owner may abandon his or her homestead, as of or before January 1 of the year for which application is made, even though it remains his or her primary residence. To do so, the person must notify the property appraiser in writing before or at the same time as filing the timely new application for homestead exemption on the property. Such an abandonment will result in reassessment at just value as provided in subparagraph (2)(a)2., of this rule above.

(7) Classified use assessment and living quarters for parents and grandparents – The assessment limitation difference that is eligible for transfer under these rules is the amount of difference between assessed value and just value of the portion of the property used as a homestead. This difference is equal to the reduction in value due to Section 193.155, Florida Statutes. For property with both a classified use assessment, such as agricultural, and assessed pursuant to Section 193.155, Florida Statutes, the difference eligible for transfer is equal to the difference between just and assessed value on the homestead portion of the property. No portion of property classified and used for agricultural or other non-homestead purpose may be included in the calculation of the eligible assessment limitation difference under Section 193.155(8), Florida Statutes. In calculating the assessment reduction to be transferred from a prior homestead that has an assessment reduction for living quarters of parents or grandparents pursuant to Section 193.703, Florida Statutes, the value calculated pursuant to Section 193.703(6), Florida Statutes, must first be added back to the assessed value of the prior homestead.

(8) Procedures for property appraiser:

(a) If the previous homestead was located in a different county than the new homestead, the property appraiser in the new county must transmit a copy of the completed Form

DR-50IT together with a completed Form DR-501 to the property appraiser in the previous county. If the previous homesteads of applicants for transfer were in more than one county, each applicant from a different county must fill out a separate Form DR-50IT.

1. The property appraiser in the previous county must complete Form DR-501RVSH (Certificate for Transfer of Homestead Assessment Difference) which the Department of Revenue hereby adopts and incorporates in this rule by reference, within two weeks of receipt of Form DR-50IT, and forward this form to the new property appraiser. As part of the information returned on Form DR-501RVSH, the previous property appraiser shall certify that the homestead assessment difference to be transferred is part of a previous homestead that has been or will be reassessed at just value as of January 1 of the year after the year in which the abandonment occurred.

2. Based on the information provided on Form DR-501RVSH from the previous property appraiser, the new property appraiser shall calculate the amount of the assessment limitation difference that may be transferred and apply such difference to the January 1 assessment of the new homestead for the year for which application is made.

(b) If the transfer is requested from the same county in which the new homestead is located, the property appraiser shall retain the Form DR-50IT and Form DR-501RVSH is not required. Upon request of a taxpayer that had timely applied for the transfer of assessment limitation difference, the property appraiser shall update the ownership share information using the share methodology in this rule.

(c) The property appraiser in the county in which the new homestead is located shall record in the NAL file record, (see Emergency Rule 12DER08-11) the following information for the year in which the transfer is made to the homestead parcel:

1. Flag for current year assessment difference transfer;
2. Number of owners among whom previous assessment difference split. Enter 1 if previous difference was not split;
3. assessment difference value transferred;
4. County number of previous homestead;
5. Parcel ID of previous homestead;
6. Year from which assessment difference value transferred;

(d) All information sharing agreements in effect in 2007 that were extended by previous emergency rule, and such agreements in effect in 2008, covering confidential tax information are hereby perpetuated and extended during the period these emergency rules are in effect, and property appraisers having information sharing agreements with the Department are authorized to share confidential tax information with each other pursuant to Section 195.084, Florida Statutes, including social security numbers and linked information on Forms DR-501, DR-50IT, and DR-501RVSH.

(9) Documenting changes in the assessment roll due to this provision will necessitate changes to the record layout and the information provided on the Rule 12D-8.013, Florida Administrative Code, NAL file submitted to the Department. See Emergency Rule 12DER08-11.

(10) The transfer of any limitation is not final until any values on the assessment roll on which the transfer is based are final. If such values are final after the procedures in these rules are exercised, the property appraiser(s) shall make appropriate corrections and a corrected tax notice bill shall be sent. Any values that are in administrative or judicial review shall be noticed to the tribunal or court for accelerated hearing and resolution so that the intent of Section 193.155(8), Florida Statutes may be carried out and fulfilled.

(11) Additional provisions.

(a) If the information from the property appraiser in the county where the previous homestead was located is provided after the procedures in this section are exercised, the property appraiser in the county where the new homestead is located shall make appropriate corrections and a corrected tax notice and tax bill shall be sent.

(b) The property appraiser in the county where the new homestead is located shall promptly notify a taxpayer if the information received or available is insufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable. Such notification shall be sent on or before July 1.

(c) If the property appraiser in the county where the previous homestead was located supplies sufficient information to the property appraiser in the county where the new homestead is located, such information shall be considered timely if provided in time for inclusion on the notice of proposed property taxes sent pursuant to Sections 194.011 and 200.065(1), Florida Statutes.

(d) If the property appraiser has not received information sufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable before mailing the notice of proposed property taxes, and such amount is not included on such notice, the taxpayer may file a petition with the value adjustment board in the county where the new homestead is located.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 192.047, 193.114, 193.155, 193.461, 193.703 FS, History–New 12-31-08.

12DER08-34 Tangible Personal Property Exemption.

(1) This rule shall replace Rule 12DER08-22, which was effective July 18, 2008.

(2) To apply for the exemption, no new form will be necessary; Form DR-405, DR-470, or Form DR-471 (incorporated by reference in Rule 12D-16.002, Florida Administrative Code), if required, will be considered the

application for exemption. Form DR-405EZ (Tangible Personal Property Exemption Application and Return) which the Department of Revenue hereby adopts and incorporates in this rule by reference, may be used by property appraisers at their option. Nothing in this rule shall preclude a property appraiser from requiring that Form DR-405 be filed.

(3) For taxpayers who fail to make a complete return and file a return by April 1 or within any applicable extension period, or who late file, the \$25,000 exemption shall not apply; however, at the option of the property appraiser, owners of property previously assessed without a return being filed may qualify for the exemption without filing an initial return. For returns not timely filed and for which the property appraiser does not grant the exemption, the penalties enumerated in Section 193.072, Florida Statutes, are applicable. Note: Section 192.047(2), Florida Statutes provides “When the deadline for filing an ad valorem tax application or return falls on a Saturday, Sunday, or legal holiday, the filing period shall extend through the next working day immediately following such Saturday, Sunday, or legal holiday.”

(4) Section 196.183(1), Florida Statutes specifically states that a single return must be filed, and therefore a single exemption granted, for all freestanding equipment not located at the place where the owner transacts business.

(5) “Site where the owner of tangible personal property transacts business.”

(a) The “site where the owner of tangible personal property transacts business” includes facilities where the business ships or receives goods, employees of the business are located, goods or equipment of the business are stored, or goods or services of the business are produced, manufactured, or developed, or similar facilities located in offices, stores, warehouses, plants, or other locations of the business. Sites where only the freestanding property of the owner is located shall not be considered sites where the owner of tangible personal property transacts business.

(b) Example: For a business leasing copying machines or other freestanding equipment, the location where the leased equipment is located does not constitute a site where the owner transacts business. If it is not a site where one or more of the activities stated in paragraph (a) occur, for purposes of the tangible personal property exemption, it is not considered a site where the owner transacts business.

(6) Property Appraiser actions – maintaining assessment roll entry.

(a) For all freestanding equipment not located at a site where the owner transacts business, and for which a single return is required, and for centrally assessed property under Section 193.085, Florida Statutes, the property appraiser is responsible for allocating the exemption to taxing jurisdictions in which freestanding equipment or centrally assessed property is located. Allocation should be based on the proportionate share of the just value of such property in each jurisdiction.

However, the amount of the exemption allocated to each taxing authority may not change following the extension of the tax roll pursuant to Section 193.122, Florida Statutes. All accounts shall be listed on the Rules 12DER08-11 and 12D-8.013, Florida Administrative Code, NAP file submitted to the Department, whether fully exempt or not.

