

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-3.047                   State Building Code Adopted

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

The NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE is being changed from “Thomas G. Pelham, Secretary, Department of Community Affairs” to “Florida Building Commission”. The date of approval is “December 10, 2008”, rather than “November 4, 2008”.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-70.002                   Commission Approval and Accreditation of Advanced Building Code Training Courses

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

The NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE is being changed from “Thomas G. Pelham, Secretary, Department of Community Affairs” to “Florida Building Commission”. The date of approval is October 14, 2008.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

RULE NO.:                   RULE TITLE:  
9J-11.009                   Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

RULE NOS.:                 RULE TITLES:  
9J-36.001                 Purpose  
9J-36.002                 Schedule

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**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 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 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.:                   RULE TITLE:  
53ER08-78                   Retailer Accountability

**SUMMARY:** This emergency rule sets forth the provisions relating to lottery ticket accountability and financial accountability by retailers.

**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:**

53ER08-78 Retailer Accountability.

(1) Ticket Accountability.

(a) Each retailer shall be accountable for all instant tickets received, all on-line tickets generated and all funds received by the retailer.

(b) Retailers shall receive books of tickets for sale on a consignment basis in accordance with the Lottery’s inventory management system.

(c) Each retailer is liable to the Lottery for any and all tickets accepted or generated by any employee or representative of that retailer, less cancelled on-line tickets and

tickets returned for adjustment credit in accordance with subsection (1)(d) or (e) below. Scratch-off tickets shall be deemed to have been purchased by the retailer unless returned to the Lottery by the official end of game date.

(d) On-line tickets may be returned to the Lottery for adjustment credit under the following circumstances:

1. The ticket did not print and the transaction is marked with an asterisk (\*) on the Transaction History Report; or

2. The ticket misprints or is miscut and the dollar amount is visible, provided the Transaction History Report or ticket is mailed to the Lottery within thirty (30) days of the transaction date.

(e) To receive adjustment credit under the following circumstances, the retailer must contact the Lottery within two (2) hours of the sale, before the game closes for the next available draw or before the end of the gaming day, whichever occurs first:

1. The ticket did not print and the transaction is NOT marked with an asterisk (\*) on the Transaction History Report;

2. The ticket misprints or is miscut and the dollar amount is NOT visible; or

3. The ticket cannot be canceled by the terminal but nothing appears to be wrong with the ticket.

The retailer also must mail the Transaction History Report or ticket to the Lottery within thirty (30) days of the transaction date.

(f) The Lottery will approve adjustment credit requests submitted outside the reporting window for ticket transactions that occur during a documented system failure that impacts network communications and that is outside the retailer's control.

(g) Tickets submitted to the Florida Lottery for adjustment credit shall become the property of the Florida Lottery and shall not be returned to the retailer.

(h) Books of tickets received by a retailer on consignment shall be settled for payment by one of the following three methods:

1. Settlement by the retailer;

2. Automatic settlement by the Lottery sixty (60) days after a book has been activated for sale or after 90 percent (90%) of low-tier prizes have been redeemed, whichever occurs first; or

3. Settlement of books no longer in the retailer's onsite inventory by a Lottery representative during inventory management.

(i) A complete inventory of scratch-off ticket stock will be conducted by a Lottery representative at least once per quarter. During such inventory, books in "received" status that are not physically present at the retail location will be reported as missing and the retailer will be charged fifty percent (50%) of

the value of the book, less sales commission. Books in "active" status that are not physically present at the location will be settled.

(2) Financial Accountability.

(a) Each retailer shall maintain a commercial checking bank account for all amounts collected from ticket sales until such amounts have been collected by the Lottery. All amounts received by each retailer from the operation of the Lottery, less the amount retained as compensation for the sale of tickets and the amount paid out as prizes, shall be held in a bank account prior to collection by the Lottery on the designated day of collection.

(b) The amount owed by a retailer to the Lottery will be electronically transferred from the retailer's bank account to the Lottery on a designated day each week. If the transfer is unsuccessful due to insufficient funds, a second attempt will automatically be made.

(c) A retailer is authorized to use its business commercial operating bank account or a separate commercial bank account for lottery purposes.

(d) A retailer shall notify the Lottery of a change in its bank account at least fifteen (15) days in advance of such change becoming effective.

(e) A retailer shall maintain its bank account for thirty (30) days after the termination date of its retailer contract.

