

DEPARTMENT OF FINANCIAL SERVICES**Division of Insurance Agents and Agency Services**

RULE NO.: 69B-162.011
 RULE TITLE: Suitability and Disclosure in Annuity Contracts-Forms Required

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 29, July 22, 2011 issue of the Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-38
 RULE TITLE: FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™. This emergency rule replaces Emergency Rule 53ER12-19, F.A.C.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-38 FLORIDA LOTTO™(1) How to Play FLORIDA LOTTO™

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

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

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

selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(d) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play is not available with Grouper® or with the Quick Picks box on the play slip. In the event that a planned change in the FLORIDA LOTTO game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery's website, flalottery.com.

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

(2) FLORIDA LOTTO Drawings.

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

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

(c) Six (6) balls will be selected in the drawing. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

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

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each draw, 50 percent (50%) of net sales (gross sales less cancels and free tickets) from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below. The value of the FLORIDA LOTTO portion of a FLORIDA LOTTO with XTRA ticket awarded as a prize or given for free in a promotion shall be deducted from FLORIDA LOTTO gross sales in all reports, and the value of the XTRA portion of a FLORIDA LOTTO with XTRA ticket awarded as a prize or given for free in a promotion shall be deducted from XTRA gross sales in all reports.

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

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

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

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

(f) The Jackpot prize will pay the guaranteed dollar amount. The second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$5.00. All rounding differences in the second, third and fourth prizes shall be used to fund future prizes in Lottery games or for special Lottery prize promotions. If the funds available for the payment of fourth prizes are insufficient to pay the minimum amount, the percentage described in paragraph (3)(a) above will be adjusted or funds available from any other funding source approved by the Legislature will be used to cover the prize liability.

(4) Determination of Prize Winners.

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

- (a) Jackpot Prize(s): Six of six official winning numbers.
- (b) Second Prize: Five of six official winning numbers.
- (c) Third Prize: Four of six official winning numbers.
- (d) Fourth Prize: Three of six official winning numbers.

(5) FLORIDA LOTTO Guaranteed Jackpot.

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

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature to render it sufficient to yield the announced guaranteed Jackpot.

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

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

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is less than the cash option value of the Jackpot determined on the prize determination day, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature sufficient to pay the cash option value of the Jackpot.

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

(6) FLORIDA LOTTO with XTRA Option.

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

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

XTRA ticket sales are insufficient to pay all XTRA prizes, the percentage described in paragraph (3)(a) above will be adjusted or funds available from any other funding source approved by the Legislature will be used to cover the prize liability.

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

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

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

(7) FLORIDA LOTTO Odds of Winning.

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

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

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

(8) FLORIDA LOTTO Payment Options.

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

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

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

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

Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (8)(f) below.

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

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

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

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty (30) years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of the amount required on

the prize determination day to purchase securities to fund the winner's pro rata share of the Jackpot paid over thirty (30) years, less applicable withholding taxes.

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

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

(9) FLORIDA LOTTO Rules and Prohibitions.

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

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

(c) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET).

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

(e) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. The two (2) hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game.

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

(10) The effective date of this emergency rule is May 21, 2012.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 5-21-12. Replaces 53ER12-19.

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: May 21, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-39
RULE TITLE: MEGA MONEY™.

SUMMARY: This emergency rule sets forth the provisions for the conduct of MEGA MONEY™. This emergency rule replaces Emergency Rule 53ER12-20, F.A.C.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-39 MEGA MONEY™.

(1) How to Play MEGA MONEY™.

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

(b) Players may make their MEGA MONEY ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers (four (4) in the upper play area and one (1) in the lower play area) from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select any or all of the five numbers from either or both play areas. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from the lower play area of the play slip.

(c) Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing, or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper®. Players must use

only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(d) Players may play up to thirty consecutive MEGA MONEY drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play is not available with Grouper or with the Quick Picks box on the play slip. In the event that a planned change in the MEGA MONEY game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery’s website, flalottery.com.

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

(2) MEGA MONEY Drawings.