(b) Documenting changes in the assessment roll due to this provision will necessitate changes to the record layout and the information provided on the Rule 12D-8.013, Florida Administrative Code, NAP file submitted to the Department. See Emergency Rule 12DER08-11.

(7) By February 1 of each year, the property appraiser shall notify by mail all taxpayers whose requirement for filing an annual tangible personal property tax return was waived in the previous year. The notification shall state that a return must be filed if the value of the taxpayer's tangible personal property exceeds the exemption and include the penalties for failure to file such a return. Form DR-405W (Notice to Taxpayer Whose Tangible Personal Property Return Was Waived in the Previous Year.) which the Department of Revenue hereby adopts and incorporates in this rule by reference, may be used by property appraisers at their option.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 192.047, 193.063, 193.072, 193.114, 196.183 FS, History–New 12-31-08.

12DER08-35 Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes.

(1) This rule shall replace Rule 12DER08-23, which was effective July 18, 2008.

(2) To apply for the additional homestead exemption, no new application form will be necessary. Form DR-501, "Original Application for Ad Valorem Tax Exemption" (incorporated by reference in Rule 12D-16.002, Florida Administrative Code), will be considered the application for exemption.

(3) The additional homestead exemption shall only apply to non-school levies.

(4) Property appraiser actions – Documenting changes in the assessment roll due to this provision will necessitate changes to the record layout and the information provided on the Rule 12D-8.013, Florida Administrative Code, NAP file submitted to the Department. See Emergency Rule 12DER08-11. The property appraiser's programming may use a different approach than that set forth in this rule for exemption ordering as long as such programming achieves the same result as this rule requires.

Specific Authority Section 1 of Ch. 2007-339, L.O.F. (Senate Bill 4-D), Section 13 of Ch. 2008-173, L.O.F. (Senate Bill 1588) Law Implemented 193.114, 196.031, 196.075, 196.082, 196.202 196.24 FS, History–New 12-31-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 31, 2008

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

#### **DEPARTMENT OF THE LOTTERY**

RULE NO.:                      RULE TITLE:  
53ER08-84                      POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of POWERBALL®.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER08-84 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 conducted by MUSL. 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

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. Any amount remaining in the prize

pool at the end of the game shall be carried forward to a replacement game or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(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. Any amount remaining in a prize reserve account at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(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:

| <u>Tickets Containing The Following,<br/>In One Single Lettered<br/>Game Section</u> | <u>Prize<br/>Category</u> | <u>Prize<br/>Payment</u> | <u>Approximate Percentage of<br/>Winnings Pool Allocated<br/>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 as determined by the Product Group, with the remainder funding the Match 5 Bonus Prize category.

(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 by MUSL to be the winners of the Grand Prize.

(e) The number of plays determined by MUSL to be winners of the second through ninth prize categories will be paid as set cash prizes, except as provided in paragraph (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, parimutuel 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, as further provided in this subparagraph. Such petition will be forwarded by the Florida Lottery to MUSL for a final decision by the MUSL Finance & Audit Committee or, within MUSL's sole discretion, by the Powerball Product Group. Subject to federal, state, and other applicable laws, the securities and/or cash held to fund the deceased winner's annuitized prize may, in the sole discretion of MUSL, be

distributed to the Estate. The identification of the securities to fund the accelerated annuitized prize payment shall be at the sole discretion of the Finance & Audit Committee or the Powerball Product Group.

(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.

The MUSL Powerball Product Group may offer guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount between drawings or make other changes in the allocation of prize money where the MUSL Powerball Product Group finds that it would be in the best interest of the game. If a minimum Grand Prize amount or a minimum increase in the Grand Prize amount between drawings is offered by the Product Group, 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.

5. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, set out in paragraph (6)(c) above. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in paragraph (6)(g) becomes necessary.

(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, MUSL shall conduct a Power Play drawing to select the Power Play number from among the following series of numbers: 2, 3, 4, and 5. The Powerball Group may change one or more of these multiplier numbers for special promotions from time to time.

(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 limited promotional multiplier is announced by the Powerball Product Group.

(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. Any amount remaining in prize reserve accounts at the end of the Power Play option shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(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 paragraph (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 may 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:

|                  |                     |                    |                    |                    |                    |
|------------------|---------------------|--------------------|--------------------|--------------------|--------------------|
| <u>Match 5+0</u> | <u>Prize Amount</u> | <u>5X</u>          | <u>5X</u>          | <u>5X</u>          | <u>5X</u>          |
|                  | <u>\$200,000</u>    | <u>\$1,000,000</u> | <u>\$1,000,000</u> | <u>\$1,000,000</u> | <u>\$1,000,000</u> |
|                  | <u>Prize Amount</u> | <u>5X</u>          | <u>4X</u>          | <u>3X</u>          | <u>2X</u>          |
| <u>Match 4+1</u> | <u>\$10,000</u>     | <u>\$50,000</u>    | <u>\$40,000</u>    | <u>\$30,000</u>    | <u>\$20,000</u>    |
| <u>Match 4+0</u> | <u>\$100</u>        | <u>\$500</u>       | <u>\$400</u>       | <u>\$300</u>       | <u>\$200</u>       |
| <u>Match 3+1</u> | <u>\$100</u>        | <u>\$500</u>       | <u>\$400</u>       | <u>\$300</u>       | <u>\$200</u>       |

| Match     | Prize Amount | 5X   | 5X   | 5X   | 5X   |
|-----------|--------------|------|------|------|------|
| Match 5+0 |              | 5X   | 5X   | 5X   | 5X   |
| 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:

(9) POWERBALL Rules and Prohibitions.

(a) By purchasing a POWERBALL ticket, a player agrees to comply with and abide by all rules and regulations 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.

Specific 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 12-30-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 30, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-85  
 RULE TITLE: Florida POWERBALL® Power Play® Retailer Sales Promotion

SUMMARY: Effective January 4, 2008 through February 14, 2009, the Florida Lottery will conduct Florida POWERBALL® Power Play® Retailer Sales Promotion.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-85 Florida POWERBALL® Power Play® Retailer Sales Promotion.

(1) Effective January 4, 2009 through February 14, 2009, the Florida Lottery will conduct a Florida POWERBALL and POWERBALL with Power Play Retailer Sales Promotion. Florida Lottery retailers that sell a minimum of \$800 a week in combined POWERBALL and POWERBALL with Power Play sales will be eligible to win \$1,000. Two categories of prizes will be awarded in each of the six sales contest weeks in each sales district:

- (a) Highest Power Play sales volume for the week, and
- (b) Highest percentage of Power Play to POWERBALL sales for the week.

The sales contest weeks shall run from Sunday through Saturday.

(2) The retailer with the highest volume of Power Play sales each week in each of the Florida Lottery's nine sales districts will be awarded \$1,000. If multiple retailers within a district sell the same number of Power Play tickets, a \$1,000 prize will be awarded to up to three additional retailers per district. If more than four retailers' sales are exactly the same, the maximum \$4,000 prize pool shall be shared equally by the tied retailers.

(3) Retailers whose weekly Power Play sales represent the highest percentage of the POWERBALL sales in their sales district will be weekly winners of \$1,000. Example: If retailer A and retailer B both sold \$1,000 in POWERBALL sales for the week but retailer A's Power Play sales were \$350 (35%) and retailer B's Power Play sales were \$500 (50%), retailer B would be a weekly winner.

The following number of retailers will be awarded prizes each week in the designated sales districts: 3 in Tallahassee and Pensacola, 4 in Jacksonville, Gainesville, Ft. Myers and West Palm Beach, 5 in Orlando and Tampa, and 6 in Miami. In the event of ties as described below, an additional 3 prizes per district may be awarded each week.

(4) A tie for a prize will occur when two or more retailers achieve identical Power Play sales percentages calculated to four decimal places. If two or more retailers tie for the highest or an intermediate level sales percentage, the prize amounts for the number of tied retailers, if sufficient, will be combined and

shared equally by the retailers. If two or more retailers tie for the lowest prize-winning sales percentage, a \$1,000 prize will be awarded to up to three additional retailers per district. If more than four retailers tie for the lowest prize-winning sales percentage, the maximum \$4,000 prize pool will be shared equally by the tied retailers.

