

requirements timely but who are found to be deficient after December 31, of their renewal year must correct the error and pay a \$50 fine within 60 days.

(7) No change.

Specific Authority 120.55(1)(a)4., 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.006  
 RULE TITLE: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., FS., published in Vol. 32, No. 13, of the March 31, 2006, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) Each certified public accountant who has requested ~~or reverted to~~ inactive status or became delinquent as distinguished from a certified public accountant whose certificate or license has been suspended who desires to become an active licensee, i.e., engage or reengage in the practice of public accounting in Florida, shall apply for such reactivation by completing and submitting to the Department Forms DBPR 0010-2 – Master Individual Application and DBPR CPA-501101 – Request for Change of Status, hereby incorporated by reference and effective \_\_\_\_\_ and \_\_\_\_\_, respectively; copies of these forms may be obtained from the board office on forms prescribed by the Board and submitted to the Department.

(2) Each such application shall demonstrate successful completion of the required number of continuing professional education hours. Inactive or delinquent licensees must satisfy the requirements of their last reestablishment period, plus successful completion of at least 32 hours total, of which at least 8 hours must be in accounting and auditing subjects for each year or portion thereof the license was inactive and/or

delinquent prior to July 1, 1989 and 40 hours total, of which at least 10 hours must be in accounting and auditing subjects for each year or portion thereof license was inactive after June 30, 1989. No more than 25% of the total required hours may be in behavioral subjects, as defined in paragraph 61H1-33.003(3)(c), F.A.C., if taken subsequent to July 1, 1985. At least eighty percent (80%) of the ~~The~~ necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the CPE requirements in all biennia in the same manner as if the licensee had remained active.

(3) through (4) No change.

Specific Authority 455.271, 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 455.271, 473.311, 473.312, 473.313, 473.323(1)(i)(~~h~~) FS. History—New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <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**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19ER06-2  
 RULE TITLE: Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2006 Legislature passed CS/CS for SB 1980 on Friday, May 5, 2006. In anticipation of the issuance of bonds by the Florida Hurricane Catastrophe Fund (FHCF), as

soon as practicable, this legislation makes some important clarifications regarding the emergency assessments which will service the bond debt and includes a mandatory rapid cash build-up. Therefore, given the immediate need to ensure that the emergency assessments are calculated and remitted appropriately and that the bonding process proceed in a smoothly and in a timely manner, this emergency rule is necessary.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** Prior to the passage of the law, the FHCF addressed the need for this emergency rule during a regularly scheduled meeting of the FHCF Advisory Council on May 11, 2006. The meeting, which was open to the public, was noticed on the FHCF website, and a notice was mailed to every person or entity on the FHCF's mailing list. In addition, the proposed emergency rule has been placed on the website.

**SUMMARY OF THE RULE:** Rule 19ER06-2, is titled "Revenue Bonds Issued Pursuant to Section 215.555(6), F.S." In summary, the changes made to the rule add clarifications regarding the use of reimbursement premiums and rapid cash build-up to pay losses, clarifications to the grounds for adjusting the emergency assessment percentage, and clarifications were added addressing the emergency assessment payment calculations.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

19ER06-2 (19-8.013) Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

(1) Purpose. This rule establishes the Board's policy regarding the issuance of revenue bonds pursuant to Section 215.555(6), F.S. The rule provides definitions; interprets certain terms in Section 215.555, F.S.; establishes factors for determining when to issue revenue bonds, the amount of any such revenue bonds, and the source for repayment of any such revenue bonds; and establishes procedures for levying Emergency Assessments pursuant to Section 215.555(6)(b), F.S.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Assessable Insurer means Authorized Insurers writing property and casualty business in this state and any entity created pursuant to Section 627.351, F.S. Surplus lines insurers are not Assessable Insurers. Reinsurers are not Assessable Insurers.

(b) Assessable Insured means each insured procuring property and casualty coverage from surplus lines insurers regulated under Part VIII of Chapter 626, F.S.

(c) Assessable Lines are those lines of property and casualty business subject to assessment under Section 215.555(6)(b)(1), F.S., and as more fully described in subsection (5), below.

(d) Authorized Insurer means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), F.S. For purposes of this rule, Authorized Insurer includes any joint underwriting association or similar entity created pursuant to Section 627.351, F.S.

(e) Balance of the Fund and Fund Balance have the same meaning given to Balance of the Fund as of December 31 in Article V of the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(f) Board means the State Board of Administration of Florida.

(g) Contract Year means the time period that begins June 1 of each calendar year and ends May 31 of the following calendar year.

(h) Corporation means the Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(d), F.S.

(i) Covered Event means a hurricane as defined in Section 215.555(2)(b), F.S., and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(j) Covered Policies means an insurance policy covering residential property, as defined in Section 215.555(2)(c), F.S., and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(k) Department means the Florida Department of Financial Services, which was created pursuant to Section 20.121, F.S., and which is charged with regulating the Florida insurance market and administering the Florida Insurance Code.

(l) Emergency Assessment means the assessment levied by the Office of Insurance Regulation at the direction of the Board on direct written premiums for all Assessable Lines pursuant to and subject to the exceptions in Section 215.555(6)(b), F.S., and as more fully described in subsection (5) of this rule.