(f) Each retailer shall complete and return to the Lottery at the time of application or in advance of a bank account change form DOL-103, Electronic Fund Transfer Authorization, revised 6/05. Form DOL-103 is incorporated herein by reference and may be obtained by writing to the Florida Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001. The form authorizes the Lottery to debit or credit the retailer's bank account through electronic funds transfers.

(g) The following procedures apply to Electronic Funds Transfer (EFT) delinquencies:

1. For purposes of this rule, an Electronic Funds Transfer delinquency is defined as an unsuccessful attempt to electronically transfer funds from a retailer's bank account to the Lottery in payment of the retailer's weekly settlement activity. If both the first and second weekly attempts to transfer funds fail, the failures together shall count as only one delinquency.

2. For all delinquencies that occur in a twelve-month period, the retailer's ability to sell on-line lottery tickets and order instant tickets shall be suspended.

3. For a first or second delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets.

4. For a third delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges and post a certificate of deposit or

performance bond with the Florida Lottery prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets. The amount of the security shall not exceed twice the retailer's average weekly ticket sales as determined by the Lottery.

5. For a fourth delinquency in a twelve-month period, a review of the retailer account will be performed by the Lottery to determine if the retailer's contract will be terminated. In making its determination, the Lottery will review factors such as the retailer's Lottery accounts receivable transactions and Lottery sales history. If the retailer contract is not terminated and the amount of the retailer's posted security is less than the statutorily authorized maximum of twice the retailer's average weekly ticket sales, the Lottery will increase the amount of the required security to the maximum amount.

6. The Lottery is authorized to terminate a retailer's contract prior to a fourth delinquency in a twelve-month period if the Lottery determines that such action is necessary in order to protect the state's financial interests.

7. For purposes of calculating the number of delinquencies occurring in a twelve-month period, an unsuccessful transfer on the first weekly attempt will not be counted as a separate delinquency if the transfer on the second weekly attempt is successful.

8. For each delinquency, the retailer shall be assessed a non-refundable service charge of fifteen dollars per incident or five percent of the amount due per incident, whichever is greater, up to a maximum of one hundred-fifty dollars. The Lottery will assess only one service fee to retailer chain accounts that use the same bank account for all stores. The assessed fee shall be five percent of the total amount due for all locations up to a maximum of one hundred-fifty dollars. Payment of the delinquent settlement amount and any applicable service charges is due immediately from the retailer and prior to on-line sales and the ability to order instant tickets being reinstated.

9. An unsuccessful transfer on the first weekly attempt will not result in assessment of a service charge if the second weekly attempt is successful. Only one service charge will be assessed if both the first and second attempts are unsuccessful.

10. If the Lottery determines that it is in its best financial interest, taking into consideration factors such as the amount of the delinquency and the length of time the delinquency and/or service charges are outstanding, the Lottery district office will be instructed to settle the sold instant tickets and pick up any remaining instant ticket inventory. A retailer's access to computerized Lottery transactions will be limited to redeeming winning tickets and printing reports until Lottery Headquarters has received notification of payment in full.

11. To satisfy an eft delinquency, the retailer may:

a. Deposit a Cashier's check or money order made payable to the Florida Lottery into a specified Lottery bank account;

b. Wire transfer the funds into a specified Lottery bank account; or

c. Deliver a Cashier's check or money order to a Lottery office.

12. The Lottery will accept a prepayment for the settlement amount if the prepayment is received by the Lottery prior to 5:00 p.m., Eastern Time, on the day before the EFT would normally occur. A service charge will not be applied to the first three (3) prepayments made by a retailer in a twelve-month period, nor will the first three (3) prepayments be counted as a delinquency against the retailer; however, retailers who make more than three (3) prepayments in a twelve-month period will be assessed a service charge as described in subparagraph (2)(g)8. above for each additional prepayment. The Lottery will waive the service charge upon a showing of good cause by a retailer, e.g., the circumstances necessitating prepayment are attributable to the retailer's bank or to the Lottery. Failure by the Lottery to impose a service charge does not constitute a waiver of its right to impose a service charge for any subsequent prepayment.

13. The Lottery will actively pursue collection of all delinquencies that are not paid through the process described above.

(3) This emergency rule replaces Emergency Rule 53ER08-42, F.A.C.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1), (11), 24.114 FS. History--New 12-23-08, Replaces 53ER08-42.

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 23, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-79  
RULE TITLE: Facility Leases

SUMMARY: This emergency rule sets forth the provisions of facility leases of 10,000 square feet or more and replaces rule 53ER07-55.