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

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

(c) Four (4) balls from subset 1 and one (1) MEGABALL from subset 2 will be selected in the drawing. The numbers shown on the four (4) balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

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

(3) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, 50 percent (50%) of net sales (gross sales less cancels and free tickets) from the sale of MEGA MONEY tickets in the corresponding MEGA MONEY sales period shall be allocated as the winning pool for the payment of the Jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize.

(b) Jackpot Prize.

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

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

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

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

(c) Second Prize.

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

(d) Third Prize.

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

(e) Fourth Prize.

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

(f) Fifth Prize.

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

(g) Sixth Prize.

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

(h) Seventh Prize.

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

(i) Eighth Prize.

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

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

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

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

(k) Any rounding differences that derive from the distribution of the winning pool to the Jackpot and second through seventh prize pools will be deposited into a reserve account to be used for prizes or special prize promotions. Rounding differences will not be rolled into the Jackpot prize pool as in the FLORIDA LOTTO™ game because the percentage of the winning pool allocated to the Jackpot prize pool varies depending upon whether the Jackpot prize pool is capped. When the Jackpot pool is capped, the prize distribution percentage to the Jackpot prize pool becomes 0%.

(l) Except for the Jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be deposited into a reserve account to be used for prizes or special prize promotions. If the funds available for the payment of sixth and seventh prizes are insufficient to pay the minimum amount, the percentage described in paragraph (3)(a) above will be adjusted or funds available from any other funding source approved by the Legislature will be used to cover the prize liability.

(4) Determination of Prize Winners.

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

(b) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning MEGA MONEY numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

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

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

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

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

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

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

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

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

(5) MEGA MONEY Odds of Winning.

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

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize – 1:30.39

8. Eighth Prize – 1:32.68

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

(6) MEGA MONEY Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the MEGA MONEY Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers. For each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY Jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in paragraph (7)(e) below.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot prize pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add to the Jackpot prize pool funds available from any other funding source approved by the Legislature to render it sufficient to yield the announced guaranteed Jackpot.

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

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a holiday, the business day prior to the

drawing, to purchase securities to fund the announced guaranteed deferred payment value of the Jackpot. This day shall be referred to as the “prize determination day.”

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is insufficient on the prize determination day to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature to render it sufficient to yield the announced guaranteed Jackpot.

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

(7) MEGA MONEY Payment Options.

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

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

(c) A Jackpot prize winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

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

(e) If the prize amount per winner in a MEGA MONEY drawing cannot be paid in increments of \$1,000 in twenty (20) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over twenty (20) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the guaranteed Jackpot amount, the

present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. The following example illustrates such payment. All payment amounts are less tax withholding.

Example: <u>Guaranteed Jackpot prize</u>	<u>\$ 500,000</u>
<u>Number of winners:</u>	<u>2</u>
<u>Guaranteed prize per winner</u> <u>(\$500,000 ÷ 2)</u>	<u>\$ 250,000</u>
<u>Annual Payment (\$250,000 ÷ 20)</u>	<u>\$ 12,500</u>
<u>Maximum Security Available for</u> <u>annual payments</u>	<u>\$ 12,000</u>
<u>Total Annual Payments</u>	<u>\$ 240,000</u>
<u>Difference between guaranteed prize and</u> <u>investments available</u>	<u>\$ 10,000</u>
<u>Present Value of Difference to be added</u> <u>to the 1st payment *</u>	<u>\$ X.XXX</u>
<u>* Will be calculated based on current</u> <u>interest rates at the time the investments</u> <u>are purchased.</u>	

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

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

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

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

(8) MEGA MONEY Rules and Prohibitions.

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

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

(c) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

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

(e) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. The two (2) hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

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

(9) The effective date of this emergency rule is May 21, 2012.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.124(1) FS. History--New 5-21-12, Replaces 53ER12-20.

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: May 21, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-40 RULE TITLE: FANTASY 5®

SUMMARY: This emergency rule sets forth the provisions for the conduct of FANTASY 5®. This emergency rule replaces Emergency Rule 53ER12-21, F.A.C.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

- 53ER12-40 FANTASY 5®.
- (1) How to Play FANTASY 5®.

(a) FANTASY 5 is a lottery on-line game in which players select five (5) numbers from a field of one (1) to thirty-six (36).

(b) Players may make their FANTASY 5 ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the five (5) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper®.