(5) Retailers are eligible to win in both categories and in multiple sales weeks.

(6) All weekly contest winners will be automatically entered into a Grand Prize Drawing for a chance to win \$20,000 at the end of the contest period. The Grand Prize Drawing will be held on February 18, 2009 from among the 282 weekly retailer winners. One statewide winner will receive a grand prize of \$20,000. Retailers winning in multiple categories and/or sales weeks will receive an entry into the Grand Prize Drawing for each category and week they are a winner.

(7) Retailers will receive their sales contest prize checks within approximately three weeks after the applicable contest week. The Grand Prize winner will receive its check within approximately three weeks after the drawing.

(8) Retailers whose Florida Lottery contracts are terminated or inactivated prior to award of the sales contest prize shall be paid the prize provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(9) A sales contest prize will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the sales contest prize earned against a retailer's outstanding debt to the Florida Lottery.

Specific Authority 24.105(9)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 12-30-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 30, 2008

#### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-86  
 RULE TITLE: Retailer POWERBALL® and POWERBALL® with Power Play® Bonus Commission Program

SUMMARY: The Florida Lottery will award bonus commissions to the retailer(s) that sells a winning POWERBALL® and/or POWERBALL® with Power Play® jackpot ticket.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-86 Retailer POWERBALL® and POWERBALL® with Power Play® Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer POWERBALL jackpot and POWERBALL with Power Play Bonus Commission Program ("Program"). Florida Lottery retailers who sell a winning POWERBALL ticket for a \$20 million jackpot will receive a bonus commission of \$20,000. An additional \$20,000 bonus commission will be paid to the retailer if the winning jackpot ticket was a POWERBALL with Power Play ticket.

(2) In the event that no jackpot winning ticket is sold for a POWERBALL drawing, the bonus commission amount will increase by \$5,000 per draw until a winning jackpot ticket is sold or to a maximum bonus commission of \$100,000.

(3) The bonus commission for the POWERBALL drawing on January 7, 2009, which will be the first drawing in which the Florida Lottery will participate, will be calculated as if the Florida Lottery had been a POWERBALL participant since the last drawing in which there was a jackpot winner.

(3) The bonus commissions will be shared equally in the event that multiple Florida Lottery retailers sell jackpot winning POWERBALL or POWERBALL with Power Play tickets.

(4) Florida retailers who sell a POWERBALL with Power Play ticket that wins \$1 million for matching 5- of -5 numbers will receive a \$1,000 bonus commission. If a special promotion is conducted that includes a multiplier number of 10, Florida retailers who sell a POWERBALL with Power Play ticket that wins \$2 million for matching 5- of -5 numbers will receive a \$2,000 bonus commission.

(5) Bonus commissions are in addition to the regular five percent sales commission set forth in Emergency Rule 53ER05-14, F.A.C. Award of a bonus commission is not dependent upon the POWERBALL jackpot winning ticket or the POWERBALL with Power Play 5- of -5 winning 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) POWERBALL or POWERBALL with Power Play 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.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History--New 12-30-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 30, 2008

#### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-87  
RULE TITLE: MEGA MONEY™

SUMMARY: This emergency rule sets forth the provisions for the conduct of MEGA MONEY™ and replaces Emergency Rule 53ER08-14.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER08-87 MEGA MONEY™.

##### (1) How to Play MEGA MONEY™.

(a) MEGA MONEY is a lottery on-line game in which players select four (4) numbers from a field of one (1) through forty-four (44) and one (1) MEGABALL® number from a separate field of one (1) through twenty-two (22).

(b) Players may make their MEGA MONEY 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 five (5) numbers (four (4) in the upper play area and one (1) in the lower play area) from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select any or all of the five 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 four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from the lower play area of the play slip.

1. Players may mark the "Grouper®" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5,

MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play are not player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; and FLORIDA LOTTO – 6%.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing, or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY 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. Advance play does not apply to Grouper.

##### (2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two (2) times per week, on Tuesday and Friday.

(b) MEGA MONEY 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 (one (1) ball set and one (1) drawing machine) used in a MEGA MONEY 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) A ball set contains sixty-six (66) balls comprised of one (1) subset of forty-four (44) balls ("subset 1") and one (1) subset of twenty-two (22) balls ("subset 2"). The balls in subset 1 are numbered one (1) through forty-four (44). The balls in subset 2 are numbered one (1) through twenty-two (22). A MEGA MONEY drawing machine contains two (2) separate mixing chambers and two (2) ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two (2) subsets of balls shall be mixed by the action of an air blower.

(f) Four (4) balls from subset 1 and one (1) MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four (4) balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

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

(3) Determination of Prize Winners.

(a) Wherever used, the terms "Jackpot prize" and "top prize" both refer to the highest prize level in the MEGA MONEY game.

(b) 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 MEGA MONEY numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

1. Jackpot Prize: Four (4) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers (4) selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

3. Third Prize: Three (3) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

4. Fourth Prize: Three (3) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two (2) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One (1) number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two (2) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

8. Eighth Prize: No numbers selected from the first subset of balls and the MEGABALL number selected from the second subset of balls.

(4) MEGA MONEY Odds of Winning.

(a) The odds of winning the prizes described in subsection (3) are as follows:

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize – 1:30.39

8. Eighth Prize – 1:32.68

(b) The overall odds of winning a prize in a MEGA MONEY drawing are 1:12.58.

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent (50%) of the net sales after cancels and promotional plays from the sale of MEGA MONEY tickets in the corresponding MEGA MONEY sales period shall be allocated as the winning pool for the payment of the Jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

(b) Jackpot Prize. The Jackpot prize pool shall consist of 54.32 percent of the winning pool plus any money carried forward from the prior draw until the Jackpot prize pool reaches the estimated cash equivalent of the deferred payment value of \$2 million paid over twenty (20) years, at which point the Jackpot prize pool will be capped. When this threshold is met, the Jackpot prize pool will comprise zero percent of the winning pool in excess of the cap, and any money in excess of the cap shall roll down and be distributed among the second through the seventh prize levels according to the percentage each prize level comprises of the adjusted prize pool. The total winning prize pool, less the amount required to achieve the cap (not to exceed 54.32 percent of the total winning prize pool), shall comprise the adjusted prize pool.

1. If there is a Jackpot prize winner(s) in a drawing, the guaranteed Jackpot prize shall be divided equally among the Jackpot prize winners for that drawing.

2. If there is not a Jackpot prize winner in a drawing and the Jackpot prize pool is not capped, the Jackpot prize pool shall be carried over and added to the Jackpot prize pool of the next MEGA MONEY drawing.

3. If there is not a Jackpot prize winner in a drawing in which the Jackpot prize pool is capped, the capped amount shall be carried over to the next MEGA MONEY drawing and the money in excess of the cap shall be returned to an adjusted prize pool and then be distributed among the second through the seventh prize levels according to the adjusted percentage each prize level comprises of that winning prize pool.

(c) Second Prize. When the Jackpot prize pool is not capped, the second prize pool shall consist of 1.72 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the second prize pool shall consist of 3.75 percent of the adjusted prize pool for the drawing. The second prize pool shall be divided equally among the second prize winners for that drawing.

(d) Third Prize. When the Jackpot prize pool is not capped, the third prize pool shall consist of 3.77 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the third prize shall consist of 8.20 percent of the adjusted prize pool for the drawing. The third prize pool shall be divided equally among the third prize winners for that drawing.

(e) Fourth Prize. When the Jackpot prize pool is not capped, the fourth prize pool shall consist of 11.25 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the fourth prize pool shall consist of 24.50 percent of the adjusted prize pool for the drawing. The fourth prize pool shall be divided equally among the fourth prize winners for that drawing.

