

Section IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: 5CER10-1
 RULE TITLE: Temporary Restrictions on Importation of Horses from Equine Piroplasmosis Endemic Areas

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On October 20, 2009, the Texas Animal Health Commission announced that a Texas horse exhibiting clinical signs of Equine Piroplasmosis (EP) had been diagnosed with the disease. In subsequent testing, in multiple counties in South Texas, over 280 horses have been determined to be positive for the disease. Since this time over 25 positive premises have been identified in Texas and since then 18 additional premises in 14 states including Florida have had positive EP cases related to this single outbreak. Health requirements have previously been placed on horses moving from Texas to Florida to prevent the spread of EP and competent vector ticks. This rule is necessary to impose the same health requirements on horses from Texas and any other locations, regions, states, or U. S. possessions where EP is determined to be endemic, based on known positive cases, prevalence of disease, presence of competent vectors, and/or evidence of natural transmission of the disease.

EP is considered a foreign animal disease, not endemic to the United States. EP is a blood-borne parasitic disease primarily transmitted between horses by ticks or contaminated needles and is not directly contagious from one horse to another. Currently, EP is considered an untreatable disease and under state and federal agreement, all horses testing positive for EP must be quarantined for life or be euthanized. Ticks are the natural method of transmission of EP and those tick species which are known to be efficient at transmitting the EP organism are not believed to exist in Florida. If the tick vectors, detected in endemic areas, become established in Florida and facilitate the spread of EP among Florida's 500,000 horses, the impact would be devastating.

Acutely affected horses can have depression, fever, anemia (decreased red blood cells) jaundiced (yellow) mucous membranes and low platelet counts and can die from the disease. In its milder form, EP can also cause horses to have roughened hair coats, constipation, colic, generalized weakness and lack of appetite. Some horses become chronic carriers of the disease showing little clinical signs but having the ability to transmit the disease to other horses via ticks. Treatment of infected horses has not been shown to be effective in eliminating the organism (*Theileria equi*) and infected horses must remain under quarantine.

In an EP incident in Florida in 2008-2009 the Department spent over 4,800 hours managing the disease and testing more than 200 horses. During the incident the owners of 20 positive horses elected to euthanize their animals. Additional industry losses were incurred as many horses were not imported into Florida during the peak winter show season and Canada required testing on Florida horses. While the disease investigation was costly, the impact was much less than could have been the case if a tick vector was present to spread the disease. Currently, it costs Texas more than \$14.0 million dollars a year in its efforts to eradicate a tick which transmits an EP like disease in cattle.

If EP infected horses or a species of tick efficient at transmitting the disease were established in the state countless Florida horses would have to be euthanized or quarantined for life. In addition, many states and countries would not allow importation of Florida's horses, potentially ruining the equine industry which produces goods and services of over \$3.0 billion per year.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This rule is fair and justified because it takes only the necessary actions to protect the public health, safety, and welfare by preventing the introduction and spread of this dangerous and transmissible disease and its vectors. The rule requires that horses intended for movement to Florida from locations, regions, states, or U. S. possessions where EP is determined to be endemic, must be inspected and found free of ticks, be treated with a registered pesticide, and test negative for Equine Piroplasmosis. The rule also provides an exemption for horses that leave the state destined for endemic areas, but return to the state within 30 days. The Department is undertaking an aggressive campaign to notify the public about the implementation of this rule. The Department is currently in the process of amending Chapter 5C-3, F.A.C., through formal rulemaking in an effort to incorporate similar provisions for a more permanent solution.

SUMMARY: This rule places restrictions upon the importation of horses from localities, regions, states or U.S. Possessions where Equine Piroplasmosis (EP) is determined to be endemic, to ensure they are not infected with Equine Piroplasmosis (*T. equi*) or infested with tick vectors capable of transmitting this disease to other horses in Florida. The requirements in this rule are in addition to the import requirements set forth in Chapter 5C-3, Florida Administrative Code.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Department of Agriculture and Consumer Services, 407 S. Calhoun St., Rm. 330, Mayo Bldg., Tallahassee, FL 32399-0800, phone (850)410-0900

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER10-1 Temporary Restrictions on Importation of Horses from Equine Piroplasmosis Endemic Areas.