(d) Players may play up to thirty (30) consecutive FANTASY 5 drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-J) played. Advance play is not available with Grouper® or the Quick Picks box on the play slip. In the event that a planned change in the FANTASY 5 game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery's website, flalottery.com.

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

(f) Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10)

sets of five (5) randomly selected numbers for the next FANTASY 5 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

(g) Players may mark the appropriate EZmatch box to receive a FANTASY 5 ticket with Smutch for a chance to instantly win cash prizes.

(2) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) The equipment shall be configured so that five (5) balls are drawn from one (1) set of balls numbered one (1) through thirty-six (36).

(c) Five (5) balls will be selected in the drawing. The numbers shown on the five (5) balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

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

(3) FANTASY 5 Prize Divisions.

(a) FANTASY 5 is a pari-mutuel game. For each draw, 50 percent (50%) of net sales (gross sales less cancels and free tickets) from the sale of FANTASY 5 tickets in the corresponding FANTASY 5 sales period shall be allocated as the winning pool for payment of the top prize, second prize and third prize.

(b) The top prize pool shall consist of 62 percent (62%) of the winning pool for the drawing plus any money carried forward from the previous draw. Prize money allocated to the top prize pool shall be divided equally among the players who match all five (5) official winning numbers. If there is no top prize winner in a drawing, the top prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing.

(c) The second prize pool shall consist of 10 percent (10%) of the winning pool for the drawing plus any money rolled down from the top prize. The second prize pool shall be divided equally among the players matching four (4) of five (5) official winning numbers except that the maximum prize amount per winner shall be \$555. Any funds in the second prize pool in excess of the second prize liability shall roll down and be added to the third prize pool. If there is no winner in the second prize category for a drawing, the second prize pool shall roll down and be added to the third prize pool.

(d) The third prize pool shall consist of 28 percent (28%) of the winning pool for the drawing plus any money rolled down from the second prize pool. The third prize pool shall be divided equally among the players matching three (3) of five (5) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool is carried over and added to the top prize pool of the next FANTASY 5 drawing.

(e) A fourth prize shall consist of one (1) free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prizes shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated.

(f) Except for the top prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions. If the funds available for the payment of third prizes are insufficient to pay the minimum amount, the percentage described in paragraph (3)(a) above will be adjusted or funds available from any other funding source approved by the Legislature will be used to cover the prize liability.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I or J) must match the official winning FANTASY 5 numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Top Prize: Five (5) of five (5) official winning numbers.

(b) Second Prize: Four (4) of five (5) official winning numbers.

(c) Third Prize: Three (3) of five (5) official winning numbers.

(d) Fourth Prize: Two (2) of five (5) official winning numbers.

(5) FANTASY 5 Odds of Winning.

The odds of winning the prizes described above are as follows:

(a) Top Prize – 1:376.992

(b) Second Prize – 1:2,432.21

(c) Third Prize – 1:81.07

(d) Fourth Prize – 1:8.39

(e) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

(6) FANTASY 5 Rules and Prohibitions.

(a) By purchasing a FANTASY 5 ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(d) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m., ET. Ticket sales for a specific FANTASY 5 drawing will close at approximately 10:40 p.m., ET. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date.

(e) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. FANTASY 5 tickets with EZmatch cannot be cancelled. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game.

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

(7) How to Play EZmatch™.

(a) EZmatch is an instant-win feature associated with FANTASY 5 that costs \$1.00 per play in addition to the cost of the FANTASY 5 ticket. A player selecting EZmatch will receive five (5) EZmatch numbers printed below the FANTASY 5 numbers on the ticket. If any of the EZmatch numbers matches any of the FANTASY 5 numbers, the player shall instantly win the corresponding amount shown.

(b) Players may play EZmatch by marking the applicable EZmatch box on the FANTASY 5 playslip or by telling the retailer. Marking the EZmatch box within a panel will add EZmatch to only the panel marked. Marking the "EZmatch on all panels played" box will (1) add EZmatch to every panel containing FANTASY 5 number selections, (2) override the EZmatch box within any panel, and (3) when the "Quick Picks" box is also marked, result in each quick pick ticket having the EZmatch feature.

(c) Each panel played with EZmatch will be printed on a separate ticket.