(m) Fund means the Florida Hurricane Catastrophe Fund.

(n) Office of Insurance Regulation means that office within the Department which was created in Section 20.121(3), F.S.

(o) Participating Insurer means an insurer which writes Covered Policies in this state and which has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), F.S.

(p) Reimbursement Contract means the annual contract required pursuant to Section 215.555(4)(a), F.S., which provides coverage to Participating Insurers for losses to covered property during a Covered Event.

(q) Reimbursement Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Participating Insurer in accordance with Section 215.555(5), F.S., by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(3) Limitations on the Fund's Liability. The Fund's liability under the Reimbursement Contracts for Covered Events in a Contract is limited to the lesser of (a) the amount determined pursuant to Section 215.555 (4)(c)1., F.S., or (b) the Balance of the Fund for the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the Fund plus the amount the Board has raised through the issuance of revenue bonds for losses from Covered Events in the Contract Year and the additional amount the Board determines it is able to raise through the issuance of revenue bonds for losses from Covered Events in the Contract Year.

(4) Determinations Regarding Bond Issuance.

(a) General Factors for Use in Determining Whether to Issue Bonds. Based on the requirements of Section 215.555, F.S., on all rules adopted pursuant thereto, and on the foregoing interpretations, the Board determines that the Legislature intended the Fund to be a sustainable, permanent, and continuing trust fund established within the meaning of Article III, s. 19 of the Florida Constitution which is available to pay reimbursable losses for Covered Events in more than one year. The Board further determines that the Legislature deliberately and purposefully limited the Fund's liability as to Covered Events in any one Contract Year in order to provide for an on-going Fund. The Board determines that in its fiduciary capacity regarding the Fund, it is prudent to adopt the interpretations set out in this rule and to conform all its other policies, rules, and methods of operation to those fiduciary responsibilities and interpretations.

(b) Quality of Bonds to be Issued. The Board finds that in order to fulfill its fiduciary responsibilities to maintain and enhance the on-going viability and credibility of the Fund and to operate in the most cost-efficient manner, all revenue bonds issued to pay reimbursable losses shall be investment grade bonds, except to the extent that revenue bonds other than investment grade are needed to pay a small amount of legitimate but unexpected reimbursable losses. Upon the occurrence of such an exception, any revenue bonds issued will be issued only after a determination by the Board that the issuance of such bonds is fiscally responsible, in light of the Board's fiduciary responsibilities.

(c) Emergency Assessments.

1. If the Board determines that the amount of revenue produced under Section 215.555(5), F.S., is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds and that portion of debt service coverage not met by Reimbursement Premiums, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on direct written

premiums for all Assessable Lines. In making this determination, the Board may consider the projected Balance of the Fund; anticipated additional Fund revenues; the meteorological severity and geographical area impacted by each Covered Event; estimates of losses from the insurance industry, from individual insurers, from federal, state, and local emergency response entities, from loss reports submitted to the Board by Participating Insurers, from reviews of loss reports by the Fund's Administrator, from information provided by modeling companies, from claims development patterns derived from known historical events, from an analysis of market shares of Participating Insurers in the impacted area, and any other credible sources of loss information; and any other information determined by the Board to be relevant.

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following two sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. Amounts collected as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), F.S., may be used to pay for losses attributable to prior Contract years. Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, earnings thereon or amounts collected as part of the premium that are attributable to the rapid cash buildup factor, may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums, earnings thereon, or amounts collected as part of the premium that are attributable to the rapid cash buildup factor so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

(d) Specific Procedures Regarding Issuance of Bonds on a Pre-Event Basis. In making a determination to authorize the issuance of revenue bonds on a Pre-event basis ("in the absence of a hurricane"), pursuant to Section 215.555(6)(a), F.S., the Board shall consider the following factors: the projected Fund Balance; reserves for mitigation appropriations; estimated amounts needed for administration of the Fund; projected amounts of future Reimbursement Premiums; projected amounts of earnings on collected Reimbursement Premiums; the projected frequency and magnitude of future Covered Events; current and projected interest rates on revenue bonds; current and projected market conditions for the sale of revenue bonds; projected credit ratings for the Fund and for revenue bonds issued on behalf of the Fund; current and projected availability of bond insurance or other credit enhancement for revenue bonds; the costs of

issuance of revenue bonds; the debt service requirements of the revenue bonds; the estimated value, both monetary and non-monetary, of the issuance of Pre-event bonds on the costs of Post-event bonds in terms of benchmark pricing, secondary market trading, investor education, being a first-time issuer Post-event, confidence of insurers and reinsurers in the Fund's ability to issue revenue bonds Post-event, market education, and document preparation; and any other factors relevant to the determination at the time such determination is made.

(e) Specific Procedures for Issuance of Revenue Bonds on a Post-Covered Event Basis. Upon the occurrence of a Covered Event for which the Board determines that moneys in the Fund are or will be insufficient to pay reimbursement at the levels promised in the Reimbursement Contracts:

1. The Board will determine the projected reimbursable losses of Participating Insurers, whether or not the Fund has or will have sufficient funds to reimburse Participating Insurers for their reimbursable losses and the estimated shortfall which shall be covered by the issuance of revenue bonds or through incurrence of other indebtedness.

