

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-16.001	Definitions
65C-16.002	Adoptive Family Selection
65C-16.003	Case Reviews
65C-16.004	Recruitment, Screening and Application Process/Adoptive Applicants
65C-16.005	Evaluation of Applicants
65C-16.007	Abuse Hotline and Registry and Criminal Records Checks
65C-16.008	Dispute Resolutions and Appeals
65C-16.009	Adoption Placement
65C-16.010	Adoption Placement – Post-Placement Services
65C-16.011	Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients
65C-16.012	Types of Adoption Assistance
65C-16.013	Determination of Maintenance Subsidy Payments
65C-16.014	Determination of Medical Subsidy
65C-16.015	Non-Recurring Adoption Expenses
65C-16.016	Access to Closed Adoption Records
65C-16.017	Florida Adoption Reunion Registry
65C-16.018	Adoption Benefits for Qualifying Employees of State Agencies

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 23, June 6, 2008 issue of the Florida Administrative Weekly. The correction has been made to the Notice of Proposed Rulemaking published in the June 6, 2008 issue of the Florida Administrative Weekly in Vol. 34, No. 23 whereas “DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: April 18, 2008, Vol. 34, No. 16” should have read the following: "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2007, Vol. 33, No. 52.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69U-100.100	Authority, Purpose, and Scope
69U-100.101	Definitions Concerning Debt Cancellation Products
69U-100.102	Prohibited Practices
69U-100.103	Refunds
69U-100.104	Method of Payment or Fees
69U-100.105	Disclosures
69U-100.106	Affirmative Election to Purchase and Acknowledgement of Receipt of Disclosures Required

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly. The legislation that passed during the 2008 regular legislative session that relates to debt cancellation products is House Bill 343 (HB 343) not House Bill 347 (HB 347).

**Section IV
Emergency Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1SER08-4	Post-Election Certification Voting System Audit

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule pertains to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code.

In 2007, the Florida Legislature substantially revised Section 101.591, F.S. (s. 8, Chapter 2007-30, Laws of Florida), relating to voting system audits. The current provision provides that the Legislature may direct that an independent audit be conducted of a voting system in any county at any time. Beginning July 1, 2008, the Florida Legislature requires for every election that a voting system audit be conducted in every county after the election results have been certified. The county canvassing board or other local canvassing board must conduct an audit of a voting system by randomly selecting a race and precincts and tallying the votes cast. The board must complete the audit and publicize the results within 7 days. The board is then required to follow-up with a more detailed audit report to submit to the Florida Department of State within 15 days after the audit is completed. Under Section 101.5911, Florida Statutes, the Florida Legislature tasked the Department of State with

adopting rules to provide the necessary uniform procedures for conducting the manual audit including providing a format for the audit report.

However, in accordance with section 5 of the Voting Rights Act, the Department had to submit the underlying statutory provision as part of chapter law 2007-30, Laws of Florida, to the U.S. Department of Justice for preclearance and a determination that the law did not discriminate on account of race, color, or membership in a language minority group. In the interim, the Florida Department of State enlisted the assistance of the Florida State Association of Supervisors of Elections to identify issues and parameters as groundwork for the proposed rule language.

Shortly after the U.S. Department of Justice pre-cleared the provision October 29, 2007, the Florida Department of State held the first of two proposed rule development workshops on November 29, 2007. Another proposed rule development workshop was held on May 12, 2008.

Significant efforts were undertaken to devise a comprehensive rule that would accommodate a number of logistical issues including the different voting systems used in the state, the different methods by which ballots are tabulated by precinct, and the differences inherent in election processes in small, medium and large-size counties. The proposed language reflects input from the various stakeholders who either attended the workshops or submitted written comments. The proposed language is ready to be published for the next phase of rule development, i.e., public hearing on the proposed rule.

There is insufficient time, however, for the proposed rule to be noticed for the public hearing and adopted prior to the effective date of the underlying law on July 1, 2008, under the normal current rule-making process under chapter 120, Florida Statutes. Therefore, an Emergency Rule is necessary to ensure that the procedures are in place for the county canvassing boards and local canvassing boards to conduct voting system audits for upcoming elections after July 1, 2008, in accordance with Section 101.591, F.S. Absent this emergency rule, there will be no uniform methodology for conducting voting system audits in the state which will undermine the legislative intent and purpose of ensuring the integrity and fairness of the elections process including ensuring the accuracy of voting systems. Based on the foregoing, the Department of State finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adoption of the rule. The time period for general rulemaking takes at least 60 days and will prevent the timely amendment and adoption of a rule needed to have procedures

in place by July 1, 2008. This emergency rule is based on language developed during the ongoing regular rulemaking process for Rule 1S-5.026, F.A.C., entitled similarly and reflects input from the public. This emergency rule will provide the county canvassing board or local canvassing board with the specific procedures necessary to conduct voting system audits and the time to become sufficiently familiar with the procedures to conduct a voting system audit in any election held after July 1, 2008, including the Primary Election held on August 26, 2008.