(f) Fifth Prize. When the Jackpot prize pool is not capped, the fifth prize pool shall consist of 7.84 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the fifth prize pool shall consist of 17.25 percent of the adjusted prize pool for the drawing. The fifth prize pool shall be divided equally among the fifth prize winners for that drawing.

(g) Sixth Prize. When the Jackpot prize pool is not capped, the sixth prize pool shall consist of 7.94 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the sixth prize pool shall consist of 18 percent of the adjusted prize pool for the drawing. The sixth prize pool shall be divided equally among the sixth prize winners for that drawing.

(h) Seventh Prize. When the Jackpot prize pool is not capped, the seventh prize pool shall consist of 13.16 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the seventh prize pool shall consist of 28.30 percent of the adjusted prize pool for the drawing. The seventh prize pool shall be divided equally among the seventh prize winners for that drawing.

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i)2. below. An eighth prize shall consist of one (1) free MEGA MONEY quick pick ticket regardless of whether the MEGA MONEY Jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

2. A player who submits by mail a MEGA MONEY lottery ticket which entitles the claimant to a free MEGA MONEY quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(j) If there is not a winner within one of the second through seventh prize categories for a drawing, the prize pool for that category shall be distributed for that drawing in accordance with the following table:

| <u>PRIZE POOL CATEGORY FOR WHICH THERE IS NO WINNER</u> | <u>PRIZE POOL CATEGORY TO WHICH THE NONWINNING PRIZE POOL CATEGORY IS ADDED</u>       |
|---|---|
| <u>Second Prize – 4 of 4</u>                            | <u>3 of 4 + MEGABALL</u>  |
| <u>Third Prize – 3 of 4 + MEGABALL</u>                  | <u>3 of 4</u>   |
| <u>Fourth Prize – 3 of 4</u>                            | <u>2 of 4 + MEGABALL</u>  |
| <u>Fifth Prize – 2 of 4 + MEGABALL</u>                  | <u>1 of 4 + MEGABALL</u>  |
| <u>Sixth Prize – 1 of 4 + MEGABALL</u>                  | <u>2 of 4</u>   |
| <u>Seventh Prize – 2 of 4</u>                           | <u>To fund future prizes in Lottery games or for special Lottery prize promotions</u> |

(k) Except for the Jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be deposited into a reserve account to be used for prizes or special prize promotions.

(6) MEGA MONEY Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the MEGA MONEY 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. For each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY Jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in paragraph (7)(e) below.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot prize 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, Florida Statutes, to the Jackpot prize 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 Lottery shall deposit the excess funds into a reserve account to be used for prizes or special 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 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 insufficient on the prize determination day 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, Florida Statutes, to the Jackpot pool to render it sufficient to yield the announced guaranteed Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is sufficient on the prize determination day to yield more than the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into a reserve account to be used for prizes or special prize promotions.

(7) MEGA MONEY Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the MEGA MONEY Jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Jackpot prize 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 prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot prize winner does not file a claim electing the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(f) below.

(c) A Jackpot prize 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 announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the guaranteed Jackpot prize will be paid in twenty (20) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a MEGA MONEY drawing cannot be paid in increments of \$1,000 in twenty (20) 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 twenty (20) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the guaranteed Jackpot amount, the present value of the difference between the amount the investment will yield and the winner’s guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. The following example illustrates such payment. All payment amounts are less tax withholding.

Example:

|  |                  |
|--|------------------|
| <u>Guaranteed Jackpot prize</u>  | <u>\$500,000</u> |
| <u>Number of winners:</u>  | <u>2</u>         |
| <u>Guaranteed prize per winner</u><br><u>(\$500,000 ÷ 2)</u>                   | <u>\$250,000</u> |
| <u>Annual Payment (\$250,000 ÷ 20)</u>   | <u>\$12,500</u>  |
| <u>Maximum Security Available for</u><br><u>annual payments</u>                | <u>\$12,000</u>  |
| <u>Total Annual Payments</u>   | <u>\$240,000</u> |
| <u>Difference between guaranteed prize</u><br><u>and investments available</u> | <u>\$10,000</u>  |
| <u>Present Value of Difference to be added</u><br><u>to the 1st payment *</u>  | <u>\$X,XXX</u>   |

\* Will be calculated based on current interest rates at the time the investments are purchased.

The provisions of this paragraph (7)(e) shall not be construed to prohibit the Lottery from investing collectively, in a single U.S. Treasury security, the prize pool shares of multiple winners of the same drawing who all elect the Annual Payment option, and distributing the prize winnings on a pro rata basis in increments other than \$1,000.

(f) If the number of winners of a guaranteed Jackpot prize results in each person’s prize being less than \$100,000 paid over twenty (20) years, the Lottery shall pay the Jackpot winners in a single cash payment of their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

(g) 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.

(h) Any interest or earnings accrued on a MEGA MONEY 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.

(8) MEGA MONEY Rules and Prohibitions.

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

(b) MEGA MONEY 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, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

(e) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:15 p.m., ET. Ticket sales for a specific MEGA MONEY drawing will close at approximately 10:40 p.m., ET. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date.

(f) Retailer cancellations of MEGA MONEY 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 MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. MEGA MONEY tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour ticket cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which 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.

(9) This rule becomes effective January 6, 2009.

Specific 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 1-6-09, Replaces 53ER08-14.

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: January 6, 2009

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-88                      RULE TITLE: FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER08-12.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-88 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. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select one (1) or more of the 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) Each panel can be played for \$1.00, \$2.00 or \$3.00. A player choosing to play for \$1.00 will play for the base jackpot described in paragraph (3)(b) below. A player choosing to play for \$2.00 will play for the base jackpot plus an additional \$10 million. A player choosing to play for \$3.00 will play for the base jackpot plus \$10 million in the \$2.00 jackpot prize pool plus \$15 million in the \$3.00 jackpot prize pool, for a total additional prize of \$25 million.

(d) Players may receive one (1) ticket with either five (5) or ten (10) 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 or 10, 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.

(e) 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. The purchase price selected per panel shall apply to all drawings. Advance play does not apply to Grouper®.

(f) 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, except for the \$2.00 and \$3.00 Jackpots, which are set prize pools. For each draw, 50 percent (50%) of the net sales after cancels and promotional plays from the sale of the base \$1 FLORIDA LOTTO tickets and the first dollar from the sale of \$2.00 and \$3.00 FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below.

(b) The base Jackpot prize pool shall consist of 63.5 percent (63.5%) of the winning pool for the drawing plus any base Jackpot money carried forward from the previous draws. The base 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 base Jackpot pool shall be carried over and added to the base Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the winning 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 base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the winning 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 base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the winning 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 base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) The base Jackpot prize will pay the exact 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 \$3.50. All rounding differences in the second, third and fourth prizes shall be used to fund the restricted prize pool described in paragraph (4)(a) below.

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

(a) For each draw, approximately 56 percent (56%) of the net sales after cancels and promotional plays of the second and third dollars from the sale of \$2 and \$3 FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below (the “restricted prize pool”). The Lottery will use a model developed to forecast the amount of money required to be maintained in the restricted prize pool to support payments to winners – based on future probabilities. The restricted prize pool will be analyzed and any excess balance in the pool will be transferred to the educational enhancement trust fund.

(b) The \$2.00 Jackpot prize is \$10 million paid to a single winner in thirty (30) annual payments. The \$10 million in the \$2.00 Jackpot prize pool shall be divided equally among the players matching all six official winning numbers who played for \$2.00 or \$3.00. If there is no \$2.00 or \$3.00 Jackpot winner in a drawing, the \$2.00 Jackpot prize shall not be carried forward to the next drawing.

(c) The \$3.00 Jackpot prize is \$10 million from the \$2.00 Jackpot plus \$15 million, for a total of \$25 million, paid to a single winner in thirty (30) annual payments. The \$15 million in the \$3.00 Jackpot prize pool shall be divided equally among the players matching all six official winning numbers who played for \$3.00. If there is no \$3.00 Jackpot winner in a drawing, the \$3.00 Jackpot prize shall not be carried forward to the next drawing.