2. Based on the amount of the shortfall determined in accordance with subparagraph 1., above, the Board will determine the needed percentage of direct premium written for Assessable Lines. The Emergency Assessment percentage will be determined as follows:

a. The Board will review available information, from the Office of Insurance Regulation, the Florida Surplus Lines Service Office and the National Association of Insurance Commissioners, regarding direct premiums written for Assessable Lines in Florida, reportable pursuant to Section 624.424, F.S. or pursuant to Part VIII of Chapter 626, F.S.

b. The Board will review and assess existing market conditions regarding the issuance and sale of bonds or the incurrence of other indebtedness to determine the amount of revenues which will be required to pay debt service on any bonds issued or other indebtedness incurred.

c. Based on the specific information described above and on any other information determined by the Board to be relevant, the Board will determine the Emergency Assessment percentage necessary to fund the obligations, costs, and expenses of the Fund and the Corporation including repayment of revenue bonds and that portion of the debt service coverage not met by Reimbursement Premiums, and shall adopt a resolution directing the Office of Insurance Regulation to levy the Emergency Assessment on all Assessable Lines.

3. The emergency assessment is subject to interest on delinquent remittances at the average rate earned by the SBA for the FHCf for the first five months of the Contract Year plus 5%. The emergency assessment is also subject to annual adjustments by the Board ~~to reflect changes in premiums subject to assessments~~ in order to meet debt obligations.

(5) Procedures regarding Levying Emergency Assessments Pursuant to Section 215.555(6)(b)., F.S.

(a) If the Board directs the Office of Insurance Regulation to levy Emergency Assessments, then the Office of Insurance Regulation shall issue Orders to the Florida Surplus Lines Service Office and to each Assessable Insurer levying an Emergency Assessment for the Assessable Lines set out in paragraph (d), below.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the preceding calendar quarter ~~calendar year to which the assessment applies~~ from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insured shall remit and each surplus lines agent shall collect an amount equal to the required percentage of its direct written premium from all Assessable Lines. Surplus lines agents shall collect the Emergency Assessment at the same time as the surplus lines agent collects the surplus lines tax required by 626.932, F.S. and remit to the Florida Surplus Lines Service Office at the same time as the agent remits the surplus lines tax to that Office. The Emergency Assessment on each insured procuring coverage and filing under Section 626.938, F.S., shall be an amount equal to the required percentage of its direct written premium from all Assessable Lines and shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to that Office. The Florida Surplus Lines Service Office shall remit the Emergency Assessments received as directed by the Office of Insurance Regulation.

(d) Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)(l), F.S. For ease of reference, the lines of business are written and listed as they appear on Statutory Page 14 Exhibit of Premiums and Losses in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, F.S.

2. Assessable Lines. Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers of the property and casualty annual statement referenced in subparagraph 1., immediately above.

a. Fire.

b. Allied Lines.

- c. Multiple Peril Crop.
- d. Farmowners Multiple Peril.
- e. Homeowners Multiple Peril.
- f. Commercial Multiple Peril (non-liability).
- g. Commercial Multiple Peril (liability).
- h. Mortgage Guaranty.
- i. Ocean Marine.
- j. Inland Marine.
- k. Financial Guaranty.
- l. Medical Malpractice (Medical Malpractice insurance premiums are not subject to Emergency Assessments attributable to covered events occurring prior to the Contract Year that begins on June 1, 2007).
- m. Earthquake.
- n. Other Liability.
- o. Products Liability.
- p. Private Passenger Auto No-Fault.
- q. Other Private Passenger Auto Liability.
- r. Commercial Auto No-Fault.
- s. Other Commercial Auto Liability.
- t. Private Passenger Auto Physical Damage.
- u. Commercial Auto Physical Damage.
- v. Aircraft (all perils).
- w. Fidelity.
- x. Surety.
- y. Burglary and Theft.
- z. Boiler and Machinery.
- aa. Credit.
- bb. Aggregate Write Ins.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-1-03, 5-19-04, 5-29-05, 5-10-06, 5-31-06.

THIS EMERGENCY RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE:  
EFFECTIVE DATE: May 31, 2006

**STATE BOARD OF ADMINISTRATION**

RULE NO.:	RULE TITLE:
19ER06-3	Insurance Capital Build-up Incentive Program

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2006 Legislature passed CS/CS for SB 1980 on Friday, May 5, 2006 and this Bill became law on May 16, 2006. In CS/CS for SB 1980, the Legislature created the Insurance Capital Build-Up Incentive Program (“Program”) within a new statutory Section 215.5595, F.S. The purpose of this Program is to increase the availability of residential property insurance covering the risk of hurricanes in Florida and to mitigate premium increases. The State Board of

Administration of Florida (“Board”) is directed to administer the Program. The 2006 Hurricane Season begins on June 1, 2006, therefore, time is of the essence.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is only a two week time period between the effective date of the law and the effective date of the emergency rule. Although the time has been short, the State Board of Administration has been in contact with Insurers and with Industry Associations regarding its development of the emergency rule and incorporated documents. A workshop is scheduled for June 6, 2006, to discuss the Program with interested insurers. A notice regarding this workshop will appear in the June 2, 2006, publication of the Florida Administrative Weekly. In addition, the Board has created a place for the Program on its website. The workshop notice, along with the emergency rule and the incorporated forms will be on the website by May 31, 2006.