SUMMARY: This emergency rule provides the specific procedures necessary to implement the legislative intent to conduct a voting system audit in every election by randomly selecting a race and precincts to report on the overall accuracy of such system and to identify any problems or discrepancies, if any.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Maria Matthews, Assistant General Counsel, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536; mimatthews@dos.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER08-4 Post-Election Certification Voting System Audit.

(1) General application. The provisions of this rule apply to a manual audit of a voting system to be conducted after certification of an election. The purpose of the manual audit is to ensure that the voting system deployed in the election tabulated all votes properly. A manual audit is not required in any election in which only paper ballots are used and are not tabulated by a voting system.

(2) Definitions. For purposes of this rule only, the term:

(a) "Audit team" means a two-person team that manually sorts and tallies the votes. The audit team may consist of employees of the supervisor of elections, poll workers or other temporary personnel acting under the direction of the county or other local canvassing board.

(b) "Ballot image" means an electronic record of the content of a ballot cast by a voter and recorded by the voting device.

(c) "Ballot image report" means the printout of ballot images for each machine or precinct generated.

(d) "Board" means the county canvassing board or other local board responsible for certifying the election. The board shall be governed by the provisions of Section 102.141, Florida Statutes, including the process for substitution in the event a member is unable to serve.

(e) "Manual audit" means a public manual tally of the votes cast in one randomly selected race that appears on a ballot in one or more randomly selected precincts.

(f) "Marksense ballot" means the printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or an issue such as a proposed constitutional amendment or other public measure submitted to the electorate at any election, on which an elector casts his or her vote.

(g) "Race" means any contest for filling a candidate office or voting on an issue. Races for state or county executive committees of political parties are not included since these races do not constitute races for candidates pursuant to Section 97.021(4), F.S.

(3) Forms.

(a) The following forms are used in this rule and are incorporated by reference:

1. Form DS-DE 105 A, entitled "Audit Team Worksheet for Direct Recording Electronic Ballots" (eff. 07/08).

2. Form DS-DE 105 B, entitled "Audit Team Worksheet for Marksense Ballots" (eff. 07/08).

3. Form DS-DE 106, entitled "Precinct Summary" (eff. 07/08).

4. Form DS-DE 107 entitled "Post-Election Certification Voting System Audit Report" (eff. 07/08).

(b) Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

(4) Board duties. The Board must:

(a) Publish at least a 24-hour advance notice of the meeting to conduct the random race and precinct selection and the meeting to conduct the manual audit. The notice may be published before the official certification of the election results but neither the random selection nor the manual audit can occur until after the certification. The notice shall include the date, time and place for each meeting. Notice shall be posted in four conspicuous places in the county and on the home page of the county supervisor of elections' website. A link to the notice on the county supervisor of election's homepage will satisfy the website notice requirement.

(b) Conduct, complete and make available the results of a manual audit of a voting system no later than 11:59 p.m. of the 7th day following the official certification of election results.

(c) Submit to the Department of State a report of the audit results in accordance with the report format prescribed in subsection (10) within 15 days after the manual audit is completed.

(5) Random Selection of Race and Precincts.

(a) The Board shall determine the method of random selection of the race and precincts to be audited. The selection method must be done manually and independent of any software program, and on a random basis using a uniform distribution in which all races have an equal chance of being selected and all precincts in which the selected race appears

have an equal chance of being selected. The selection method should be done in a way that the public is assured that all races as defined in rule that appear on the ballot are included in the random selection of the race, and that all precincts containing the selected race are included in the random selection of the precinct or precincts.

(b) The Board shall first randomly select a race from all available races on the ballots. In the event that multiple municipal or other local elections are held on the same day in a county and the county canvassing board certifies the elections, one manual audit will cover all elections held on that day and all races involved in the elections shall be available for selection of the race and precincts.

(c) The Board shall next randomly select two percent of the precincts in which the selected race appears. If two percent of the precincts equals less than a whole number, the number of precincts to be audited shall be rounded up to the next whole number.

(6) General Procedures.

(a) A majority of the Board shall be present at all times until the manual audit is completed.

(b) Prior to the beginning of the manual audit, the Board shall jointly review the rules and statutes governing audit procedures. The Board shall also review the security procedures for manual audits established by the Supervisor of Elections pursuant to subsection (11).

(c) The Board shall ensure that, at a minimum, the minutes of the manual audit proceedings are taken and promptly recorded and maintained.

(d) The Board shall conduct the manual audit in a room large enough to accommodate the following, at a minimum: the board, the audit teams and, if present, two public observers per audit team. If a large public turnout is anticipated, the Board should take reasonable steps to select the largest available public meeting room to accommodate the turnout. In the event that the room is not large enough to accommodate all public observers present, the Board shall provide for the random selection of the observers from among those present just prior to the beginning of the manual audit. The observers shall be allowed to witness the audit team's activities but may not interfere with the proceedings. The Board shall announce the procedures that will allow any departing public observers to be replaced by other observers.

(e) The Board may adopt reasonable rules and policies to ensure the public does not interfere or otherwise disturb the manual audit, including taking whatever reasonable action is necessary to have disruptive and unruly persons removed by law enforcement officials.