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:

53ER08-79 Facility Leases.

(1) The Lottery finds that, due to the unique nature of its business, strict compliance with Chapter 255, Florida Statutes, and the rules adopted thereunder, would impair or impede the effective and efficient operation of the Lottery. Therefore, the

Lottery is adopting this rule to provide the following alternative procedures for acquiring facility leases in an open and competitive manner.

(2) The Lottery will follow Section 255.25, Florida Statutes, and the rules (excluding the forms) adopted thereunder, to competitively acquire leased office or warehouse space of 10,000 square feet or more; provided, however, pursuant to subsection 24.105(13), Florida Statutes, the Lottery may grant the approvals and perform the functions that would otherwise be exercised by the Department of Management Services.

(3) For leases of office or warehouse space less than 10,000 square feet competitive offers will be obtained. Solicitation of competitive offers and negotiation of terms, conditions and costs will be conducted either by the Lottery or a contracted Tenant Broker.

(4) The Lottery shall enter into facility lease agreements that have a base term, renewal and/or extension periods that are determined by the Lottery to provide the greatest long-term benefit to the state. On the anniversary date of the agreement, or at such time as the Lottery's business operations and/or market-place conditions warrant, the Lottery may negotiate the term, pricing and/or deliverables of the agreement.

Specific Authority 24.105(13), 24.109(1) FS. Law Implemented 24.105(13), 24.111, 255.25 FS. History--New 12-23-08.

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 23, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-80  
RULE TITLE: Instant Game Number 783, \$5,000 PAYDAY

SUMMARY: This emergency rule describes Instant Game Number 783, "\$5,000 PAYDAY," 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:

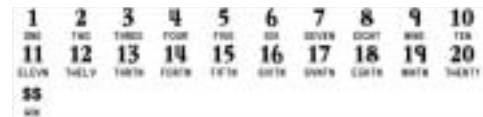
53ER08-80 Instant Game Number 783, \$5,000 PAYDAY.

(1) Name of Game. Instant Game Number 783, "\$5,000 PAYDAY."

(2) Price. \$5,000 PAYDAY lottery tickets sell for \$1.00 per ticket.

(3) \$5,000 PAYDAY 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 \$5,000 PAYDAY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

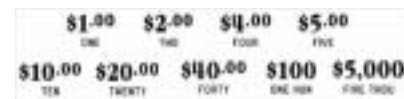
(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



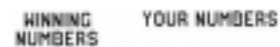
(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



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



(7) The legends are as follows:



(8) Determination of Prizewinners.

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

ticket having a "\$" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the prize shown.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100 and \$5,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 783 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 66 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	10.71	1,478,400
\$1 x 2	\$2	30.00	528,000
\$2	\$2	30.00	528,000
\$1 x 4	\$4	150.00	105,600
(\$1 x 2) + \$2	\$4	300.00	52,800
\$2 x 2	\$4	150.00	105,600
\$4	\$4	150.00	105,600
\$1 x 5	\$5	600.00	26,400

(\$1 x 3) + \$2	\$5	600.00	26,400
(\$2 x 2) + \$1	\$5	600.00	26,400
\$5	\$5	600.00	26,400
\$2 x 5	\$10	300.00	52,800
\$1 + \$4 + \$5	\$10	300.00	52,800
\$10	\$10	300.00	52,800
\$5 x 4	\$20	600.00	26,400
\$20	\$20	600.00	26,400
(\$10 x 3) + (\$5 x 2)	\$40	4,800.00	3,300
\$10 x 4	\$40	4,800.00	3,300
(\$10 x 2) + \$20	\$40	4,800.00	3,300
\$20 x 2	\$40	4,800.00	3,300
\$40	\$40	4,800.00	3,300
\$20 x 5	\$100	12,000.00	1,320
(\$40 x 2) + (\$10 x 2)	\$100	15,000.00	1,056
(\$20 x 3) + \$40	\$100	12,000.00	1,320
(\$40 x 2) + \$20	\$100	12,000.00	1,320
\$100	\$100	12,000.00	1,320
\$5,000	\$5,000	240,000.00	66

(10) The estimated overall odds of winning some prize in Instant Game Number 783 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.

(11) For reorders of Instant Game Number 783, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$5,000 PAYDAY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$5,000 PAYDAY 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 12-23-08.

