

THE PERSON TO BE CONTACTED REGARDING THE ABOVE NOTICE IS: Rebecca R. Poston, 4052 Bald Cypress Way, Bin #C16, Tallahassee, Florida 32399

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-57
RULE TITLE: Instant Game Number 1083, "FLAMINGO BINGO"

SUMMARY: This emergency rule relates to the Instant Game Number 1083, "FLAMINGO BINGO" 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; and the estimated odds of winning, value, and number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-57 Instant Game Number 1083, "FLAMINGO BINGO."

(1) Name of Game. Instant Game Number 1083, "FLAMINGO BINGO".

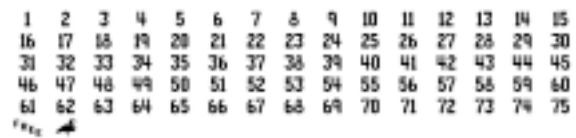
(2) Price. FLAMINGO BINGO lottery tickets sell for \$3.00 per ticket.

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

(4) The "CALLER'S CARD" play symbols are as follows:



(5) The player's cards play symbols are as follows:



(6) The legend is as follows:

CALLER'S CARD

(7) Determination of Prizewinners.

(a) There are six player's cards numbered 1 through 6 and one Caller's Card on each FLAMINGO BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player's cards match the Caller's Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).

2. Vertical line of five numbers (or four numbers and one "FREE" space).

3. Diagonal line of four numbers and one "FREE" space.

4. Four corners (consisting of four numbers).

5. "X" (consisting of eight numbers and one "FREE" space).

(c) A " " symbol on a ticket is a "FREE" spot. If the symbol completes a winning line pattern that is described in paragraph (7)(b) above, the claimant shall be entitled to triple the line prize for that card.

(d) Prizes that appear in the player's cards area are: \$3, \$6, \$10, \$20, \$40, \$60, \$90, \$100, \$200, \$250, \$500, \$1,000, \$2,000, \$5,000, \$20,000 and \$50,000. Prize amounts for a particular pattern are different on each player's card.

(8) Players may win on one or more player's cards per ticket; however, players may not win more than one prize on each player's card.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1083 are as follows:

GAME PLAY	WIN	ESTIMATED	NUMBER OF
		ODDS OF	WINNERS IN
		1 IN	60 POOLS OF
Line – Card 1	\$3	10.00	180,000 TICKETS
Line – Card 2	\$6	12.50	PER POOL
			1,080,000
			864,000

Line – Card 1	\$9	100.00	108,000
(FLAMINGO)			
Line – Card 1 +	\$9	100.00	108,000
Line Card 2			
Line – Card 3	\$10	100.00	108,000
Line – Card 1	\$15	100.00	108,000
(FLAMINGO) +			
Line – Card 2			
Line – Card 2	\$18	100.00	108,000
(FLAMINGO)			
Line – Card 4	\$20	100.00	108,000
Line – Card 3	\$30	514.29	21,000
(FLAMINGO)			
4 Corners – Card 1	\$40	900.00	12,000
Line – Card 3	\$50	1,200.00	9,000
(FLAMINGO) +			
Line – Card 4			
4 Corners – Card 2	\$60	3,600.00	3,000
Line – Card 5	\$60	3,600.00	3,000
Line – Card 4	\$60	2,250.00	4,800
(FLAMINGO)			
Line – Card 3 +	\$100	4,500.00	2,400
Line – Card 6			
Line – Card 4	\$100	4,500.00	2,400
(FLAMINGO) + 4			
Corners – Card 1			
4 Corners – Card 3	\$100	4,500.00	2,400
Line – Card 5 +	\$150	25,714.29	420
Line – Card 6			
Line – Card 5	\$180	25,714.29	420
(FLAMINGO)			
X – Card 1	\$200	7,200.00	1,500
X – Card 1 + Line –	\$210	36,000.00	300
Card 3			
4 Corners – Card 4	\$250	30,000.00	360
Line – Card 6	\$270	30,000.00	360
(FLAMINGO)			
X – Card 2	\$500	22,500.00	480
4 Corners – Card 5	\$500	22,500.00	480
X – Card 2 + 4	\$1,000	36,000.00	300
Corners – Card 5			
X – Card 3	\$1,000	36,000.00	300
4 Corners – Card 6	\$2,000	180,000.00	60
X – Card 4	\$5,000	540,000.00	20
X – Card 5	\$20,000	1,080,000.00	10
X – Card 6	\$50,000	1,800,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 1083 are 1 in 4.06. 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 1083, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for FLAMINGO BINGO lottery tickets shall be made in accordance with the rule of the Florida Lottery governing procedures for awarding prizes.