(d) The base prize structure and estimated odds of winning EZmatch are as follows:

Prize	Winners in 420,000 (Per Pool)	Estimated Odds
\$500	2	1:210,000.00
\$100	40	1:10,500.00
\$50	300	1:1,400.00
\$25	1,200	1:350.00
\$15	2,000	1:210.00
\$5	4,200	1:100.00
\$3	28,000	1:15.00
\$2	50,400	1:8.33
Overall		1:4.88

The EZmatch prize structure will be replenished automatically when the top tier prizes are exhausted. The prize structure and odds of winning are subject to change. The current prize structure and odds are available at www.flalottery.com, Lottery district offices and retailer locations.

(e) EZmatch prizes can be claimed up to 180 days from the first draw date on the FANTASY 5 ticket.

(8) The effective date of this emergency rule is May 21, 2012.

Rulemaking Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 5-21-12, Replaces 53ER12-21.

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: May 21, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-41
 RULE TITLE: FLORIDA LOTTO™ Gas for Life Promotion

SUMMARY: This emergency rule describes the FLORIDA LOTTO™ Gas for Life Promotion that will begin on May 23, 2012, and continue through July 11, 2012.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-41 FLORIDA LOTTO™ Gas for Life Promotion.

(1) Beginning Wednesday, May 23, 2012, through Wednesday, July 11, 2012, the Florida Lottery will conduct the FLORIDA LOTTO™ Gas for Life Promotion. Players who purchase a single FLORIDA LOTTO™ or FLORIDA LOTTO with XTRA ticket of \$5 or more will receive a \$50 instant winner coupon or an entry voucher with a unique serial number that can be entered in a drawing on the Florida Lottery’s website for a chance to win Gas for Life, Gas for a Year, Gas for a Month, or a VIP Race Package.

(2) Qualifying FLORIDA LOTTO ticket purchases will produce \$50 instant winner coupons or entry vouchers from the beginning of the promotion period until close of game for FLORIDA LOTTO at 10:40 p.m. on July 11, 2012.

(3) Instant \$50 Cash Prize Coupon.

(a) When a FLORIDA LOTTO ticket is produced that entitles the player to an instant prize of \$50, a “winner” audio message will play on the terminal and the FLORIDA LOTTO ticket will contain a Lottery prize alert symbol and a message that the ticket holder is an instant winner. Cancellation of a qualifying FLORIDA LOTTO ticket will cancel an instant winner coupon unless the instant winner coupon has been redeemed. Once the instant winner coupon is redeemed, the FLORIDA LOTTO ticket cannot be cancelled. Should an issue arise concerning the transaction and/or prize, it is the player’s responsibility to seek resolution of the issue with the retailer and the Lottery prior to leaving the retail location.

(b) Winners can redeem a \$50 instant winner coupon at any Florida Lottery retailer or any Florida Lottery office, or call (850)487-7777 [TDD (850)487-7784] for instructions on how to claim the instant winner coupon by mail.

(c) Winners must redeem instant winner coupons by September 9, 2012.

(d) Approximately 7,000 \$50 instant winner coupons will be produced.

(4) Vouchers. The entry voucher will be attached to the bottom of the FLORIDA LOTTO ticket. To enter an entry voucher serial number in a Gas for Life drawing, players must enter on the Lottery’s website at www.flalottery.com. On the home page of the Lottery’s website, players can click on the Gas for Life banner and follow the directions. The entry voucher serial number is located at the bottom on the front of the entry voucher. Players are to enter the first 13-digits of the 19-digit entry voucher serial number. A player will be able to enter his or her entry voucher serial numbers beginning at the top of the hour after the FLORIDA LOTTO ticket is purchased. A player entering an entry voucher serial number prior to the top of the hour after purchase will be directed to return at a later time to enter his or her entry voucher serial number in the drawing. Neither FLORIDA LOTTO tickets nor \$50 instant winner coupons can be used for entry in the drawings. The odds of winning are dependent upon the number of entries received. Entry vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Entry vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned. Cancellation of a qualifying FLORIDA LOTTO ticket will also cancel the associated entry voucher and the entry voucher number will be ineligible for entry into a Gas for Life Promotion drawing. Entry voucher numbers associated with a cancelled FLORIDA LOTTO ticket that are entered into a Gas for Life Promotion drawing will be disqualified.