(5) 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.
- (6) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (5) are as follows:

- (a) Jackpot Prize(s) – 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) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1:67.36.

(7) FLORIDA LOTTO Guaranteed Base Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the base 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 base Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the base Jackpot pool to render it sufficient to yield the announced guaranteed base Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the base Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into the restricted prize pool.

(d) The guaranteed cash option value of the base 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 base 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 base Jackpot pool is insufficient on the prize determination day to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the base Jackpot pool to render it sufficient to yield the announced guaranteed base Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the base Jackpot pool is more than sufficient on the prize determination day to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into the restricted prize pool.

(8) FLORIDA LOTTO \$2.00 Jackpot.

The winner of a Florida Lotto \$2.00 Jackpot shall win the base Jackpot plus an additional \$10 million. If there are multiple winners of the base Jackpot, the winner of the \$2.00 Jackpot shall be entitled to his or her share of the base Jackpot plus \$10 million. If there are multiple winners of the \$2.00 Jackpot, each winner shall be entitled to his or her share of the base Jackpot plus his or her share of the \$2.00 Jackpot. Example of a shared jackpot with 3 winners, one of which played \$1.00 and two of which played \$2.00: Each winner will receive 1/3 of the base Jackpot prize and the two \$2.00 players will each receive 1/2 of the \$2.00 Jackpot prize. If the base Jackpot is \$3 million, the \$1.00 player will win \$1 million and the two \$2.00 players will each win \$6 million.

(9) FLORIDA LOTTO \$3.00 Jackpot.

The winner of a Florida Lotto \$3.00 Jackpot shall win the base Jackpot plus an additional \$10 million in the \$2.00 Jackpot plus an additional \$15 million. If there are multiple winners of the base Jackpot or the \$2.00 Jackpot, the winner of the \$3.00 Jackpot shall be entitled to his or her share of the base Jackpot plus his or her share of the \$10 million in the \$2.00 Jackpot plus \$15 million. If there are multiple winners of the \$3.00 Jackpot, each winner shall be entitled to his or her share of the base Jackpot plus his or her share of the \$2.00 Jackpot plus his or her share of the \$3.00 Jackpot. Example of a shared jackpot with 3 winners, one of which played \$1.00, one which played \$2.00 and one which played \$3.00: Each winner will receive 1/3 of the base jackpot prize; the \$2.00 and \$3.00 players will each receive 1/2 of the \$2.00 prize pool; and the \$3.00 player will receive the entire \$3.00 prize pool. If the base jackpot is \$3 million, the \$1.00 player will win \$1 million, the \$2.00 player will win \$6 million and the \$3.00 player will win \$21 million.

(10) FLORIDA LOTTO Payment Options.

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

Payment.” Winners of \$2.00 and \$3.00 FLORIDA LOTTO Jackpot prizes may choose a different payment option for the base Jackpot amount and the \$2.00 and \$3.00 Jackpot amounts. The \$2.00 and \$3.00 Jackpot prizes must be paid using the same payment option.

(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 (9)(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 applicable Jackpot prize paid over thirty (30) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata share of the amount required on the prize determination day to purchase securities to fund their pro rata share of the applicable 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 applicable 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 their pro rata share of the amount required on the prize determination day to purchase securities the applicable 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, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(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.

(11) FLORIDA LOTTO Rules and Prohibitions.

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

(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.

(12) This rule becomes effective January 7, 2009.

Specific 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 1-7-09, Replaces 53ER08-12.

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: January 7, 2009

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-89  
RULE TITLE: Payment of Prizes

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

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER08-89 Payment of Prizes.

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

##### (a) On-line Game Prizes.

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

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

##### (b) Instant Game Prizes.

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

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

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

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

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

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

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

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

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

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

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

(9) Advance Play Ticket Claims – Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant’s advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

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

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

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

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

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

(11) Instant Game Ticket Validation.

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

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

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

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

(e) The ticket must not have been stolen.

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

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

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

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

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

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

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

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

(13) Winning Tickets Valued at Less than \$600.

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

(a) Payment by Retailers.

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

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

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

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

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

(b) Payment by the Florida Lottery.

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

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

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

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

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

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

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

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

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

drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

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

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below. Powerball winning tickets valued to \$1,000,000 may be presented at a Lottery district office or Lottery headquarters. All other winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

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

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

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

(15) Presentation of Identification.

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

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

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

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

3. A passport issued by a foreign government;

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

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

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

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

(c) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraph (b) above, the Lottery will accept as satisfactory evidence of the claimant's identity a completed Affidavit to Establish Identity, DOL-468A effective 06/08. The Affidavit to Establish Identity is incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

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

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

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

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (20) a claimant must submit an original winning ticket or an original

continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

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

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

1. For on-line prizes, if the absence of the original ticket or the original continuation ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

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

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

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

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



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

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

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

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

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

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

2. The Lottery determines that the available evidence is sufficient to validate the claim.

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

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

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

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

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

(d) On-line tickets.

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

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

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

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

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

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

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

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

(j) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(27) This emergency rule replaces Emergency Rule 53ER08-20, Florida Administrative Code.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1),(4) FS. History—New 12-30-08, Replaces 53ER08-20, 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: December 30, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER09-1  
RULE TITLE: Instant Game Number 786, \$200 MILLION SPECTACULAR

SUMMARY: This emergency rule describes Instant Game Number 786, "\$200 MILLION SPECTACULAR." The rule replaces rule 53ER08-81 and 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:

53ER09-1 Instant Game Number 786, \$200 MILLION SPECTACULAR.

(1) Name of Game. Instant Game Number 786, "\$200 MILLION SPECTACULAR."

(2) Price. \$200 MILLION SPECTACULAR lottery tickets sell for \$10.00 per ticket.

(3) \$200 MILLION SPECTACULAR 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 \$200 MILLION SPECTACULAR lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, Florida Administrative Code.

(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:

|             |              |              |               |              |                 |                  |
|-------------|--------------|--------------|---------------|--------------|-----------------|------------------|
| \$5.00      | \$10.00      | \$15.00      | \$20.00       | \$30.00      | \$40.00         | \$50.00          |
| ONE FIVE    | TEN          | FIFTEEN      | TWENTY        | THIRTY       | FOURTY          | FIFTY            |
| \$100       | \$500        | \$1,000      | \$5,000       | \$10,000     | \$20,000        | \$100,000        |
| ONE HUNDRED | FIVE HUNDRED | ONE THOUSAND | FIVE THOUSAND | TEN THOUSAND | TWENTY THOUSAND | HUNDRED THOUSAND |

(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 in the "YOUR NUMBERS" play area shall entitle the claimant to 10 times the prize shown.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$5,000, \$10,000, \$20,000 and \$1,000,000.

(9) Prize Payment Options.

(a) The winner of a \$1,000,000 prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" and "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 equal to the amount required at the time the ticket is claimed to purchase securities to fund \$1 million paid over twenty (20) years, less applicable withholding taxes.