(1) Official Certificate of Veterinary Inspection (OCVI). Notwithstanding paragraph 5C-3.002(1)(c), F.A.C., for equine from localities, regions, states or U.S. Possessions where Equine Piroplasmosis (EP) is determined to be endemic, the inspection date of the Official Certificate of Veterinary Inspection (OCVI) that must accompany equine imported into or through the State of Florida shall be issued no more than 14 days prior to the entry of the equine into the state. The OCVI must also include the following statement: "All animals identified on this certificate have not been on a premises found positive for *Theileria equi* or under quarantine within the past 30 days, have been inspected and found free of ticks, and have been thoroughly treated with an approved acaricide labeled for use in equine within 14 days of entry."

(2) Testing. All horses imported into Florida from localities, regions, states or U.S. Possessions, where Equine Piroplasmosis (EP) is determined to be endemic must be accompanied by evidence of a negative CELISA test for *Theileria equi* (*Babesia equi*), performed at the United States Department of Agriculture, Animal and Plant Health Inspection Service, National Veterinary Services Laboratories (USDA-APHIS-NVSL) or other laboratory authorized by the USDA-APHIS- NVSL. The blood sample for the test must be taken within 30 days prior to entry into Florida. The result and accession number must be listed on the OCVI.

(3) Tick Vectors. All equine identified on the OCVI as originating from localities, regions, states or U.S. Possessions, where Equine Piroplasmosis (EP) is determined to be endemic must be examined for and found free of ticks and must be thoroughly treated for ticks with an United States Environmental Protection Agency (EPA) registered acaricide labeled for use in horses.

(4) Exemption. Equine from Florida consigned to localities, regions, states or U.S. Possessions where Equine Piroplasmosis (EP) is determined to be endemic that are returned to Florida within 30 days of the issuance of the Florida OCVI are exempt from the requirements of this rule.

(5) The Commonwealth of Puerto Rico and the Virgin Islands of the United States have been determined to be endemic for Equine Piroplasmosis (EP) and equine moved from these areas to Florida are subject to the requirements of paragraphs 5C-3.003(2)(b) and (4)(b), F.A.C. Pursuant to §585.14, Florida Statutes, the Division of Animal Industry, under the direction of the State Veterinarian, shall publish notice of other localities, regions, states, or U.S. possessions, where Equine Piroplasmosis (EP) is determined to be endemic on its website (www.flanimalindustry.com) and in the Florida Administrative Weekly as necessary.

PROPOSED EFFECTIVE DATE: February 17, 2010.

Rulemaking Authority 570.07(21), (23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History—New

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: February 17, 2010

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.: 53ER10-2
 RULE TITLE: Instant Game Number 1050, \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE

SUMMARY: This emergency rule describes Instant Game Number 1050, "\$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-2 Instant Game Number 1050, \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE.

(1) Name of Game. Instant Game Number 1050, "\$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE."

(2) Price. \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery tickets sell for \$5.00 per ticket.

(3) \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

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



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

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY
21	22	23	24	25	26	27	28	29	30
TWENTY ONE	TWENTY TWO	TWENTY THREE	TWENTY FOUR	TWENTY FIVE	TWENTY SIX	TWENTY SEVEN	TWENTY EIGHT	TWENTY NINE	THIRTY

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

\$2.00	\$5.00	\$10.00	\$20.00	\$25.00	\$50.00	\$100
TWO	FIVE	TEN	TWENTY	TWENTY FIVE	FIFTY	HUNDRED
TWO DOLLARS	FIVE DOLLARS	TEN DOLLARS	TWENTY DOLLARS	TWENTY FIVE DOLLARS	FIFTY DOLLARS	HUNDRED DOLLARS

(7) The legends are as follows:

WINNING NUMBERS	YOUR NUMBERS
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(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 "Trophy" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all twelve prizes shown. A

ticket having a "Gift Card" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a \$500 Bass Pro Shops® Gift Card.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$2,500, \$10,000, \$250,000

and 

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1050 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 55 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	660,000
\$2 x 5	\$10	30.00	220,000
\$5 x 2	\$10	30.00	220,000
\$10	\$10	30.00	220,000
\$2 x 10	\$20	300.00	22,000
(\$5 x 2) + \$10	\$20	300.00	22,000
\$5 x 4	\$20	300.00	22,000
\$10 x 2	\$20	300.00	22,000
\$20	\$20	300.00	22,000
\$5 x 5	\$25	300.00	22,000
(\$5 x 3) + \$10	\$25	400.00	16,500
\$5 + (\$10 x 2)	\$25	400.00	16,500
\$5 + \$20	\$25	400.00	16,500
\$25	\$25	400.00	16,500
(\$2 x 5) + (\$5 x 6) + \$10 (TROPHY)	\$50	685.71	9,625
(\$2 x 5) + (\$5 x 6) + \$10	\$50	685.71	9,625
\$10 x 5	\$50	685.71	9,625

\$10 + (\$20 x 2)	\$50	685.71	9,625
\$50	\$50	774.19	8,525
(\$5 x 8) + (\$10 x 2) + (\$20 x 2) (TROPHY)	\$100	2,000.00	3,300
(\$5 x 8) + (\$10 x 2) + (\$20 x 2)	\$100	2,000.00	3,300
\$10 x 10	\$100	2,000.00	3,300
\$20 x 5	\$100	2,000.00	3,300
\$50 x 2	\$100	2,181.82	3,025
\$100	\$100	2,181.82	3,025
(\$10 x 4) + (\$20 x 8) (TROPHY)	\$200	3,000.00	2,200
\$20 x 10	\$200	3,000.00	2,200
\$25 x 8	\$200	3,000.00	2,200
(\$10 x 6) + (\$20 x 2) + (\$50 x 2) FISH SYMBOL	\$500	2,640.00	2,500
= \$500 Gift Card			
(\$100 x 8) + (\$50 x 4) (TROPHY)	\$1,000	120,000.00	55
(\$100 x 8) + (\$50 x 4)	\$1,000	120,000.00	55
(\$100 x 5) + \$500	\$1,000	120,000.00	55
\$500 x 2	\$1,000	120,000.00	55
\$1,000	\$1,000	120,000.00	55
(\$100 x 8) + (\$500 x 3) + \$200 (TROPHY)	\$2,500	330,000.00	20
\$1,000 x 2 + \$500	\$2,500	330,000.00	20
\$500 x 5	\$2,500	660,000.00	10
\$2,500 x 4	\$10,000	1,650,000.00	4
\$1,000 x 10	\$10,000	1,320,000.00	5
\$10,000	\$10,000	3,300,000.00	2
\$250,000	\$250,000	1,650,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 1050 are 1 in 4.14. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1050, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-5-10.

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: February 5, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-3
 RULE TITLE: Instant Game Number 1035, LOTERIA®

SUMMARY: This emergency rule describes Instant Game Number 1035, "LOTERIA®," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-3 Instant Game Number 1035, LOTERIA®.

(1) Name of Game. Instant Game Number 1035, "LOTERIA®."

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

(3) LOTERIA 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 LOTERIA lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

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



(5) The legend is as follows:

CALLER CARDS

(6) Determination of Prizewinners.

(a) A ticket having four play symbols and corresponding play symbol captions in any one horizontal or vertical line in the "PLAYING BOARD" area that match four play symbols and corresponding play symbol captions in the "CALLER CARDS" play area shall entitle the claimant to the prize shown for that line.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$200 and \$20,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 1035 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 40 POOLS OF TICKETS PER POOL
\$2	\$2	9.38	768,000
\$5	\$5	15.00	480,000
\$10	\$10	50.00	144,000
\$5 + \$10	\$15	150.00	48,000
\$20	\$20	150.00	48,000
\$5 + \$20	\$25	360.00	20,000
\$10 + \$20	\$30	360.00	20,000
\$50	\$50	1,200.00	6,000
\$10 + \$50	\$60	3,600.00	2,000
\$5 + \$20 + \$50	\$75	3,600.00	2,000
\$100	\$100	1,440.00	5,000
\$5 + \$20 + \$100	\$125	7,200.00	1,000
\$50 + \$100	\$150	22,500.00	320
\$200	\$200	7,200.00	1,000
\$5 + \$20 + \$200	\$225	60,000.00	120
\$50 + \$200	\$250	60,000.00	120
\$100 + \$200	\$300	60,000.00	120
\$50 + \$100 + \$200	\$350	90,000.00	80
\$20,000	\$20,000	480,000.00	15

(8) The estimated overall odds of winning some prize in Instant Game Number 1035 are 1 in 4.66. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 1035, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for LOTERIA lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History— New 2-5-10.