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

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-22-10.

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: October 22, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.:

RULE TITLE:

53ER10-58

Instant Game Number 1080,

GOLDEN GOOSE DOUBLER

SUMMARY: This emergency rule describes Instant Game Number 1080, “GOLDEN GOOSE 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:

53ER10-58 Instant Game Number 1080, GOLDEN GOOSE DOUBLER.

(1) Name of Game. Instant Game Number 1080, “GOLDEN GOOSE DOUBLER.”

(2) Price. GOLDEN GOOSE DOUBLER lottery tickets sell for \$1.00 per ticket.

(3) GOLDEN GOOSE 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 GOLDEN GOOSE DOUBLER 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
TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	THIRTY

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


\$2.00 TWO \$30.00 THIRTY \$250 TWENTY FIVE \$200,000 THIRTY TWO	\$5.00 FIVE \$40.00 FORTY \$500 FIVE HUNDRED \$200,000 THIRTY TWO	\$10.00 TEN \$50.00 FIFTY \$1,000 ONE THOUSAND \$200,000 THIRTY TWO	\$15.00 FIFTEEN \$100 ONE HUNDRED \$5,000 FIVE THOUSAND \$200,000 THIRTY TWO	\$20.00 TWENTY \$200 TWO HUNDRED \$50,000 FIFTY THOUSAND \$200,000 THIRTY TWO
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(7) The legends are as follows:

GOLDEN NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

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

ticket having a “” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to \$25.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$5,000, \$50,000 and \$200,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1080 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 52 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	624,000
\$5 (EGG)	\$10	30.00	208,000
\$5 x 2	\$10	30.00	208,000
\$10	\$10	30.00	208,000
(\$2 x 5) + \$5	\$15	300.00	20,800
\$5 + \$5 (EGG)	\$15	300.00	20,800
\$5 x 3	\$15	300.00	20,800
\$5 + \$10	\$15	300.00	20,800
\$15	\$15	300.00	20,800
\$5 x 4	\$20	300.00	20,800
(\$5 x 2) + \$10	\$20	300.00	20,800
\$10 x 2	\$20	300.00	20,800
\$10 (EGG)	\$20	300.00	20,800
\$20	\$20	300.00	20,800
\$5 x 6	\$30	800.00	7,800
(\$5 x 4) + \$10	\$30	800.00	7,800
\$10 x 3	\$30	800.00	7,800

\$15 (EGG)	\$30	750.00	8,320
\$30	\$30	800.00	7,800
\$5 x 8	\$40	2,400.00	2,600
(\$5 x 2) + (\$10 x 3)	\$40	2,400.00	2,600
\$10 + \$15 (EGG)	\$40	2,400.00	2,600
\$20 (EGG)	\$40	2,400.00	2,600
\$40	\$40	2,400.00	2,600
\$5 x 10	\$50	1,200.00	5,200
(\$5 x 4) + (\$10 x 3)	\$50	1,200.00	5,200
\$10 (EGG) + \$30	\$50	1,200.00	5,200
\$10 + \$20 (EGG)	\$50	1,200.00	5,200
\$50	\$50	1,200.00	5,200
(\$5 x 10) + \$50	\$100	2,000.00	3,120
(\$5 x 4) + (\$10 x 8)	\$100	2,000.00	3,120
\$20 x 5	\$100	2,000.00	3,120
\$50 (EGG)	\$100	2,000.00	3,120
\$100	\$100	2,000.00	3,120
(\$10 x 10) + (\$50 x 2)	\$200	12,000.00	520
(\$40 x 5)	\$200	12,000.00	520
(\$15 x 10) + \$50	\$200	12,000.00	520
\$50 + \$50 (EGG) + \$50	\$200	12,000.00	520
\$200	\$200	12,000.00	520
(\$40 x 10) + \$50 (EGG)	\$500	12,000.00	520
(\$20 x 5) + (\$50 x 6) + \$100	\$500	12,000.00	520
\$100 x 5	\$500	12,000.00	520
\$250 (EGG)	\$500	12,000.00	520
\$500	\$500	12,000.00	520
\$100 x 10	\$1,000	40,000.00	156
(\$50 x 4) + (\$100 x 8)	\$1,000	40,000.00	156
\$200 x 5	\$1,000	40,000.00	156
\$500 (EGG)	\$1,000	40,000.00	156
\$1,000	\$1,000	40,000.00	156
\$500 x 10	\$5,000	208,000.00	30
\$1,000 + \$1,000 (EGG) + \$1,000 (EGG)	\$5,000	312,000.00	20
\$5,000	\$5,000	312,000.00	20
\$5,000 x 10	\$50,000	1,248,000.00	5
\$50,000	\$50,000	1,248,000.00	5
\$200,000	\$200,000	1,248,000.00	5