(5) Drawings.

(a) Seven weekly computerized drawings will be held during the period from Thursday, May 31, 2012, to Thursday, July 12, 2012, and winners will be randomly selected from entries received during the entry periods shown below. Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one time, for one entry in one weekly drawing. Additionally, one Pit Stop drawing and one Grand Prize drawing will be held. All entries received between May 23, 2012, and midnight on June 13, 2012, will also be included in the Pit Stop drawing on June 14, 2012. All entries received between May 23, 2012, and midnight on July 11, 2012, will also be included in the Grand Prize drawing on July 12, 2012. The drawing dates are:

Drawing	Drawing Date	From Entries Received
1	Thursday, May 31, 2012	May 23, 2012 – May 30, 2012
2	Thursday, June 7, 2012	May 31, 2012 – June 6, 2012
3	Thursday, June 14, 2012	June 7, 2012 – June 13, 2012
Pit Stop	Thursday, June 14, 2012	May 23, 2012 – June 13, 2012
4	Thursday, June 21, 2012	June 14, 2012 – June 20, 2012
5	Thursday, June 28, 2012	June 21, 2012 – June 27, 2012
6	Thursday, July 5, 2012	June 28, 2012 – July 4, 2012
7	Thursday, July 12, 2012	July 5, 2012 – July 11, 2012
Grand Prize	Thursday, July 12, 2012	May 23, 2012 – July 11, 2012

In each of the seven weekly drawings, five winners will win Gas for a Year and fifty winners will win Gas for a Month. A total of thirty-five Gas for a Year prizes and three hundred fifty Gas for a Month prizes will be awarded in the weekly drawings. In the Pit Stop drawing, one winner will win a VIP Race Package and two winners will win Gas for a Month. In the Grand Prize drawing, one winner will win Gas for Life and two winners will win Gas for a Month.

(b) Weekly Drawings. In each of the seven weekly drawings, the first five valid entries drawn will win Gas for a Year and the sixth through the fifty-fifth entries drawn will win Gas for a Month. The sixth through the fifty-fifth valid entries will be used in the order in which they were drawn and as needed to select an alternate Gas for a Year prize winner in the event a Gas for a Year prize cannot be awarded. The Florida Lottery will attempt to notify each Gas for a Year winner by telephone, U.S. mail or email using the contact information provided in the winner’s registration data no later than one week after the winners are drawn. If the Florida Lottery is unable to contact a Gas for a Year prize winner within sixty days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Lottery is unable to contact an alternate, the Gas for a Year prize will not be awarded. An alternate winner will be awarded the difference in gas cards between the Gas for a Year and Gas for a Month prizes. The Florida Lottery will attempt to notify the Gas for a Month winners by telephone, U.S. mail or email using the

contact information provided in the winner’s registration data no later than one week after the winner is drawn in order to confirm the winner’s mailing address. If the Florida Lottery is unable to contact the Gas for a Month prize winner within sixty days of the date of the drawing, the winner will forfeit his or her right to claim the prize. No alternates will be drawn for Gas for a Month prizes.

(c) Pit Stop Drawing. In the Pit Stop drawing, the first valid entry drawn will win the VIP Race Package and the second and third valid entries drawn will win Gas for a Month. Gas for a Month winners will also be alternates for the VIP Race Package, and used in the order in which they were drawn, in the event the VIP Package cannot be awarded to the Race Package winner. The Florida Lottery will attempt to notify the VIP Race Package winner and the Gas for a Month winners by telephone, U.S. mail or email using the contact information provided in the winner’s registration data no later than one week after the drawing. If the Florida Lottery is unable to contact the VIP Race Package winner within one week of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate. If the Lottery is unable to contact a Gas for a Month winner within one week of the date of the drawing, the Gas for a Month winner will forfeit his or her right to serve as an alternate for the VIP Race Package. If the Lottery is unable to contact an alternate, the VIP Race Package prize will not be awarded. If the Florida Lottery is unable to contact a Gas for a Month prize winner within sixty days of the date of the drawing, the winner will forfeit his or her right to claim the Gas for a Month prize. No alternates will be drawn for a Gas for a Month prize. An alternate winner who has not claimed the Gas for a Month prize at the time of notification that he or she is the alternate winner of the VIP Race Package will be awarded only the VIP Race Package prize. An alternate winner who has claimed the Gas for a Month prize at the time of notification will receive the VIP Race Package minus the \$300 in gas cards.