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: February 5, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-4
 RULE TITLE: Instant Game Number 1059, LUCKY BUCKS DOUBLER

SUMMARY: This emergency rule describes Instant Game Number 1059, "LUCKY BUCKS DOUBLER," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-4 Instant Game Number 1059, LUCKY BUCKS DOUBLER.

(1) Name of Game. Instant Game Number 1059, "LUCKY BUCKS DOUBLER."

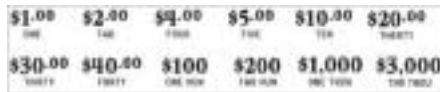
(2) Price. LUCKY BUCKS DOUBLER lottery tickets sell for \$1.00 per ticket.

(3) LUCKY BUCKS DOUBLER 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 LUCKY BUCKS DOUBLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A. C.

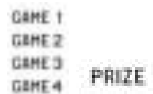
(4) The play symbols and play symbol captions are as follows:



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



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are four games on a ticket. Each game is played separately. A ticket having two like numbers and corresponding number symbol captions in the same game shall entitle the claimant to the prize shown for that game. A ticket

having a "DOUBLE" symbol in a game shall entitle the claimant to double the prize shown for that game.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$1,000 and \$3,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1059 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	11.11	1,080,000
\$1 (MONEYBAG)	\$2	37.50	320,000
\$1 x 2	\$2	60.00	200,000
\$2	\$2	37.50	320,000
\$1 x 4	\$4	300.00	40,000
\$1 (MONEYBAG) + \$2	\$4	150.00	80,000
\$2 (MONEYBAG)	\$4	150.00	80,000
\$2 x 2	\$4	300.00	40,000
\$4	\$4	300.00	40,000
(\$1 x 3) + \$2	\$5	750.00	16,000
\$1 + \$2 (MONEYBAG)	\$5	750.00	16,000
\$1 + (\$2 x 2)	\$5	750.00	16,000
\$1 + \$4	\$5	750.00	16,000
\$5	\$5	750.00	16,000
\$2 + \$4 (MONEYBAG)	\$10	500.00	24,000
(\$2 x 3) + \$4	\$10	500.00	24,000
\$5 (MONEYBAG)	\$10	500.00	24,000
\$5 x 2	\$10	500.00	24,000
\$10	\$10	500.00	24,000
\$5 (MONEYBAG) + \$10	\$20	1,500.00	8,000
\$5 x 4	\$20	1,500.00	8,000
\$10 (MONEYBAG)	\$20	1,500.00	8,000
(\$5 x 2) + \$10	\$20	1,500.00	8,000
\$20	\$20	1,500.00	8,000
(\$5 x 2) + (\$10 x 2)	\$30	8,000.00	1,500
\$5 (MONEYBAG) + (\$10 x 2)	\$30	8,000.00	1,500
\$10 x 3	\$30	8,000.00	1,500
\$10 (MONEYBAG) + \$10	\$30	8,000.00	1,500
\$30	\$30	8,000.00	1,500
\$10 (MONEYBAG) + \$20	\$40	9,600.00	1,250
\$20	\$40	9,600.00	1,250
\$10 x 4	\$40	9,600.00	1,250
\$20 (MONEYBAG)	\$40	9,600.00	1,250
(\$10 x 2) + \$20	\$40	9,600.00	1,250
\$40	\$40	9,600.00	1,250
(\$20 x 3) + \$20 (MONEYBAG)	\$100	12,000.00	1,000