(c) Annual Payment prizes claimed by an individual will be paid in twenty (20) 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 786 are as follows:

| GAME PLAY        | WIN  | ESTIMATED ODDS OF | NUMBER OF WINNERS IN 250 POOLS OF 120,000 TICKETS PER POOL |
|------------------|------|-------------------|--|
| \$5 x 2          | \$10 | 20.00             | 1,500,000  |
| \$10             | \$10 | 20.00             | 1,500,000  |
| \$5 x 3          | \$15 | 60.00             | 500,000  |
| \$5 + \$10       | \$15 | 60.00             | 500,000  |
| \$15             | \$15 | 60.00             | 500,000  |
| \$5 x 4          | \$20 | 60.00             | 500,000  |
| (\$5 x 2) + \$10 | \$20 | 60.00             | 500,000  |
| \$10 x 2         | \$20 | 30.00             | 1,000,000  |
| \$20             | \$20 | 60.00             | 500,000  |
| \$5 x 6          | \$30 | 300.00            | 100,000  |

|                           |           |              |         |
|---------------------------|-----------|--------------|---------|
| (\$5 x 4) + \$10          | \$30      | 300.00       | 100.000 |
| \$10 x 3                  | \$30      | 300.00       | 100.000 |
| \$20 + \$10               | \$30      | 300.00       | 100.000 |
| \$30                      | \$30      | 300.00       | 100.000 |
| \$5 x 8                   | \$40      | 600.00       | 50.000  |
| (\$5 x 4) + \$20          | \$40      | 600.00       | 50.000  |
| \$10 x 4                  | \$40      | 600.00       | 50.000  |
| \$20 x 2                  | \$40      | 800.00       | 37.500  |
| \$40                      | \$40      | 800.00       | 37.500  |
| \$5 (STAR)                | \$50      | 800.00       | 37.500  |
| \$5 x 10                  | \$50      | 800.00       | 37.500  |
| \$10 x 5                  | \$50      | 800.00       | 37.500  |
| \$10 + (\$20 x 2)         | \$50      | 800.00       | 37.500  |
| \$50                      | \$50      | 960.00       | 31.250  |
| (\$5 x 10) + (\$10 x 5)   | \$100     | 400.00       | 75.000  |
| \$10 (STAR)               | \$100     | 400.00       | 75.000  |
| \$10 x 10                 | \$100     | 400.00       | 75.000  |
| \$20 x 5                  | \$100     | 400.00       | 75.000  |
| \$50 x 2                  | \$100     | 400.00       | 75.000  |
| \$100                     | \$100     | 480.00       | 62.500  |
| (\$40 x 10) + (\$20 x 5)  | \$500     | 5,000.00     | 6,000   |
| \$50 (STAR)               | \$500     | 5,000.00     | 6,000   |
| (\$100 x 3) + (\$50 x 4)  | \$500     | 5,000.00     | 6,000   |
| \$100 x 5                 | \$500     | 5,000.00     | 6,000   |
| \$500                     | \$500     | 5,000.00     | 6,000   |
| (\$50 x 10) + (\$100 x 5) | \$1,000   | 15,000.00    | 2,000   |
| \$100 (STAR)              | \$1,000   | 15,000.00    | 2,000   |
| \$100 x 10                | \$1,000   | 15,000.00    | 2,000   |
| \$500 x 2                 | \$1,000   | 15,000.00    | 2,000   |
| \$1,000                   | \$1,000   | 15,000.00    | 2,000   |
| \$5,000                   | \$5,000   | 120,000.00   | 250     |
| \$1,000 x 10              | \$10,000  | 120,000.00   | 250     |
| \$10,000                  | \$10,000  | 120,000.00   | 250     |
| \$20,000                  | \$20,000  | 600,000.00   | 50      |
| \$1,000,000               | TOP PRIZE | 1,500,000.00 | 20      |

(11) The estimated overall odds of winning some prize in Instant Game Number 786 are 1 in 3.58. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 786, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a \$200 MILLION SPECTACULAR lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for \$200 MILLION SPECTACULAR 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 1-6-09. Replaces 53ER08-81.

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: January 6, 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."

**FLORIDA HOUSING FINANCE CORPORATION**

| RULE NOS.: | RULE TITLES:  |
|------------|---|
| 67ER08-01  | Hurricane Housing Recovery (HHR) Program                              |
| 67ER08-02  | Definitions   |
| 67ER08-03  | Hurricane Housing Recovery Assistance Plans and Distribution of Funds |
| 67ER08-04  | Uses of and Restrictions Upon HHR Program Funds                       |
| 67ER08-05  | Hurricane Housing Recovery Program Trust Fund                         |
| 67ER08-06  | Annual Reports  |
| 67ER08-07  | Compliance Monitoring for Housing Developed With HHR Program Funds    |

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor's Hurricane Housing Work Group, the Hurricane Housing Recovery program, hereafter referred to as the HHR program, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided for eligible entities to implement a hurricane housing recovery assistance plan that may include grants and loans for homeownership and rental activities, including activities related to manufactured housing.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005

recommendations of the Governor's Hurricane Housing Work Group, the Hurricane Housing Recovery program, hereafter referred to as the HHR program, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided for eligible entities to implement a hurricane housing recovery assistance plan that may include grants and loans for homeownership and rental activities, including activities related to manufactured housing.

SUMMARY: The rule provides the strategy by which HHR program funds shall be utilized by eligible entities for affordable housing recovery efforts. Rules incorporated below replace Emergency Rules 67ER06-42 through 48.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Dearduff, HHR Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

67ER08-01 General.

This rule chapter is established to administer the implementation of the Hurricane Housing Recovery Program (HHRP). For the purposes of this rule chapter, all provisions in Chapter 67-37, F.A.C., and Sections 420.907-9079, F.S., are applicable except where described in the chapter herein.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 12-30-08.

67ER08-02 Definitions.

(1) "Administrative Expenditures" means expenditures directly related to the implementation of the HHR funds as set forth in paragraphs 67-37.007(4)(a), (b), (c), (d), F.A.C.

(2) "Extremely low income household" or "ELI" means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

(3) "Hurricane Housing Recovery Program" or "HHR" means the Hurricane Housing Recovery Program as recommended by the Hurricane Housing Work Group dated February, 2005.

(4) "Manufactured Home" is as defined in Section 320.01(2)(b), F.S.

(5) "Mobile Home" is as defined in Section 320.01(2)(a), F.S.

(6) "Hurricane Housing Assistance Plan" or "HHAP" means a detailed description of the planned activities to be undertaken by an eligible county and eligible municipalities and as set forth in Rule 67-37.005, F.A.C.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L. O. F. History--New 12-30-08.

67ER08-03 Hurricane Housing Assistance Plans and Distribution of Funds.

(1) To receive HHR program funding, an eligible county or eligible municipality must submit its Hurricane Housing Assistance Plan to and receive approval from the Corporation pursuant to Rule 67-37.005, F.A.C. Plans must be submitted to the Corporation by August 1, 2005. A local government may submit a written request to the Corporation to extend the deadline up to 45 days. No HHR program funds shall be distributed to any eligible county or eligible municipality unless and until an approved plan is in place.

(2) The effective period of the Hurricane Housing Assistance Plan is three years plus a one year extension which requires approval by Florida Housing Finance Corporation HHR Program Administrator as set forth in subparagraph 67-37.005(6)(f)2., F.A.C.

(3) Each Hurricane Housing Assistance Plan shall include a description of all activities to be undertaken in the HHR program. An eligible county or eligible municipality shall use the Hurricane Housing Assistance Plan Template in order to submit its HHAP. The Hurricane Housing Assistance Plan Template (07/05) is adopted and incorporated by reference with an effective date of 7/1/05. A copy of the Hurricane Housing Assistance Plan Template (07/05) may be obtained at <http://www.floridahousing.org/Home/Disaster/HurricaneHousingRecoveryProgram.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(4) For each use of HHR program funds, the eligible county or municipality shall provide information as required in paragraphs 67-37.005(5)(a), (b), (c), (d) and (e), F.A.C. The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods.

(5) A copy of the Hurricane Housing Assistance Plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the strategy being electronically transmitted. The mailed copy submitted to the Corporation shall bear the original signature of an authorized official or an authorized official's designee.

(6) Once the HHAP is approved, an eligible county or eligible municipalities shall be eligible to draw funds for activities included in the approved strategies in the HHAP. The request for funds shall be submitted in writing and include the following information: Name of local government, amount of funds requested from the base allocation, ELI supplemental allocation and the community planning supplemental allocation as referenced in subsections 67ER06-4(3), (4) and (5), and a schedule of when the funds being requested are to be expended. Upon approval of the plan, each eligible county or eligible municipality as set forth in Section 420.9071(11),

F.A.C., shall be eligible to request an initial amount not to exceed \$100,000 to establish a balance in the HHRP account and begin to fund expenses incurred including Administrative Expenditures. The initial request shall include all information required above in addition to the HHRP account information.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

67ER08-04 Uses of and Restrictions Upon HHR Program Funds.