SUMMARY OF THE RULE: The rule provides the purpose for the Program, the scope of the Program, the definitions applicable to the Program, the administration of the Program, the requirements to participate in the Program, information on prioritization if more insurers seek to participate in the Program than can be accommodated, and information regarding the Surplus Note including payment dates, amounts, interest rates, and conditions of default.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER06-3 Insurance Capital Build-Up Incentive Program.

(1) Purpose. Section 215.5595, F.S., creates the Insurance Capital Build-Up Incentive Program (“Program”) for the purposes of increasing the availability of residential property insurance covering the risk of hurricanes in Florida and mitigating premium increases. The State Board of Administration of Florida (“Board”) is directed to administer the Program. This Rule is promulgated to implement the Program.

(2) Scope.

(a) The Legislature has appropriated a total of \$250 million for the purposes of this Program.

(b) The Board in an effort to implement this Program in a timely fashion consistent with the start of the June 1, 2006, hurricane season and consistent with the flexibility provided for in Section 215.5595(2)(h), F.S., has established an earlier implementation date of June 1, 2006, and pursuant to this Rule has allocated the total \$250 million, less moneys needed for administrative expenses, to be made available to Insurers applying within the time frame of June 1, 2006 until June 15, 2006. Any remaining funds which are not committed shall be available to those Insurers applying during the second time

frame, June 16, 2006 until July 1, 2006. If there are funds remaining following the two initial time frames, such funds will be available for those Insurers which apply within the time frame of July 2, 2006 until June 1, 2007. The unexpended balance of the appropriation shall revert to general revenue, but not until June 30, 2007.

(c) The proceeds derived from the Surplus Note issued by the Insurer, pursuant to Section 215.5595(4), F.S., is intended to be an asset for statutory accounting purposes and not a liability on the Insurer's balance sheet.

(d) The Board's actions and determinations in administering this Program are exempt from Chapter 120, F.S., pursuant to Section 215.5595(6), F.S.

(e) An Insurer may qualify and be eligible for consideration under this Program provided that the Insurer contributes New Capital and commits to meeting the Minimum Writing Ratio for the term of the Surplus Note. Additionally, the Insurer's Surplus, New Capital contribution, and Surplus Note must total at least \$50 million, and the Insurer must submit the application as adopted under this Rule within the time frames referenced in Section 215.5595(2)(b), F.S.

(f) The Board may Approve an application by an eligible and qualifying Insurer for a Surplus Note, unless the Board determines that the financial condition of the Insurer and its business plan for writing residential property insurance in Florida places an unreasonably high level of financial risk to the state of nonpayment in full of the interest and principal. The Board shall consult with the Office and may contract with independent financial and insurance consultants in making this determination.

(g) If the amount of Surplus Notes requested by Insurers exceeds the amount of funds available, the Board may prioritize Insurers that are eligible and Approved, regardless of the date of application within the application time frames. Consideration shall be given to the financial strength of the Insurer, the viability of the Insurer's proposed business plan for writing additional residential property insurance, and the effect on competition.

### (3) Definitions.

(a) "Applicant" means the Insurer making application under the Program.

(b) "Approve," "Approving," "Approved," or "Approval" means the Insurer's application has been approved contingent upon a review and prioritization of all the applicants who may have applied for the limited funds available under the Program during the application periods specified in paragraph (4)(e), (f), or (g) below. If the amount of the Surplus Notes requested does not exceed the funds available during these application periods, it will not be necessary for the Board to prioritize applicants prior to distributing funds, but in all cases the Insurer shall be required to contribute New Capital and provide verification of a deposit prior to the Board distributing the proceeds derived from the Surplus Note.

(c) "Board" means the State Board of Administration of Florida.

(d) "Cash" or "Cash Equivalents" means unencumbered cash or unencumbered cash equivalents as specified in Section 625.012(1), F.S. Cash Equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.

(e) "Impair" or "Impaired" means the Insurer's Surplus is below the Minimum Required Surplus as specified in Section 215.5595(2)(c), F.S.

(f) "Insurer" means an authorized insurance company seeking to participate in the Program.

(g) "Minimum Capital Contribution" means, with respect to Insurers who apply to the Board by July 1, 2006, a contribution of New Capital to its Surplus which is at least equal to the amount of the Surplus Note. "Minimum Capital Contribution" means, with respect to all other applicants applying after July 1, 2006 and before June 1, 2007, a contribution to its Surplus that is twice the amount of the Surplus Note.

(h) "Minimum Required Surplus" means, for purposes of this Program, that the Insurer's total Surplus, after the issuance of the Surplus Note and New Capital contribution equals at least \$50 million.

(i) "Minimum Writing Ratio" means a 2:1 ratio of Net Written Premium to Surplus.

(j) "Net Written Premium" means direct Premium plus assumed Premium less ceded Premium.