(d) Grand Prize Drawing. In the Grand Prize drawing, the first valid entry drawn will be the winner of the Gas for Life prize and the second and third entries drawn will be the winner of a Gas for a Month prize. Gas for a Month winners will also be alternates for the Gas for Life prize, and used in the order in which they were drawn, in the event the Gas for Life prize cannot be awarded to the winner. The Florida Lottery will attempt to notify the Gas for Life winner by telephone, U.S. mail or email using the contact information provided in the winner’s registration data no later than one week after the winner is drawn. If the Florida Lottery is unable to contact the Gas for Life prize winner within sixty days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Lottery is unable to contact an

alternate, the Gas for Life prize will not be awarded. An alternate winner will be awarded the difference in gas cards between the Gas for a Month and Gas for Life prize, less applicable tax withholding, and in accordance with paragraph (7)(a) below. An alternate winner who elects the cash option for the Gas for Life prize will receive the difference between the value of the cash option Gas for Life prize and the value of the Gas for a Month prize, less applicable tax withholding. The Florida Lottery will attempt to notify the Gas for a Month winners by telephone, U.S. mail or email using the contact information provided in the winner's registration data no later than one week after the winner is drawn in order to confirm the winner's mailing address. If the Florida Lottery is unable to contact the Gas for a Month prize winner within sixty days of the date of the drawing, the winner will forfeit his or her right to claim the prize. No alternates will be drawn for a Gas for a Month prize.

(e) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met.

(6) How to Claim a Prize.

(a) To claim a Gas for a Year or the Gas for Life prize, a winner must submit for receipt by the Florida Lottery no later than one week after being notified by the Lottery that he/she is a winner, the original valid entry voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2, revised 02/11, or DOL-173-2S, revised 02/11, and a copy of acceptable identification. Forms DOL-173-2 and DOL-173-2S are hereby incorporated by reference and can be obtained from any Lottery office or from the Lottery's website, www.flalottery.com. A winner who cannot produce a valid entry voucher and/or does not submit the required documents to the Lottery as set forth above will forfeit his or her right to claim the prize.

(b) To claim the VIP Race Package prize, a winner must submit for receipt by the Florida Lottery no later than one week after being notified by the Lottery that he/she is a winner, the original valid entry voucher bearing the unique serial number selected in the drawing, the identification and forms set forth in paragraph (6)(a) above and a completed Release and Authorization form DOL-474, Eff. 10/08 or Spanish Release and Authorization form DOL-474S, effective 09/11. Forms DOL-474 and DOL-474S are hereby incorporated by reference and can be obtained from any Lottery office or from the Lottery's website, www.flalottery.com. The two Gas for a Month prize winners/VIP Race Package alternates selected in the Pit Stop drawing must also submit the original valid entry voucher, identification and required forms listed above within one week after being notified by the Lottery that they are alternates in order to ensure a timely award of the VIP Race Package in the event the VIP Race Package cannot be awarded

to the winner. A winner who cannot produce a valid entry voucher and/or does not submit the required documents to the Lottery will forfeit his or her right to claim the prize.

(c) Except as set forth in paragraph (6)(b) above, Gas for a Month prize winners are not required to submit the original valid entry voucher bearing the unique serial number selected in the drawing or a claim form in order to claim a prize.

(7) Award of FLORIDA LOTTO™ Gas for Life Promotion Prizes.

(a) Gas for Life. Upon receipt of the Gas for Life winner's required documentation, the Florida Lottery will award the Gas for Life prize. The winner of the Gas for Life prize shall receive \$100 prepaid gas cards in periodic increments no less frequently than semi-annually for life with a minimum of twenty years. The value of the gas cards received will be the annual value of \$3,600 less applicable tax withholding. Any excess amount not evenly divisible into a \$100 gas card will be paid in cash. A cash option of \$72,000, less applicable tax withholding, is available to the winner in lieu of the Gas for Life gas cards. A cash option prize will be paid in one lump sum payment.