(1) HHR program funds shall be used to implement the Hurricane Housing Assistance Plan. The benefit of assistance provided through the HHR program must accrue to eligible persons occupying eligible housing. HHR program funds may be used for:

(a) Repair and replacement of site built housing;

(b) Land acquisition, through community land trusts or other means, for properties that may include scattered sites, community revitalization sites, and older manufactured home parks;

(c) Construction and development financing;

(d) Down payment, closing cost, and purchase price assistance for site-built and post-1994 Manufactured Homes where the wind load rating is sufficient for the location;

(e) Repair, replacement, and relocation assistance for post-1994 Manufactured Homes where the wind load rating is sufficient for the location, including those on leased land in stable park situations;

(f) Limited repair and relocation assistance on a case by case basis to pre-1994 Manufactured Homes and mobile homes;

(g) The acquisition of building materials for home repair and construction;

(h) Implementation of long-term recovery plans prepared through a locally initiated collaborative community partnership or in conjunction with the Department of Community Affairs and Federal Emergency Management Agency;

(i) Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;

(j) Foreclosure and eviction prevention, including monthly rental assistance for limited periods of time;

(k) Capital to leverage other private and public resources;  
or

(1) Hazard mitigation strategies and techniques to reduce or eliminate the exposure of people’s lives or property to harm from a disaster.

(2) Each county’s allocation shall be used to meet hurricane housing recovery needs throughout the county. In the event that an eligible county and an eligible municipality within the county vie separately for funding slated for a county,

the Corporation shall make a final determination of how funds shall be awarded. Criteria used to make this determination shall include the following factors:

(a) Amount requested;

(b) Number of households being served; and

(c) Strategies to be employed;

(3) The base allocation limits for eligible counties are as follows:

|                     |                     |
|---------------------|---------------------|
| <u>Escambia</u>     | <u>\$17,862,236</u> |
| <u>Charlotte</u>    | <u>\$14,339,973</u> |
| <u>St. Lucie</u>    | <u>\$16,417,481</u> |
| <u>DeSoto</u>       | <u>\$8,147,644</u>  |
| <u>Santa Rosa</u>   | <u>\$10,930,493</u> |
| <u>Indian River</u> | <u>\$10,922,421</u> |
| <u>Hardee</u>       | <u>\$5,924,895</u>  |
| <u>Brevard</u>      | <u>\$14,673,648</u> |
| <u>Polk</u>         | <u>\$13,284,043</u> |
| <u>Okeechobee</u>   | <u>\$5,380,098</u>  |
| <u>Martin</u>       | <u>\$6,605,068</u>  |
| <u>Osceola</u>      | <u>\$3,986,312</u>  |
| <u>Palm Beach</u>   | <u>\$6,401,838</u>  |
| <u>Highlands</u>    | <u>\$2,326,849</u>  |
| <u>Volusia</u>      | <u>\$3,730,122</u>  |
| <u>Lee</u>          | <u>\$2,502,896</u>  |
| <u>Orange</u>       | <u>\$4,393,483</u>  |
| <u>Putnam</u>       | <u>\$789,079</u>    |
| <u>Marion</u>       | <u>\$1,045,924</u>  |
| <u>Okaloosa</u>     | <u>\$1,004,135</u>  |
| <u>Hendry</u>       | <u>\$487,199</u>    |
| <u>Dixie</u>        | <u>\$451,839</u>    |
| <u>Glades</u>       | <u>\$382,944</u>    |
| <u>Seminole</u>     | <u>\$1,649,821</u>  |
| <u>Lake</u>         | <u>\$773,192</u>    |
| <u>Sumter</u>       | <u>\$434,729</u>    |
| <u>Levy</u>         | <u>\$383,163</u>    |
| <u>Bradford</u>     | <u>\$378,475</u>    |

(4) ELI supplemental funds shall be made available to each county to provide funding to households earning 30% or below the area median income. These funds may be used on any of the approved strategies in the HHAP so long as they are serving ELI households. If an eligible county’s ELI supplement is not requested by the eligible county or eligible municipality by September 15, 2005, the funds shall be allocated through the issuance of a request for proposals by the Corporation. Nonprofit, community-based organizations with housing experience may apply for a county’s ELI allocation. The amount of funding available for each county is as follows:

|                     |                    |
|---------------------|--------------------|
| <u>Escambia</u>     | <u>\$3,572,447</u> |
| <u>Charlotte</u>    | <u>\$2,867,995</u> |
| <u>St. Lucie</u>    | <u>\$3,283,496</u> |
| <u>DeSoto</u>       | <u>\$1,629,529</u> |
| <u>Santa Rosa</u>   | <u>\$2,186,099</u> |
| <u>Indian River</u> | <u>\$2,184,484</u> |
| <u>Hardee</u>       | <u>\$1,184,979</u> |
| <u>Brevard</u>      | <u>\$2,934,728</u> |
| <u>Polk</u>         | <u>\$2,656,809</u> |
| <u>Okeechobee</u>   | <u>\$1,076,020</u> |
| <u>Martin</u>       | <u>\$1,321,014</u> |
| <u>Osceola</u>      | <u>\$797,262</u>   |

|            |             |
|------------|-------------|
| Palm Beach | \$1,280,368 |
| Highlands  | \$465,370   |
| Volusia    | \$746,024   |
| Lee        | \$500,579   |
| Orange     | \$878,697   |
| Putnam     | \$157,816   |
| Marion     | \$209,185   |
| Okaloosa   | \$200,827   |
| Hendry     | \$97,440    |
| Dixie      | \$90,368    |
| Glades     | \$76,589    |
| Seminole   | \$329,964   |
| Lake       | \$154,638   |
| Sumter     | \$86,946    |
| Levy       | \$76,632    |
| Bradford   | \$75,695    |

(5) Community planning supplemental funds shall be distributed to each eligible county or eligible municipalities that submits as part of its HHAP, a summary of the collaborative efforts between it and other entities involved as part of the eligible county or eligible municipalities HHAP. Copies of interlocal agreements and contracts shall be submitted as attachments to the HHAP. The allocation of funds not requested prior to September 15, 2005 for the community planning supplemental allocation shall be determined through the issuance of a request for proposal by the Corporation. The funds shall be allocated based on the funding levels as follows:

|              |             |
|--------------|-------------|
| Escambia     | \$2,381,632 |
| Charlotte    | \$1,911,996 |
| St. Lucie    | \$2,188,997 |
| DeSoto       | \$1,086,353 |
| Santa Rosa   | \$1,457,399 |
| Indian River | \$1,456,323 |
| Hardee       | \$789,986   |
| Brevard      | \$1,956,486 |
| Polk         | \$1,771,206 |
| Okeechobee   | \$717,346   |
| Martin       | \$880,676   |
| Osceola      | \$531,508   |
| Palm Beach   | \$853,578   |
| Highlands    | \$310,247   |
| Volusia      | \$497,350   |
| Lee          | \$333,719   |
| Orange       | \$585,798   |
| Putnam       | \$105,211   |
| Marion       | \$139,457   |
| Okaloosa     | \$133,885   |
| Hendry       | \$64,960    |
| Dixie        | \$60,245    |
| Glades       | \$51,059    |
| Seminole     | \$219,976   |
| Lake         | \$103,092   |
| Sumter       | \$57,964    |
| Levy         | \$51,088    |
| Bradford     | \$50,463    |

(6) No Administrative Expenditures may be used to pay for costs incurred prior to July 1, 2005. Eligible counties and eligible municipalities shall be allowed to use up to 15 percent of its allocation for costs to administer its program. An eligible county or eligible municipalities may subcontract their

administrative functions, but in no case shall the administrative costs exceed 15 percent of the eligible county or eligible municipalities' allocation.