(\$30 x 2) + \$40	\$100	16,000.00	750
\$20 + (\$40 x 2)	\$100	20,000.00	600
\$20 + \$40			
(MONEYBAG)	\$100	16,000.00	750
\$100	\$100	16,000.00	750
\$30			
(MONEYBAG) +			
\$30			
(MONEYBAG) +			
(\$40 x 2)	\$200	120,000.00	100
\$40 + \$40			
(MONEYBAG) +			
\$40			
(MONEYBAG)	\$200	120,000.00	100
\$100			
(MONEYBAG)	\$200	120,000.00	100
\$100 x 2	\$200	120,000.00	100
\$200	\$200	120,000.00	100
\$200 + \$200			
(MONEYBAG) +			
\$200			
(MONEYBAG)	\$1,000	240,000.00	50
\$1,000	\$1,000	240,000.00	50
\$3,000	\$3,000	240,000.00	50

(9) The estimated overall odds of winning some prize in Instant Game Number 1059 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1059, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for LUCKY BUCKS DOUBLER lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History— New 2-5-10.

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: February 5, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-5
 RULE TITLE: Bass Pro Shops® Outdoor Adventure Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Bass Pro Shops® Outdoor Adventure Second Chance Drawing between February 9, 2010 and June 16, 2010, in which special prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-5 Bass Pro Shops® Outdoor Adventure Second Chance Drawing.

(1) Beginning Tuesday, February 9, 2010, players can enter their non-winning Florida Lottery \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE Scratch-Off ticket(s) in the Bass Pro Shops® Outdoor Adventure Second Chance Drawing on the Florida Lottery Web site to win an outdoor adventure trip of a lifetime.

(2) Four second chance drawings will be held between March 10 and June 16, 2010 from entries received by midnight the night before each drawing. Entries will be good for one drawing only. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Wednesday, March 10, 2010	February 9 – March 9, 2010
2	Wednesday, April 7, 2010	March 10- April 6, 2010
3	Wednesday, May 5, 2010	April 7- May 4, 2010
4	Wednesday, June 16, 2010	May 5 – June 15, 2010

(3) In each of the four (4) Bass Pro Shops® Outdoor Adventure Second Chance Drawings, one (1) grand prize of a Bass Pro Shops® sponsored outdoor adventure trip and ten (10) second prizes of \$1,000 in Bass Pro Shops® gift cards will be awarded. A grand total of four (4) outdoor adventure trips and forty (40) Bass Pro Shops® \$1,000 gift card prizes will be awarded in the second chance drawings.

(4) Each outdoor adventure winner will choose his/her own adventure trip, at an estimated \$17,295 value, from the packages listed below. Each of the adventure trip prizes includes first-class round trip airfare for 2 to 4 people (depending on the trip selected), ground transportation to and from destination airport to the adventure location, complete accommodations, activities and a cash spending allowance (amount varies by trip.) Trip arrangements are based on availability of each component of the trip prize. The trip options are:

(a) Florida Redfish – Five (5) day trip for up to four (4) people.

(b) Key West Sport Fishing – Five (5) day trip for Four (4) People.

(c) Colorado White Water Rafting – Five (5) day trip for four (4) people.

(d) Alaska Angling Adventure – Five (5) day trip for two (2) people.

(e) South Dakota Pheasants/Grouse/Partridge – Five (5) day trip for four (4) people.

(f) Big Cedar® Lodge – Five (5) day trip for up to four (4) people.

(5) To enter a non-winning ticket into the Bass Pro Shops® Outdoor Adventure Second Chance Drawing, visit the Florida Lottery's Web site at flalottery.com, click on the Bass Pro Shops® Outdoor Adventure Second Chance Drawing icon and follow the directions.

The ticket number is located above the play instructions on the front of a \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE Scratch-Off ticket. Scratch off the latex covering to reveal the 24-digit ticket number. Winning \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE tickets cannot be used for entry in the second chance drawings. The odds of winning are dependent upon the number of entries received.

Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one entry in the Bass Pro Shops® Outdoor Adventure Second Chance Drawings.

Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(6) The 11 prizewinners in each Bass Pro Shops® Outdoor Adventure Second Chance Drawing will be posted on flalottery.com after the draw. Prizewinners will have 180 days from the applicable draw date to claim their prize. The Florida Lottery will attempt to notify prizewinners using contact information submitted on the player registration; however, the responsibility of claiming a prize remains with the player. The right to claim a prize cannot be assigned to another person or entity.