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 23, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-81  
 RULE TITLE: Instant Game Number 786, \$200 MILLION SPECTACULAR

SUMMARY: This emergency rule describes Instant Game Number 786, “\$200 MILLION SPECTACULAR,” 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:

53ER08-81 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 53ER08-20, F.A.C.

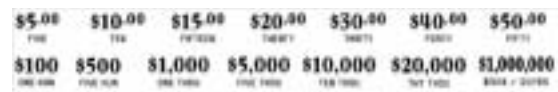
(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



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



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




(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the

claimant to the corresponding prize shown for that symbol. A ticket having a “” symbol 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) The estimated odds of winning, value, and number of prizes in Instant Game Number 786 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	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

(10) 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.

(11) 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.

(12) 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.

(13) 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 12-23-08.

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 23, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-82  
 RULE TITLE: Instant Game Number 784, SAPPHIRE BLUE 5's

SUMMARY: This emergency rule describes Instant Game Number 784, “SAPPHIRE BLUE 5's,” 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:

53ER08-82 Instant Game Number 784, SAPPHIRE BLUE 5's.

(1) Name of Game. Instant Game Number 784, "SAPPHIRE BLUE 5's."

(2) Price. SAPPHIRE BLUE 5's lottery tickets sell for \$2.00 per ticket.

(3) SAPPHIRE BLUE 5's 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 SAPPHIRE BLUE 5's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

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



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



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



(7) Determination of Prizewinners.

(a) A ticket having a black "5" play symbol and play symbol caption in the play area shall entitle the claimant to the prize shown for that play symbol. A ticket having a blue "5" play symbol and play symbol caption in the play area shall entitle the claimant to double the prize shown for that play symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$50.00, \$100, \$200, \$1,000 and \$20,000.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 784 are as follows:

\$2	\$2	10.71	1,428,000
\$1 x 4	\$4	75.00	204,000
(\$1 x 2) + \$2	\$4	75.00	204,000
\$2 x 2	\$4	75.00	204,000
\$2 (BLUE 5)	\$4	50.00	306,000
\$4	\$4	75.00	204,000
\$1 x 5	\$5	300.00	51,000
\$2 (BLUE 5) + \$1	\$5	300.00	51,000
\$1 + \$4	\$5	300.00	51,000
\$5	\$5	300.00	51,000
\$1 x 10	\$10	150.00	102,000
(\$2 (BLUE 5) X 2) + \$2	\$10	150.00	102,000
\$10	\$10	150.00	102,000
\$2 (BLUE 5) x 5	\$20	300.00	51,000
\$20	\$20	300.00	51,000
\$4 x 10	\$40	1,000.00	15,300
\$10 x 4	\$40	1,125.00	13,600
\$20 (BLUE 5)	\$40	1,125.00	13,600
\$20 x 2	\$40	1,125.00	13,600
\$40	\$40	1,125.00	13,600
\$5 x 10	\$50	2,250.00	6,800
\$10 x 5	\$50	3,600.00	4,250
(\$10 (BLUE 5) x 2) + \$10	\$50	3,600.00	4,250
\$20 (BLUE 5) + \$10	\$50	3,600.00	4,250
\$50	\$50	3,600.00	4,250
\$10 x 10	\$100	3,000.00	5,100
\$20 x 5	\$100	3,600.00	4,250
\$50 (BLUE 5)	\$100	3,750.00	4,080
\$50 x 2	\$100	3,750.00	4,080
\$100	\$100	3,750.00	4,080
\$20 x 10	\$200	22,500.00	680
\$40 x 5	\$200	22,500.00	680
\$20 (BLUE 5) x 5	\$200	22,500.00	680
\$100 (BLUE 5)	\$200	30,000.00	510
\$200	\$200	30,000.00	510
\$100 x 10	\$1,000	90,000.00	170
(\$200 x 3) + (\$100 x 4)	\$1,000	90,000.00	170
\$100 (BLUE 5) x 5	\$1,000	90,000.00	170
\$200 x 5	\$1,000	180,000.00	85
\$1,000	\$1,000	180,000.00	85
\$20,000	\$20,000	765,000.00	20

(9) The estimated overall odds of winning some prize in Instant Game Number 784 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.

(10) For reorders of Instant Game Number 784, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

GAME PLAY	WIN	1 IN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 85 POOLS OF 180,000 TICKETS PER POOL

(11) By purchasing a SAPPHIRE BLUE 5's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for SAPPHIRE BLUE 5's 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 12-23-08.