(10) The estimated overall odds of winning some prize in Instant Game Number 1080 are 1 in 4.01. 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 1080, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for GOLDEN GOOSE 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 10-22-10.

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: October 22, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-59
 RULE TITLE: Instant Game Number 1081, HOLIDAY PACKAGE

SUMMARY: This emergency rule describes Instant Game Number 1081, "HOLIDAY PACKAGE," 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:

53ER10-59 Instant Game Number 1081, HOLIDAY PACKAGE.

(1) Name of Game. Instant Game Number 1081, "HOLIDAY PACKAGE."

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

(3) HOLIDAY PACKAGE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOLIDAY PACKAGE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

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



(5) The legend is as follows:

YOUR ORNAMENTS

(6) Determination of Prizewinners.

(a) Holiday Package lottery tickets have "Playing Board" and "Your Ornaments" sections on each ticket. A ticket with play symbols and corresponding play symbol captions in the Your Ornaments section that match all four play symbols and play symbol captions in any complete horizontal or vertical line on the Playing Board 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 \$25,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 1081 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.00	756,000
\$5	\$5	11.54	655,200
\$10	\$10	75.00	100,800
\$5 + \$10	\$15	150.00	50,400
\$20	\$20	150.00	50,400
\$5 + \$20	\$25	300.00	25,200
\$10 + \$20	\$30	450.00	16,800
\$50	\$50	1,000.00	7,560
\$5 + \$20 + \$50	\$75	3,600.00	2,100
\$100	\$100	1,440.00	5,250
\$5 + \$20 + \$100	\$125	9,000.00	840
\$50 + \$100	\$150	18,000.00	420
\$200	\$200	7,500.00	1,008
\$5 + \$20 + \$200	\$225	60,000.00	126
\$50 + \$200	\$250	60,000.00	126
\$100 + \$200	\$300	60,000.00	126
\$50 + \$100 +	\$350	60,000.00	126
\$200			
\$25,000	\$25,000	756,000.00	10

(8) The estimated overall odds of winning some prize in Instant Game Number 1081 are 1 in 4.52. 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 1081, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

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

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-22-10.

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: October 22, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-60
 RULE TITLE: Instant Game Number 1080, HOLIDAY SURPRISE!

SUMMARY: This emergency rule describes Instant Game Number 1080, “HOLIDAY SURPRISE!,” 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:

53ER10-60 Instant Game Number 1080, HOLIDAY SURPRISE!.

(1) Name of Game. Instant Game Number 1080, “HOLIDAY SURPRISE!”