All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Bass Pro Shops® Outdoor Adventure prize, the player must submit to the Lottery the original valid non-winning \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL 173-2, or Spanish Winner Claim Form DOL 173-2S, as referenced in Rule 53ER10-1, and appropriate identification. Winners of the Outdoor Adventure trips must also submit a notarized Florida Lottery Release and Authorization Form DOL-474, revised

10/08, herein incorporated by reference which may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

The \$1,000 gift card prizes will be mailed to each winner's address within approximately 15 business days after the claim has been filed with the Lottery. Adventure trip winners will be provided a prize certificate containing the name of a travel representative from the Lottery's prize fulfillment company to be contacted for making reservations for the adventure trip.

(7) Federal income tax withholding on the value of the outdoor adventure prize package will be paid by the Florida Lottery. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner.

(8) A cash option of \$17,295 is available in lieu of the adventure trip prizes. Federal income tax withholding will be deducted from the cash prize.

(9) If the winner of a prize is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with section 24.115, Florida Statutes. If the debt of an outdoor adventure winner is an amount less than the cash option value of \$17,295, the winner shall receive the excess cash value after applicable federal withholding tax has been deducted and the debt has been satisfied. If the debt is an amount greater than the prize, the entire cash value of the prize remaining after deduction of applicable federal withholding tax will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(10) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder, including the official Bass Pro Shops® Outdoor Adventure Second Chance Drawings rule.

(11) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(12) By entering the Bass Pro Shops® Outdoor Adventure Second Chance Drawings, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the Lottery's prize fulfillment company for prize fulfillment purposes.

(13) By entering the Bass Pro Shops® Outdoor Adventure Second Chance Drawings, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(14) The Bass Pro Shops® Outdoor Adventure second chance drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent

certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Web site at flalottery.com.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 2-5-10.

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: February 5, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on February 4, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A Petition for Waiver of Rule 11B-35.0024, F.A.C., was received from Santa Fe Community College, on December 21, 2009. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 1, January 8, 2010. Santa Fe Community College (hereafter Petitioner) petitioned to waive the requirement in the rule that all aspects of the CJSTC-6 CMS form be completed. The Petitioner requested a permanent waiver to cover all Defensive Tactics courses taught from May 20, 2005 to September 22, 2009. The Petitioner stated that its instructors met all the requirements for correctly teaching the defensive tactics courses at issue, but failed to completely fill in all aspects of the CJSTC-6 CMS forms for courses taught during the time in question.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to requalify many working officers who suffered no disability in training as a result of the failure to complete the CJSTC-6 CMS forms. The Commission found that the purposes of the underlying statute, to ensure that criminal justice training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of a clerical, as opposed to tactical training, requirement. Accordingly, the Commission granted Petitioner's request for a waiver of Rule 11B-35.0024, F.A.C., on February 4, 2010, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on February 4, 2010, the Criminal Justice Standards and Training Commission has issued an order.

Seminole State College of Florida (hereafter Petitioner) petitioned for a permanent waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C. The rule requires that students in Florida Basic Recruit Training Courses requiring demonstration of proficiencies in firearms to shoot a B-21E target or equivalent in order to successfully complete the firearms component of training. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 4, January 29, 2010. Petitioner wished to waive the requirement in the rule requiring a B-21E target or equivalent. The Petitioner's firearms range did not use the B-21E, but did use targets that were marketed by PRIDE as equivalent to the B-21E. Those targets were determined by Commission staff not to be equivalent to the B-21E target. Petitioner wished to waive this rule and have the PRIDE targets that were used by Petitioner until November 9, 2009, deemed to be equivalent to the B-21E target for purposes of this rule section. Petitioner argued that any differences between the targets are minimal and that no officer who qualified on the PRIDE targets was given any advantage by reason of so doing.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to requalify many working officers who suffered no disability in training as a result of using the PRIDE targets. The Commission found that the purposes of the underlying statute, to ensure that criminal justice high liability firearms training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of the target number requirement. Accordingly, the Commission granted Petitioner's request for a waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C., on February 4, 2010, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.