(k) "New Capital" must be in the form of Cash or Cash Equivalents and be recorded as additional paid-in capital or new stock issued. New Capital does not include Citizens Property Insurance Corporation take-out bonuses pursuant to Section 627.3511, F.S. A New Capital contribution does not constitute contributions by the Insurer made prior to the Insurer's application date for the Surplus Note or any other funds contributed to the Insurer's Surplus which are made for purposes other than in conjunction with the requirements of the Program.

(l) "Surplus Note" means the Surplus Note issued by the Insurer to the Board.

(m) "Office" means the Office of Insurance Regulation, which was created in Section 20.121(3), F.S.

(n) "Premium" means premiums relating to residential property insurance in Florida including the peril of wind.

(o) "Program" means the Insurance Capital Build-Up Incentive Program created by Section 215.5595, F.S.

(p) "Substantial Impairment" or "Substantially Impair" means that the Commissioner of Insurance Regulation (Commissioner) has solvency concerns that the Insurer may not be able to meet the obligations of its policyholders and has provided the Board with a written explanation.

(q) “Surplus” means the Insurer’s admitted assets less the Insurer’s liabilities and refers to the entire Surplus of the Insurer.

(4) Administration.

(a) The Legislature has appropriated \$250 million for the Program with a limitation of one percent of this amount used for administrative cost and fees.

(b) For purposes of applications and other documentation provided to the Board the date of receipt shall be the date that the item has actually been delivered to the Board by 5 p.m. E.T. Any items received after 5 p.m. E.T. will be deemed to have been received on the next business day that is not a Saturday, Sunday, or legal holiday. Neither the United States Postal Service postmark nor a postage meter date is determinative.

(c) Incomplete applications will be returned to the Insurer and will not be considered by the Board.

(d) The submission of a completed application by an Insurer that has met all the conditions necessary for Approval is no guarantee that a Surplus Note will be executed and that funds will be available and distributed to an Insurer.

(e) Application time frame from June 1, 2006 to June 15, 2006: Applications received from June 1, 2006 to June 15, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(f) Application time frame from June 16, 2006 to July 1, 2006: If there are funds remaining after the review of applications received on or before June 15, 2006, then applications received from June 16, 2006 to July 1, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(g) Application time frame from July 2, 2006 to June 1, 2007: If there are funds remaining after the review of applications received on or before July 1, 2006, then applications received from July 2, 2006 to June 1, 2007, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board. Additional information may be requested by the Board as provided for in subsection (7) below.

(h) The Board shall not reserve funds based on an Insurer’s application date or the date which funds are requested by the Insurer. Funds will not be committed to an Insurer until the Surplus Note is executed by both the Insurer and the Board.

(5) Statutory Requirements for an Insurer’s Participation in the Program. In determining whether an Insurer has met the requirements outlined below, the Board shall consult with the Office and may consult with independent financial and insurance consultants.

(a) Insurers who apply to the Board on or before July 1, 2006, must contribute an amount of New Capital to its Surplus which is at least equal to the amount of the Surplus Note requested.

(b) Insurers who apply to the Board after July 1, 2006, but before June 1, 2007, must contribute an amount of New Capital to its Surplus which is at least twice the amount of the Surplus Note requested.

(c) Insurers must submit a completed application including supplying all the required documentation to the Board. The application Form, SBA 15-1, is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board’s website, [www.sbafla.com](http://www.sbafla.com), under “Insurance Capital Build-Up Incentive Program” then “Application.”

(d) Prior to the time the application, Form SBA 15-1, is submitted, the Insurer must review and accept the terms of the Surplus Note, Form SBA 15-2, which is hereby adopted and incorporated by reference into this Rule. The Surplus Note is available on the Board’s website, [www.sbafla.com](http://www.sbafla.com), under “Insurance Capital Build-Up Incentive Program” then “Surplus Note.”

(e) The principal amount of the Surplus Note issued to any Insurer or Insurer group may not exceed \$50 million.

(f) An Insurer’s Surplus, New Capital, and the Surplus Note must total at least \$50 million as a result of participating in the Program.

(g) Prior to the execution of the Surplus Note, the Insurer must arrange for the Board to receive a letter from a depository institution which states the amount of unencumbered Cash or Cash Equivalents that have been deposited into the Insurer’s account.

(h) Prior to the execution of the Surplus Note, the Insurer must provide the Board with a letter from the Insurer’s top executive officer attesting that the New Capital contribution, for purposes of the Insurer, is not subject to any liens or other encumbrances.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, which is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board’s website, [www.sbafla.com](http://www.sbafla.com), under “Insurance Capital Build-Up Incentive Program” then “Quarterly Net Written Premium Report.”

(j) Insurer’s plan of operation, submitted as part of the application process, must address how the Insurer intends to reach the required Minimum Writing Ratio within sixty days of the Board distributing funds to the Insurer.

(k) Insurer shall provide documentation showing that the Insurer is currently in compliance with Section 627.0645, F.S., which requires an annual base rate filing.

(1) Only those Insurers that can demonstrate as a result of their financial condition and business plan that they do not create an unreasonably high level of financial risk to the state involving the full repayment both interest and principal will be considered for Approval by the Board after consulting with the Office and after any other review deemed necessary by the Board.