(7) At least 65% of the base allocation and community planning supplemental funds allocated to a county shall be used for home ownership. An eligible county and eligible municipalities shall provide justification for the need to use a higher percentage of its allocation for rental housing. The separate funding allocated for ELI households is exempt from the 65% requirement.

(8) With the exception of the income requirements and home ownership requirements, eligible counties and eligible municipalities shall be allowed to apportion their funds across their housing strategies as dictated by local needs.

(9) Eligible counties and eligible municipalities shall have two years to encumber funds for their intended use, and an additional year to fully expend the funds. If a local entity shows that it has been unable to fully expend the funds after this period, it may request an extension to this timeframe pursuant to subparagraph 67-37.005(6)(f)2., F.A.C. The Corporation shall grant that local entity an extension to expend the funds upon receipt of the request.

(10) Eligible counties and eligible municipalities shall maintain the HHR program funds and any repayments, recoveries, or program income in a separate trust fund. The local entity shall use any such repayments, recoveries, or program income to further affordable housing objectives consistent with the HHR program, regardless of when such money is recycled. At the termination of the HHR Program, any such repayments, recoveries, or program income may be deposited into the local government's Local Housing Trust Fund.

(11) Any funds that are not encumbered by eligible counties or eligible municipalities by June 30, 2007, shall be re-offered by the Corporation to eligible counties and eligible municipalities with remaining hurricane housing needs.

(12) The Corporation shall approve expenditures for administration of the HHR program in accordance with subsection 67-37.007(4), F.A.C.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History--New 12-30-08.

67ER08-05 Hurricane Housing Recovery Program Trust Fund.

(1) The HHR program trust fund account shall be separately stated as a special revenue fund in an eligible county's or eligible municipalities audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation no later than June 30th of the following fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(2) An eligible county and eligible municipalities which have had an audit, review or investigation involving HHR program funds shall send the Corporation a copy of any related report within 10 days of the issuance of such report.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

#### 67ER08-06 Annual Reports.

(1) Except in 2005, by September 15 of each year each eligible county and eligible municipalities shall submit a report using the HHR Annual Report, form AR05-1 (07/05), herein incorporated by reference with an effective date of 7/1/05, of its Hurricane Housing Recovery Program and accomplishments through June 30, immediately preceding submittal of the report. A copy of HHR annual report, form AR05-1 may be obtained at <http://www.floridahousing.org/Home/Disaster/HHRPAnReport.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) In addition to the report mentioned in (1) above, counties and SHIP eligible municipalities utilizing any HHR program funds must provide a list of recipients by strategy including names, addresses, and zip codes to Florida Housing Finance Corporation.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

#### 67ER08-07 Compliance Monitoring for Housing Developed With HHR Program Funds.

(1) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan must develop a tracking system to ensure that the hurricane housing distribution funds disbursed from the hurricane housing assistance trust fund are at all times expended in accordance with the set-aside requirements in subsection 67-37.007(2), F.A.C., and time restraints detailed at subsection 67-37.005(6), F.A.C.

(2) The combined household annual gross income of an applicant who is applying as an owner/occupant of a residence must be verified and certified by the local Hurricane Housing Recovery Program administrator or his/her designee using income verification and certification procedures as established by the U.S. Department of Housing and Urban Development (HUD), Occupancy Handbook 4350.3 (05/03), Chapter 5, Appendix 3, and Appendix 15-C, hereby incorporated by reference. Copies of these materials may be obtained by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida or obtained at <http://www.floridahousing.org/Home/Disaster/HUDOccHndbk.htm>. Whichever verification and certification method is used, annual gross income must be used and the HHR program income limits cannot be exceeded.

(3) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at subsection (2) above, for the term of the HHR Program. The Corporation shall monitor the activities of the local governments to determine compliance with program requirements. To ensure that communities are capable of addressing rental housing needs for hurricane recovery, eligible counties and eligible municipalities are required to perform only an initial certification of income upon move-in of the first household into a rental unit, as long as no more than \$10,000 has been provided for assistance to the unit, and the housing unit is located in a census block group in which more than 51 percent of the households have incomes at or below 80 percent of the area median income. No continuing compliance monitoring shall be required on these units.

(4) The Corporation, or its designated monitoring agent, shall be permitted to inspect the Hurricane Housing Assistance Plan, advertisements, applications, income verifications and certifications, plan participation contracts, financial records, plan tracking records, construction cost verification including receipts and contracts, and any other applicable documents at any reasonable time with or without notice. Such records must be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.

(5) If the Corporation staff or its designated monitoring agent determines that an eligible jurisdiction has established a pattern of violation by not complying with the criteria of its Hurricane Housing Assistance Plan established under these rules or Sections 420.907-9079, F.S., or that an eligible sponsor has established a pattern of violation by not complying with the applicable award conditions, the Corporation shall report such pattern of violation to the Executive Office of the Governor at which time the distribution of program funds to the county or eligible municipality will be suspended. The eligible jurisdiction shall develop a corrective action plan (CAP). The CAP shall be submitted to the Corporation within 60 days of the date of a letter from the Corporation, pursuant to Section 420.9075 (12), F.S. notifying the eligible jurisdiction of the pattern of violation. The CAP must describe the proposed corrective action for each violation and how the correction actions will be implemented within 3 months of the CAP's approval by the Corporation. Upon receipt of the CAP, the Corporation shall have 30 days to review and approve or recommend changes to the CAP. Upon approval of the CAP and correction of the violation, program funds will be distributed.

(6) If the Corporation's staff or its designated monitoring agent determines that the corrective actions have not been implemented, the Corporation shall report such pattern of violation of criteria or violation of award conditions to the



Executive Office of the Governor. The distribution of program funds to the eligible county or eligible municipality will be suspended until such time as the corrective plan of action has been implemented, at which time funds will be distributed.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s.2 and 3, ch. 2005-92, L.O. F. History–New 12-30-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: December 30, 2008

## 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.”

### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on December 24, 2008, the Agency For Health Care Administration, received a petition for Emergency Variance From or Waiver of paragraph 59C-1.018(3)(c), F.A.C., filed by Miami Jewish Home and Hospital for the Aged, Inc. This rule is related to the 60 day extension of the validity period of a certificate of need (CON) in the event the holder of the CON files written request at least 15 calendar days prior to the termination date and upon submission of a transfer application by the proposed transferee. Any interested person, party, or other agency may submit written comments on the petition by close of business on Thursday, January 22, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308, (850)922-5873, Fax (850)921-0158, [novakl@ahca.myflorida.com](mailto:novakl@ahca.myflorida.com).

Written comments should also be sent to this contact person.

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on December 23, 2008, the Board of Professional Engineers, received a petition for Variance or Waiver filed on December 23, 2008 on behalf of Zhiyuan Cheng. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S. Petitioner seeks a waiver of the

provisions of Rule 61G15-20.007, Florida Administrative Code, which is entitled “Demonstration of Substantial Equivalency.” Specifically, the Petitioner requests a waiver of those requirements under Rule 61G15-20.007, F.A.C., that govern the amount of credit hours required in mathematics and basic sciences by counting course work which is described in the petition with significant Mathematics and Basic Sciences content which was not so counted for petitioner’s EAC/ABET evaluation. In the alternative, petitioner requests that in light of additional circumstances described in the petition, that the Board permanently waive any purported deficiency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN THAT on December 15, 2008, the Board of Accountancy, received a petition for Paula Heacox, seeking a variance or waiver of paragraph 61H1-33.003(1)(a), Florida Administrative Code, which states the continuing professional education requirements for licensure renewal. Petitioner is also seeking a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., which requires that the licensee submit additional hours of continuing education if he/she does not timely meet the initial requirements for continuing professional education within his/her reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

### **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.”

### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Petition for Waiver or Variance filed by Gloria Esperanza Galdamez, M.D., on November 20, 2008, has been withdrawn. On December 30, 2008, the Petitioner filed a written withdrawal of her petition. The person to be contacted regarding this Petition is: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.