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 23, 2008

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER08-83  
 RULE TITLE: Instant Game Number 785, STERLING SILVER

SUMMARY: This emergency rule describes Instant Game Number 785, "STERLING SILVER," 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:

53ER08-83 Instant Game Number 785, STERLING SILVER.

(1) Name of Game. Instant Game Number 785, "STERLING SILVER."

(2) Price. STERLING SILVER lottery tickets sell for \$5.00 per ticket.

(3) STERLING SILVER 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 STERLING SILVER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

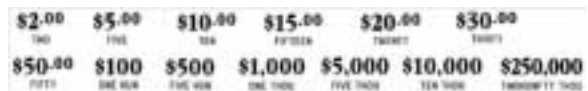
(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



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



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



(7) The legends are as follows:



(8) Determination of Prizewinners.

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

ticket having a "SAPPHIRE" symbol in the play area shall entitle the claimant to two times the prize shown for that symbol. A

ticket having a "SAPPHIRE" symbol in the play area shall entitle the claimant to five times the prize shown for that symbol.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$50.00, \$100, \$500, \$1,000, \$5,000, \$10,000 and \$250,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 785 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 86 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	1 IN 10.00	1,032,000
\$2 (BAG)	\$10	30.00	344,000
\$5 x 2	\$10	30.00	344,000
\$10	\$10	30.00	344,000
\$2 x 10	\$20	240.00	43,000



\$2 (BAG) + (\$5 x 2)	\$20	240.00	43,000
\$5 x 4	\$20	240.00	43,000
\$10 (BAR)	\$20	240.00	43,000
\$20	\$20	240.00	43,000
(\$2 x 10) + \$5 (BAR)	\$30	800.00	12,900
(\$2 x 10) + \$2 (BAG)	\$30	800.00	12,900
\$5 x 6	\$30	800.00	12,900
\$15 (BAR)	\$30	800.00	12,900
\$30	\$30	800.00	12,900
(\$2 x 10) + \$10 + \$20	\$50	1,200.00	8,600
(\$2 x 10) + \$5 (BAR) + \$20	\$50	1,200.00	8,600
\$10 (BAG)	\$50	1,200.00	8,600
(\$20 x 2) + \$5 (BAR)	\$50	1,200.00	8,600
\$50	\$50	1,200.00	8,600
(\$5 x 6) + (\$10 x 5) + \$20	\$100	1,200.00	8,600
(\$5 x 10) + \$10 (BAG)	\$100	1,500.00	6,880
\$10 x 10	\$100	1,500.00	6,880
\$20 x 5	\$100	1,500.00	6,880
\$50 (BAR)	\$100	1,500.00	6,880
\$100	\$100	1,500.00	6,880
(\$20 x 5) + (\$50 x 6) + \$100	\$500	10,000.00	1,032
\$20 (BAG) + (\$50 x 8)	\$500	10,000.00	1,032
\$50 x 10	\$500	10,000.00	1,032
\$100 (BAR) + \$100 (BAR) + (\$50 x 2)	\$500	10,000.00	1,032
\$500	\$500	10,000.00	1,032
\$100 (BAR) + (\$30 x 10) + \$500	\$1,000	30,000.00	344
\$100 x 10	\$1,000	30,000.00	344
\$100 (BAG) + \$100 (BAG)	\$1,000	40,000.00	258
\$500 (BAR)	\$1,000	40,000.00	258
\$1,000	\$1,000	40,000.00	258
\$5,000	\$5,000	60,000.00	172
\$10,000	\$10,000	120,000.00	86
\$250,000	\$250,000	1,032,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 785 are 1 in 4.24. 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 785, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a STERLING SILVER lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for STERLING SILVER 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 12-23-08.

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 23, 2008

#### 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 December 18, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of Rule 11B-27.00212(14), F.A.C., from Alachua County Sheriff's Office and Steven F. Kane. The rule requires officers to be separated from employment if they do not complete mandatory retraining for firearms by the reporting date. The Petitioner failed to timely complete his firearms training because of an on-duty injury. Petitioner completed his firearms qualification after his reporting date and was returned to active duty. He wishes to have the "break-in-service" removed from his records.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on December 11, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of Rule 11B-30.006, F.A.C., from Latonya Buchanan. The Petitioner wishes the Commission to waive that portion of the rule requiring a candidate to take the state officer certification examination within four years of beginning basic recruit training. Petitioner did not take the examination within four years of beginning basic recruit training.