(6) Prioritization of Applications. The Board may consult with the Office and with independent financial and insurance consultants in prioritizing Approved applications. The intent of the prioritization process is to provide the Surplus Note proceeds to those Insurers that are expected to have the greatest impact and result in the greatest benefits to the residential property insurance market in a timely fashion so as to relieve short term market pressures. Prioritization may occur based upon the following criteria:

(a) The earlier an application is filed, the better the chance that there will be funds remaining in the Program to provide to qualified and Approved Applicants.

(b) The amount of an Insurer's New Capital contributions in excess of the minimum requirement.

(c) An Insurer's financial strength.

(d) The Insurer's ability to timely and expeditiously meet the Minimum Writing Ratio requirement as described in the Insurer's business plan.

(e) The viability and the level of detail and specificity associated with the Insurer's proposed business plan for writing additional residential property insurance covering the peril of wind.

(f) The effect on competition in the residential property insurance market including the number of new policies which the Insurer contemplates writing as a result of the Program.

(g) Whether the repayment of the Surplus Note will be guaranteed by a financially strong guarantor.

(h) Whether the Insurer is willing to pledge any assets as collateral for the repayment of the Surplus Note.

(i) Any other concessions an Applicant is willing to make that would enhance the purposes and effectiveness of the Program.

(7) Additional Information.

(a) In addition to Insurers submitting the Surplus Note application, SBA Form 15-1, the Board may request additional information and data prior to the time the Surplus Note is executed. Such additional information may consist of additional documentation, answers to questions that arise as a result of the review process, and additional information solicited through oral interviews.

(b) Additional information may only be solicited by the Board. The Insurer shall not unilaterally submit additional information or data past the application time frame for which the Surplus Note is being considered. If the Insurer desires to submit such additional information, the Insurer may request

that a new application submission date be established and that the Insurer be considered for the next application time frame as designated in paragraph (4)(e),(f), or (g) above.

(8) Payment Conditions.

(a) Interest Rate: The Surplus Note shall accrue interest on the unpaid principal balance at a rate equivalent to the 10-year U.S. Treasury Bond rate. The rate will be adjusted quarterly for the term of the Surplus Note based on the 10-year Constant Maturity Treasury rate.

(b) Interest for the First Three Years: For the first three years of the Surplus Note, an Insurer is required to pay interest only. However, principal payments can be made during this time at the option of the Insurer. Interest payments shall begin to accrue from the date that the Surplus Note proceeds are distributed to the Insurer.

(c) Repayment Limitations: Any payment of principal or interest by the Insurer on the Surplus Note must be approved by the Commissioner, who shall approve the payment unless the Commissioner determines that such payment will result in a Substantial Impairment to the financial condition of the Insurer. If such a determination is made, the Commissioner shall approve such payment that will not Substantially Impair the financial condition of the Insurer or recommend to the Board a limited time period for the suspension of payments. The Board will seek approval of payments from the Commissioner and will notify any Insurer if a payment of principal and/or interest has been disapproved or, if a lower amount has been approved, the amount by which the usual payment is to be reduced, or whether a payment(s) have been suspended for a limited period of time. If full payments of principal and interest are not received in a timely fashion, the Board may lengthen the term of the Surplus Note and make any other adjustments with the Approval of the Commissioner that will protect the state's interest in the repayment of the proceeds.

(d) Interest shall continue to accrue even in situations where payments under the Surplus Note have been suspended as a result of the Commissioner's actions.

(9) Default: Conditions, Consequences, and Insurer Responsibilities.

(a) Conditions Resulting in Default:

1. Failure to reach the Minimum Writing Ratio within 60 days of an Insurer receiving the proceeds of the Surplus Note distributed by the Board or the failure to maintain the Minimum Writing Ratio once reached.

2. Failure to submit quarterly filings of Form SBA 15-3 to the Office.

3. Failure to maintain the Minimum Required Surplus except for situations involving the payment of losses resulting from a catastrophic event or a series of events resulting in catastrophic losses.



4. Misuse of Program Proceeds: The Surplus Note will be in default if proceeds received pursuant to the Surplus Note are converted into any asset not authorized under Part II of Chapter 625, F.S.

5. Failure to make a payment of interest and/or principal where the payment by the Insurer has been approved by the Office.

6. Failure to make a payment of interest and/or principal where the payment by the Insurer has not been approved by the Office, but alternative payments have been approved.

7. False or Misleading Statements: Any representations, including those made in the application and/or accompanying documentation, which is false or misleading.

8. When the Insurer pays any ordinary or extraordinary dividend when there are payments of principal or interest payments that are past due under the Surplus Note.

(b) Consequences of Default: For all defaults, the Board, in its sole discretion, may exercise any one of the following options:

1. Increase the interest rate to the maximum interest rate permitted by law;

2. Accelerate the repayment of principal and interest;

3. Shorten the term of the Surplus Note;

4. Call the Surplus Note and demand full repayment.

(c) Insurer responsibilities: The Insurer shall notify the Board when any of the above conditions resulting in default arises.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2)(c), (d), (e), (g) FS. History—New 5-31-06.