(b) VIP Race Package. Upon receipt of the VIP Race Package winner's required documentation, the Florida Lottery will award the VIP Race Package prize which includes:

1. Two DAYTONA 500® Club tickets for the NASCAR Nationwide Series, "Subway Jalapeno 250 Powered By Coca-Cola At DAYTONA®" race scheduled to be held at Daytona International Speedway® on July 6, 2012;

2. Two DAYTONA 500® Club tickets for the NASCAR Sprint Cup Series, "Coke Zero 400 Powered By Coca-Cola At DAYTONA®" race scheduled to be held at Daytona International Speedway® on July 7, 2012;

3. Three nights' hotel accommodations in a Daytona Beach, Florida hotel;

4. July 7, 2012 pre-race pass (weather and schedule permitting);

5. VIP seating in Gatorade Victory Lane for the weekend;

6. VIP parking for the weekend;

7. Pit passes;

8. Weekend track credentials;

9. Food and non-alcoholic beverage in the DAYTONA 500® Club on July 6 and July 7, 2012;

10. Official souvenir event program; and

11. \$300 in gas cards.

The Florida Lottery will mail the gas cards and provide the winner of the VIP Race Package a certificate describing the race package prize won and containing all information necessary for the prize winner to fulfill the prize. Hotel accommodations include taxes, but do not include parking fees, incidentals, tips, telephone calls, or any other personal expenses such as valet service, laundry, etc. as well as revision or cancellation fees that may be charged by the hotel or other

suppliers. The race package does not include travel expenses to or from the race location, mileage or meals, except as specified above. No cash option is available in lieu of a VIP Race Package prize. The Florida Lottery, Daytona International Speedway, LLC, its parent, subsidiaries, limited liability and affiliated companies, advertising and promotion agencies, and each of their respective shareholders, officers, directors, employees, members, agents and assigns, the Daytona Beach Racing & Recreational Facilities District; City of Daytona Beach and County of Volusia (collectively, the "Released Parties") assume no liability of any kind or nature for any loss, claims, damages, or injuries of any kind resulting in whole or in part, directly or indirectly for any portion of the VIP Prize Package awarded in the FLORIDA LOTTO™ Gas for Life Promotion. (Total value \$2,300)

(c) Gas for a Year. Upon receipt of the Gas for a Year winner's required documentation, the Florida Lottery will award a Gas for a Year prize. The Florida Lottery will mail a winner a total of thirty-six \$100 prepaid gas cards in periodic increments no less frequently than semi-annually for one year. No cash option is available in lieu of a Gas for a Year prize. (Total value \$3,600)

(d) Gas for a Month. Upon confirmation of a Gas for a Month winner's mailing address or upon receipt of a Gas for a Month winner's required documentation, as applicable, the Florida Lottery will mail a total of three prepaid \$100 gas cards. No cash option is available in lieu of a Gas for a Month prize. If any prize is returned as unclaimed or undeliverable and the Lottery is unable to locate the winner after a reasonable attempt to do so, the prize will not be awarded. (Total value \$300)

(8) Gas Cards. Gas Cards awarded for the Gas for Life, Gas for a Year or a Gas for a Month prize will be \$100 pre-paid American Express® or Visa® cards and will expire one year from the date the card is ordered by the Lottery.

(9) Except as specifically mentioned herein, all federal, state and/or local taxes or other fees on FLORIDA LOTTO™ Gas for Life Promotion prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. A nonresident alien claimant who is selected as a winner of a Gas for a Year prize or a Gas for a Month prize in which the winner is also an alternate for the VIP Race Package will be required to pay the withholding tax on the value of the prize and receive the remainder of the prize in prepaid gas cards of \$100 increments each. Any excess amount not evenly divisible into a \$100 gas card will be paid in cash. If a nonresident alien claimant does not pay the required tax withholding, he or she will forfeit the Gas for a Year prize. A nonresident alien claimant who is selected as the winner of the VIP Race Package prize will be required to pay the withholding tax or forfeit the VIP Race Package prize. The

reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) If the winner of a Gas for Life or Gas for a Year 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. In the case of a Gas for Life winner who elects to receive annual gas cards, following deduction of federal tax withholding, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any excess remaining after federal tax withholding and collection of the debt will be paid to the winner in \$100 gas cards. Any excess amount not evenly divisible into a \$100 gas card will be paid in cash. In the case of a Gas for a Year winner, an amount sufficient to cover the amount owed, to the total prize amount, will be transferred to the state agency owed the debt. Any excess remaining after collection of the debt will be paid to the winner in \$100 gas cards. Any excess amount not evenly divisible into a \$100 gas card will be paid in cash.