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

(3) HOLIDAY SURPRISE! lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOLIDAY SURPRISE! 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 NUMBER” play symbols and play symbol captions are as follows:



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

\$1.00 \$2.00 \$4.00 \$5.00 \$10.00
 ONE TWO FOUR FIVE TEN
 \$20.00 \$25.00 \$40.00 \$100 \$4,000
 TWENTY TWENTY FIVE FORTY ONE HUNDRED FOUR 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 the play symbol and corresponding play symbol caption in the “WINNING NUMBER” play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a “WINNER” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$25.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$100 and \$4,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1080 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 40 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	10.71	896,000
\$1 x 2	\$2	30.00	320,000
\$2	\$2	30.00	320,000
\$1 x 4	\$4	150.00	64,000
(\$1 x 2) + \$2	\$4	300.00	32,000
\$2 x 2	\$4	150.00	64,000
\$4	\$4	150.00	64,000
\$1 x 5	\$5	500.00	19,200
\$1 + (\$2 x 2)	\$5	500.00	19,200
(\$1 x 3) + \$2	\$5	500.00	19,200
\$1 + \$4	\$5	500.00	19,200
\$5	\$5	500.00	19,200
\$2 x 5	\$10	750.00	12,800
(\$2 x 3) + \$4	\$10	750.00	12,800
\$2 + (\$4 x 2)	\$10	750.00	12,800
\$5 x 2	\$10	750.00	12,800
\$10	\$10	750.00	12,800
\$4 x 5	\$20	1,500.00	6,400
\$5 x 4	\$20	1,500.00	6,400
(\$5 x 2) + \$10	\$20	1,500.00	6,400
\$10 x 2	\$20	1,500.00	6,400
\$20	\$20	1,500.00	6,400
\$25 (STAR)	\$25	625.00	15,360

$(\$5 \times 2) + (\$10 \times 3)$	\$40	8,000.00	1,200
$\$10 \times 4$	\$40	8,000.00	1,200
$\$5 + \$10 + \$25$	\$40	8,000.00	1,200
(STAR)			
$\$20 \times 2$	\$40	8,000.00	1,200
\$40	\$40	8,000.00	1,200
$\$20 \times 5$	\$100	12,000.00	800
$\$25$ (STAR) $\times 4$	\$100	12,000.00	800
$\$10 + (\25 (STAR) $\times 2) + \$40$	\$100	15,000.00	640
$\$20 + (\$40 \times 2)$	\$100	12,000.00	800
\$100	\$100	12,000.00	800
\$4,000	\$4,000	240,000.00	40

(10) The estimated overall odds of winning some prize in Instant Game Number 1080 are 1 in 4.86. 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 1080, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for HOLIDAY SURPRISE! lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-22-10.

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: October 22, 2010

DEPARTMENT OF ELDER AFFAIRS

RULE NO.: 58ER10-2
 RULE TITLE: Background Screening Requirements
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Legislature passed Chapter 2010-114, Laws of Florida (L.O.F.), during the 2010 legislative session. This new law requires that effective August 1, 2010, all individuals seeking employment or volunteerism, which will require direct contact with individuals receiving services under the jurisdiction of the Department, must undergo a Level 2 background screening prior to employment or volunteerism. The Department is publishing this emergency rule to protect the health, safety and welfare of its recipients, thus eliminating

the threat of immediate danger by reducing the potential for physical, mental or sexual abuse, or financial exploitation. This emergency rule supersedes Rule 58ER10-1, F.A.C., which was effective August 2, 2010.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule establishes criteria for complying with Level 2 background screening requirements pursuant to Chapter 2010-114, L.O.F., and more specifically, pursuant to Sections 430.0402 and 435.01(2), F.S., the later section which provides rulemaking authority to individual agencies affected by the new background screening requirements. In addition, Section 430.08, F.S., provides the Department with rulemaking authority to establish rules to implement the provisions of Chapter 430, F.S. The Department has been unable to complete the rulemaking process. Consequently, the Department finds it necessary to publish this emergency rule to continue to protect the health, safety and welfare of recipients while continuing with the rulemaking process.

SUMMARY: This emergency rule establishes criteria and procedures for complying with the new requirement of a Level 2 background screening for all potential employees, who will have direct contact with Department recipients, prior to employment or volunteerism.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; telephone (850)414-2113; Email address: crochethj@elderaffairs.org

THE FULL TEXT OF THE EMERGENCY RULE IS:

58ER10-2 Background Screening Requirements.

(1) DEFINITIONS.

In addition to the term “direct service provider,” as defined in Section 430.0402(1)(b), F.S., the following definitions are included in this rule:

(a) “AHCA” means the Florida Agency for Health Care Administration.

(b) “APD” means the Florida Agency for Persons with Disabilities.