THIS EMERGENCY RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 31, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-29                      RULE TITLE: Instant Game Number 649, COOL 5's

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 649, "COOL 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; and the estimated odds of winning 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:

53ER06-29 Instant Game Number 649, COOL 5's.

(1) Name of Game. Instant Game Number 649, "COOL 5's."

(2) Price. COOL 5's lottery tickets sell for \$5.00 per ticket.

(3) COOL 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 COOL 5's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) Design of Ticket. There are three different games in Instant Game Number 649, COOL 5's: GAME 1, GAME 2 and GAME 3.

(5) The GAME 1 play symbols and play symbol captions are as follows:

<b>\$1.00</b>	<b>\$2.00</b>	<b>\$10.00</b>	<b>\$20.00</b>	<b>\$25.00</b>
ONE	TWO	TEN	TWENTY	THY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$75,000</b>	<b>5</b>
FIFTY	ONE HUN	FIVE HUN	SVY FIV THOU	FIV

(6) The GAME 1 prize symbols and prize symbol captions are as follows:

<b>\$1.00</b>	<b>\$2.00</b>	<b>\$10.00</b>	<b>\$20.00</b>	<b>\$25.00</b>
ONE	TWO	TEN	TWENTY	THY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$75,000</b>	
FIFTY	ONE HUN	FIVE HUN	SVY FIV THOU	

(7) The GAME 1 legend is as follows:

**GAME 1**

(8) The GAME 2 play symbols and play symbol captions are as follows:

<b>X</b>	<b>O</b>	<b>5</b>
XXX	OOO	FIV

(9) The GAME 2 prize symbols and prize symbol captions are as follows:

<b>\$1.00</b>	<b>\$2.00</b>	<b>\$3.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
ONE	TWO	THREE	FOUR	FIVE	TEN
<b>\$25.00</b>	<b>\$30.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$75,000</b>	
THY FIVE	THIRTY	ONE HUN	FIVE HUN	SVY FIV THOU	

(10) The GAME 2 legends are as follows:

**PRIZE BOX GAME 2**

(11) The GAME 3 “YOUR NUMBER” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
ELEVN	THELV	THRTN	FORTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY

(12) The GAME 3 “WINNING NUMBER” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
ELEVN	THELV	THRTN	FORTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY

(13) The GAME 3 prize symbols and prize symbol captions are as follows:

<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>	<b>\$25.00</b>
ONE	TWO	FIVE	TEN	THENTY	THY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$200</b>	<b>\$250</b>	<b>\$500</b>	<b>\$1,000</b>
FIFTY	ONE HUN	TWO HUN	THOHUNFTY	FIVE HUN	ONE THO
<b>\$5,000</b>	<b>\$10,000</b>	<b>\$75,000</b>			
FIVE THO	TEN THO	SVY FIV THOU			

(14) The GAME 3 legends are as follows:

**WINNING NUMBERS YOUR NUMBERS GAME 3**

(15) Determination of Prizewinners. Each of the three games in Instant Game Number 649, COOL 5's, uses a different play methodology. Players may win in one or more games. The determination of prizewinners for each game is as follows:

(a) GAME 1. A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. A

ticket having two like amounts and a “**5**” symbol entitles the claimant to double that amount. The prize amounts are: \$1.00, \$2.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$75,000.

(b) GAME 2. A ticket having three “**X**” symbols or

three “**O**” symbols in the same row, column or diagonal shall entitle the claimant to the corresponding prize shown in

the “PRIZE BOX.” A ticket having three “**5**” symbols in the same row, column or diagonal entitles the claimant to double the prize shown in the “PRIZE BOX.” The prizes are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$25.00, \$30.00, \$100, \$500 and \$75,000.

(c) GAME 3. A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket

having a “**5**” symbol in the “YOUR NUMBERS” play area entitles the claimant to double the prize shown. The prizes are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$5,000, \$10,000 and \$75,000.