(11) The prizewinners in each drawing will be posted on www.flalottery.com, on the day of the drawing.

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

(13) The Florida Lottery reserves the right, due to unavailability of gas cards, to award a cash prize equal to the value of the gas cards.

(14) The VIP Race Package is transferable to another person; however, the value of the prize package will remain taxable income to the winner.

(15) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Prizes will be paid in accordance with the rule of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(16) 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.

(17) By entering the FLORIDA LOTTO™ Gas for Life Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the fulfillment entity for prize fulfillment purposes.

(18) A player entering the FLORIDA LOTTO™ Gas for Life Promotion is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(19) The Gas for Life Promotion drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 5-22-12.

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

EFFECTIVE DATE: May 22, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Standards and Training Commission hereby gives notice that on March 26, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.001(9)(b), F.A.C., from Florida Corrections Academy, School 66, on behalf of two Correctional Officers. Paragraph 11B-35.001(9)(b), F.A.C., requires officers to achieve a passing score of 80% or higher on the end-of-course examinations for Basic Recruit Program Courses.

The petition supported the requested waiver by stating that the officers at issue achieved what they and the Petitioner understood to be passing scores on an end-of-course examination during Class 66-2011-502-6. An audit revealed a scoring discrepancy in the two officers' scores. The officers had already graduated, passed the State Officer Certification Examination, and obtained employment when the scoring discrepancy was discovered. Petitioner brought the officers back when the scoring discrepancy was discovered, and both officers passed the end-of-course examinations that they had previously failed.

Petitioner stated that the two officers should not be penalized because the officers and the Petitioner believed that the officers passed the end-of-course examinations with their class. Petitioner stated that the officers at issue will suffer a substantial hardship if their scores are not recognized because they will not be considered to have passed the course until they retook the end-of-course examinations, which will result in impairment of their employment. Petitioner further stated that it would violate the principles of fairness to fail to recognize that the two officers and the Petitioner believed that the two officers passed the end-of-course examination with their basic recruit training class, 66-2011-502-6.

Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 38, No. 15, April 13, 2012.

On May 10, 2012, pursuant to notice, at a meeting held in Naples, Florida, 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. These two officers took their end-of-course examinations for the basic recruit training. Both they and the Petitioner understood that they achieved passing scores. The officers were then permitted to graduate, pass the SOCE, and obtain employment prior to the discovery of a grading discrepancy on one of the end-of-course examinations which resulted in a recalculation of the officer's grades and the realization that the officers did not, in fact, pass the examination. After careful consideration of the facts in this matter, the Commission issued an order granting the Petitioner's waiver.

A copy of the Order or additional information 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.

The Criminal Justice Standards and Training Commission hereby gives notice that on February 29, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Indialantic Police Department on behalf of Sergeant Theodore Baker for the 2006-2008 (7/1/06 – 6/30/08) mandatory firearms requalification reporting cycle. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years under the supervision of a CJSTC-certified firearms instructor on a course of fire mandated by Commission rule.

The petition supported the requested waiver for Sergeant Baker by stating that he did, in fact, complete the mandatory firearms requalification retraining, however, he was supervised by a non-CJSTC-certified firearms instructor. The officer at issue is a CJSTC-certified firearms instructor. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 38, No. 12, on March 23, 2012.

On May 10, 2012, pursuant to notice, at its regularly scheduled Business Agenda meeting held in Naples, Florida, 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. The Petitioner's officer had, in fact, completed the Commission's course of fire and achieved passing scores. The only deficiency in Sergeant Baker's 2008 firearms requalification was to be supervised by a non-CJSTC-certified firearms instructor. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission issued an order granting the Petitioner's waiver.