(c) “CDC+” means the Consumer Directed Care Plus Program as described in Section 409.221, F.S.

(d) “Disqualifying Offense” means any criminal offense prohibited in Section 430.0402 or 435.04, F.S.

(e) “DOEA” or “Department” means the Florida Department of Elder Affairs.

(f) “DOH” means the Florida Department of Health.

(g) “FBI” means the Federal Bureau of Investigation.

(h) “FDLE” means the Florida Department of Law Enforcement.

(i) “Level 1 Screening” means an assessment of employment history checks, statewide criminal correspondence checks, local criminal history checks and a check of the Dru Sjodin National Sex Offender Public Website coordinated through FDLE to determine whether screened individuals have any disqualifying offenses pursuant to Section 430.0402 or 435.04, F.S.

(j) “Level 2 Screening” means an assessment of the criminal history record obtained through a fingerprint search coordinated through FDLE and the FBI to determine whether screened individuals have any disqualifying offenses pursuant to Section 430.0402 or 435.04, F.S.

(k) “Livescan” means both the technique and the technology used by law enforcement agencies and private facilities to capture fingerprints and palm prints electronically, without the need for the more traditional method of ink and paper.

(2) BACKGROUND SCREENING REQUIREMENTS.

Pursuant to Section 430.0402(1)(a), F.S., Level 2 background screening consistent with the requirements of Chapter 435, F.S., is required for all direct service providers as defined in Section 430.0402(1)(b), F.S.

(3) IMPLEMENTATION AND RETENTION.

Pursuant to Section 430.0402, F.S., beginning August 1, 2010, the following is required:

(a) All newly-hired direct service providers shall be required to undergo a Level 2 background screening pursuant to Chapter 435 as a condition of employment or volunteerism and continued employment or volunteerism. Such screening shall ensure that a direct service provider has not been arrested awaiting final disposition of, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under Section 430.0402, 435.03 or 435.04, F.S., or a similar law of another jurisdiction.

(b) Employers of direct service providers, who have not been previously screened according to the screening standards of Chapter 435, F.S., must ensure that at least twenty percent (20%) of the available population of such individuals are screened pursuant to the Level 2 screening standards of Chapter 435, F.S., within 120 calendar days of August 1, 2010, and an additional twenty percent (20%) every 90 calendar days thereafter, until all direct service providers have successfully satisfied the screening standards of Section 430.0402, F.S., and Chapter 435, F.S., or have applied for and received an exemption pursuant to Section 435.07, F.S. Employers with fewer than 5 direct service providers must ensure that all such direct service providers are screened within the initial 120 calendar day window after August 1, 2010.

(c) Employers of direct service providers are responsible for ensuring applicant fingerprints are retained by FDLE in the Applicant Fingerprint Retention and Notification Program,

whereby notification is automatically sent to the Department’s Background Screening Coordinator, according to the procedures specified in Section 943.05, F.S., in the event of a direct service provider’s subsequent arrest.

(d) Employers of direct service providers, who previously qualified for employment or volunteer work under Level 1 screening standards, and individuals required to be screened according to the Level 2 screening standards contained in Chapter 435, F.S., and Section 430.0402, F.S., shall be required to be rescreened every 5 years from the date of their last background screening or exemption, unless such individual’s fingerprints are continuously retained and monitored by FDLE in the Applicant Fingerprint Retention and Notification Program, according to the procedures specified in Section 943.05, F.S.

(4) EXCEPTIONS.

The following are exceptions to the background screening requirements specified in this rule:

(a) Physicians, nurses, or other professionals licensed by DOH are not subject to the background screening requirements of Chapter 435, F.S., if they are providing a service that is within the scope of their licensed practice.

(b) Individuals qualified for employment by AHCA pursuant to that Agency’s background screening standards for licensure or employment contained in Section 408.809, F.S., are not subject to subsequent or additional Level 2 background screening pursuant to Chapter 435, F.S., or the unique screening requirements of Section 430.0402, F.S., by virtue of their employment as a direct service provider, if they are providing a service that is within the scope of their licensed practice.