(16) The estimated odds of winning, value and number of prizes in Instant Game Number 649 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS	
		ODDS OF 1 IN	PER POOL
G3: \$1 x 5	\$5	30.00	168,000
G1: \$1 + G2: \$2 + G3: \$2	\$5	30.00	168,000
G1: \$1 + G2: \$2 (FIVE)	\$5	30.00	168,000
G3: \$5	\$5	30.00	168,000
G1: \$2 + G2: \$1 (FIVE) + G3: \$1 x 6	\$10	30.00	168,000
G1: \$1 (FIVE) + G2: \$4 + G3: \$2 x 2	\$10	60.00	84,000
G2: \$5 + G3: \$5	\$10	60.00	84,000
G1: \$1 + G2: \$2 (FIVE) + G3: \$5	\$10	120.00	42,000
G2: \$10	\$10	120.00	42,000
G2: \$5 + G3: \$5 (FIVE)	\$15	120.00	42,000
G1: \$1 (FIVE) + G2: \$2 + G3: \$1 + (\$2 x 5)	\$15	120.00	42,000
G1: \$2 + G2: \$3 + G3: \$1 x 10	\$15	60.00	84,000
G2: \$10 + G3: \$5 x 3	\$25	400.00	12,600
G1: \$2 + G2: \$3 + G3: \$10 (FIVE)	\$25	240.00	21,000
G1: \$10 (FIVE) + G2: \$5	\$25	400.00	12,600
G1: \$10 + G3: \$5 x 3	\$25	300.00	16,800
G1: \$10 + G2: \$5 + G3: \$5 (FIVE)	\$25	400.00	12,600
G1: \$25	\$25	600.00	8,400
G2: \$5 (FIVE) + G3: \$20 (FIVE)	\$50	150.00	33,600
G1: \$10 (FIVE) + G3: \$10 + \$20	\$50	1,200.00	4,200
G2: \$25 (FIVE)	\$50	1,200.00	4,200
G1: \$25 + G3: \$5 x 5	\$50	1,200.00	4,200
G1: \$20 (FIVE) + G2: \$5 (FIVE)	\$50	300.00	16,800
G1: \$50	\$50	1,200.00	4,200
G1: \$10 + G2: \$30 + G3: (\$5 x 8) + (\$10 x 2)	\$100	3,000.00	1,680
G2: \$25 (FIVE) + G3: \$25 (FIVE)	\$100	3,000.00	1,680
G1: \$10 (FIVE) + G2: \$5 + G3: \$5 + \$10 (FIVE) + \$50	\$100	3,000.00	1,680
G2: \$100	\$100	3,000.00	1,680
G2: \$100 + G3: \$50 x 8	\$500	20,000.00	252
G1: \$50 (FIVE) + G2: \$100 (FIVE) + G3: \$100 (FIVE)	\$500	12,000.00	420
G1: \$500	\$500	12,000.00	420

G1: \$500 (FIVE)	\$1,000	420,000.00	12
G1: \$100 + G3: (\$200 x 2) + \$250 (FIVE)	\$1,000	420,000.00	12
G1: \$100 + G2: \$100 + G3: (\$50 x 8) + (\$200 x 2)	\$1,000	420,000.00	12
G2: \$100 + G3: \$100 + (\$200 x 4)	\$1,000	420,000.00	12
G3: \$1,000	\$1,000	504,000.00	10
G1: \$500 (FIVE) + G2: \$500 (FIVE) + G3: (\$500 x 4) + (\$1,000 x 6)	\$10,000	1,260,000.00	4
G3: \$5,000 (FIVE)	\$10,000	1,680,000.00	3
G3: \$10,000	\$10,000	1,680,000.00	3
G1, G2, G3: \$75,000	\$75,000	1,680,000.00	3

(17) The overall odds of winning some prize in Instant Game Number 649 are 1 in 3.55. 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.

(18) For reorders of Instant Game Number 649, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

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

(20) Payment of prizes for COOL 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 5-26-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 26, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-30  
 RULE TITLE: Instant Game Number 651, MONEY GAME

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 651, "MONEY GAME," 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:

53ER06-30 Instant Game Number 651, MONEY GAME.  
 (1) Name of Game. Instant Game Number 651, "MONEY GAME."

(2) Price. MONEY GAME lottery tickets sell for \$1.00 per ticket.

(3) MONEY GAME 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 MONEY GAME lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

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

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> THELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TWENTY	 HIN			

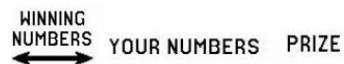
(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> THELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TWENTY				

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

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$1,500</b>
THY FVE	FIFTY	ONE HUN	TWO FTY	FIVE HUN	ONE THO FHN


(7) The legends are as follows:



(8) Determination of Prizewinners.

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



(b) A ticket having a “” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$25.00.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, \$500 and \$1,500. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a MONEY GAME lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 651 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	
		ODDS OF 1 IN	PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	15.00	672,000
\$2	\$2	30.00	336,000
\$4	\$4	150.00	67,200
\$1 + (\$2 x 2)	\$5	150.00	67,200
\$1 x 5	\$5	50.00	201,600
\$5	\$5	150.00	67,200
\$2 x 5	\$10	300.00	33,600
\$10	\$10	300.00	33,600
\$5 + (\$10 x 2)	\$25	1,800.00	5,600
\$5 x 5	\$25	1,800.00	5,600
\$25 (DOLLAR BILL)	\$25	450.00	22,400
\$10 x 5	\$50	18,000.00	560
\$5 + (\$10 x 2) + \$25 (DOLLAR BILL)	\$50	1,800.00	5,600
\$50	\$50	18,000.00	560
\$25 x 4	\$100	45,000.00	224
(\$25 x 2) + \$50	\$100	22,500.00	448
\$100	\$100	45,000.00	224
(\$250 x 4) + \$500	\$1,500	840,000.00	12
\$1,500	\$1,500	1,008,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 651 are 1 in 3.99. 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 651, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for MONEY GAME 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 5-26-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 26, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**WATER MANAGEMENT DISTRICTS**

NAME OF AGENCY: St. Johns River Water Management District

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on April 13, 2006 from Calvary Chapel of Melbourne. Pursuant to Section 120.542, Florida Statutes, Calvary Chapel of Melbourne is seeking a variance from paragraph 40C-4.301(1)(k) and subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-34530-4. The permit applicant is proposing to construct a parking lot addition to Calvary Chapel of Melbourne, an existing church in the City of West Melbourne, Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and