(c) Individuals qualified for employment by APD pursuant to that Agency’s background screening standards contained in Section 393.0655, F.S., are not subject to subsequent or additional Level 2 background screening pursuant to Chapter 435, F.S., or the unique screening requirements of Section 430.0402, F.S., by virtue of their employment as a direct service provider as defined in Section 393.063(11), F.S.

(d) Back-up providers, who render services to consumers enrolled in the CDC+ program, are considered to be the same as full-time providers, as defined in Section 409.221(c)5., F.S. Consequently, they are not considered to be unemployed for more than 90 days pursuant to Section 409.221(4)(h)2.(i), F.S., if they have not been called to render back-up services for a period exceeding 90 days.

(5) ELECTRONIC SUBMISSION OF FINGERPRINTS.

Beginning August 1, 2010, fingerprints submitted pursuant to Chapter 435, F.S., must be submitted electronically to FDLE, pursuant to paragraph (3)(c) of this rule.

(6) BACKGROUND SCREENERS.

One of the entities listed in the subsections below may be utilized for Level 2 background screening as long as the entity verifies in writing to the employer that all background

screeners performing electronic fingerprinting meet the requirements of Section 435.04(1)(c), F.S., and have been subject to, and passed, a Level 1 background screening under the standards set forth in Chapter 435, F.S.

(a) Any screening company listed on the FDLE website as authorized to perform Level 2 LiveScan background screenings. The website address is: <http://www.fdle.state.fl.us/Content/getdoc/04833e12-3fc6-4c03-9993-379244e0da50/livescan.aspx>.

(b) Any local law enforcement capable of performing Level 2 Livescan background screenings, provided the equipment and electronic fingerprint data submission have been evaluated by FDLE to verify compliance with both FDLE and FBI regulations and standards.

(7) SHARING OF SCREENING RESULTS.

The information that a particular direct service provider has successfully passed a Level 2 background screening may be shared among DOEA programs and providers. In addition, passage of a Level 2 background screening for one program or provider shall constitute passage for all programs and providers. However, the use of a Level 2 background screening by a subsequent program or provider shall not affect the applicable date for rescreening pursuant to paragraph (3)(d) of this rule, if any. No information other than the fact that the applicant passed Level 2 screening may be shared.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402, 435.01, 435.02, 435.03, 435.04, 435.06, 435.07 FS. History—New 11-1-10.

Editorial note: Supersedes 58ER10-1.

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: November 1, 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 COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on October 12, 2010, the Department of Community Affairs has issued an order.

The petition for waiver was received from the Wakulla County Board of County Commissioners on August 6, 2010, and was assigned the number DCA10-WAI-160. The rule from which

the waiver was sought was paragraph 9B-43.0051(7)(c), Florida Administrative Code. Notice of receipt of this petition was published in the August 20, 2010 (Vol. 36, No. 33) edition of the Florida Administrative Weekly.

This matter involves the CDBG Economic Development subgrant awarded to Wakulla County, Florida, Board of County Commissioners (Petitioner) during the 2005 Federal Fiscal Year (FFY) by the Department of Community Affairs (the Department) under the Small Cities Community Development Block Grant (CDBG) program. Pursuant to paragraph 9B-43.0051(7)(c), F.A.C. (in effect at the time of the award of the subgrant), certain penalties are assessed on future subgrant applications as follows: [a] penalty of five points per job, up to a maximum of 50 points, for failure to create or retain the total number of jobs in the original contract in the Economic Development category. The Petitioner did not deliver the full number of jobs promised, blaming the unforeseen downturn in the national economy. Petitioner did create a significant number of jobs and demonstrated the expenditure-per-job-created ratio was better than that required by the program. The waiver was granted to avoid unjust penalization of the Petitioner for events beyond its expectation and control. The fact that Petitioner did create jobs economically should be acknowledged.

A copy of the Order may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

NOTICE IS HEREBY GIVEN THAT on September 30, 2010, the Department of Community Affairs, received a petition for waiver from Robert R. McDonald, of Greenberg Traurig, on behalf of William Scotsman, Inc. This rule governs responsibility for affixing insignia to existing factory built schools and the conditions therefore. It has been assigned the number DCA10-WAI-194.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

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."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 21, 2010, the Suwannee River Water Management District (SRWMD) has issued an order.