(f) The Board shall appoint as many audit teams as necessary to assist in the manual audit. The Board shall resolve any disagreement on the handling or processing of a ballot by an audit team.

(g) No person except the Board, an employee of the Supervisor of Elections or a member of an audit team shall handle any ballot or ballot container, or interfere with or obstruct the orderly manual audit.

(h) To the extent possible, the certified result from the selected race and precinct(s) to be audited shall not be disclosed in advance to the audit teams.

(7) Specific procedures-direct recording electronic voting machine ballots. The Board and the audit teams shall follow these specific audit procedures for votes cast on direct recording electronic machines:

(a) The Board shall order the printing of one official copy of the ballot image report from each machine to be audited. The ballot image shall constitute the ballot for purposes of the tally in accordance with this subsection.

(b) The Board shall differentiate among the various voter's choices in the selected race by assigning a distinct color code to each possible choice in that race.

(c) The audit team shall highlight the voter's choice on the ballot image report in accordance with the assigned color code.

(d) The audit team shall then tally the results and write the number of votes for each candidate or issue choice on the Audit Team Worksheet for DRE Ballots (DS-DE 105 A).

(e) The audit team shall otherwise examine the ballot images and follow the procedures used under subsection (8) for tallying and recording the votes.

(8) Specific procedures-optical scan machine ballots. The Board and the audit teams shall follow these specific audit procedures for votes cast on optical scan machines:

(a) The manual audit shall include a tally of the selected race for the selected precinct or precincts of ballots cast on Election Day and during the Early Voting period, absentee ballots (to include absentee ballots cast by uniformed and overseas citizens), and provisional ballots.

(b) The tally shall be of the marksense ballots that were tabulated by the voting system.

(c) Ballots cast at the precinct on Election Day, early voted ballots, absentee ballots and provisional ballots for each precinct shall be audited separately.

(d) In order to distinguish between errors attributable to improper marking of the ballot versus voting system tabulation error, each audit team shall examine a ballot and if in agreement, shall place a ballot into one of the following stacks:

1. Ballots on which the voter overvoted in the selected race.

2. Ballots on which the voter undervoted in the selected race.

3. Ballots on which the voter marked the race in a manner that should have been read by the voting system tabulator as agreed by the team.

4. Ballots on which the voter marked the race in a manner that might not have been read by the voting system tabulator (deemed questionable ballots).

(e) The audit team shall sort further the ballots stacked pursuant to subparagraph (8)(d)3. according to the voter's choice in the selected race. For example, all ballots with votes for Candidate A are placed in one stack and all ballots with votes for Candidate B are placed in another stack. The audit team members shall then tally the number of ballots in each of those stacks and write the number of votes for each candidate or issue choice in the specific race on the Audit Team Worksheet for Marksense Ballots (DS-DE 105 B).

(f) The audit team members shall also tally the number of ballots for each stack as separated in subparagraphs (8)(d)1., 2., and 4. and write the number of ballots in each stack on the Audit Team Worksheet for Marksense Ballots (DS-DE 105 B).

(g) The manual audit shall continue until completed. A recess may be called but procedures, established by the supervisor of elections, for securing the tally results and ballots shall be followed during the recess.

(9) Results Compilation. After the audit team has finalized its tally, the Board shall compile the results and compare the manual tally under subsections (7) and (8) to the official vote totals for the selected race in the selected precinct(s).

(a) If the manual tally and official vote totals match for that precinct, this result is to be listed on the Precinct Summary form (DS-DE 106).

(b) If the manual tally and official vote totals do not match, the Board shall review the official totals and the stack set out pursuant to subparagraph (8)(d)1., 2., and 4. to determine if the difference can be reconciled. If the re-tally and totals still do not match, the Board shall direct a different audit team, if available, to conduct a manual re-tally. If the re-tally and totals still do not match, the Board shall direct the audit team, to review the paper ballot tabulator printed tapes or reports for the number of ballots cast in the selected race and precinct(s). If the number of ballots cast in the selected race from the printed tapes or reports does not match the number of ballots audited, the canvassing board shall take the steps necessary to resolve the discrepancy. If that tally and official totals still do not match, that manual tally and difference are to be noted on the Precinct Summary form (DS-DE 106).

(10) Audit Report. The Board shall submit its report to the Department of State using the "Post-Election Certification Audit Report" (DS-DE 107). Each audit report shall be accompanied by a completed Precinct Summary form (DS-DE 106) for each precinct audited. The report shall also include a description of:

(a) The overall accuracy of the audit.

(b) Problems or discrepancies encountered, if any.

(c) The likely cause of any problems or discrepancies encountered, if any.

(d) Recommended corrective or remedial actions for any problems or discrepancies encountered, for purposes of avoiding or mitigating such problems or discrepancies in future elections.

(11) Security procedures. Each county shall include in its security procedures pursuant to Section 101.015, F.S., procedures relating to the security of ballots, chain of custody controls, protocols for authorized access and secure storage of ballots used in the manual audit.

(12) Effective date. This rule is effective July 1, 2008.

Specific Authority 20.10(3), 97.012(1), 101.591, 101.5911 FS. Law Implemented 101.591 FS. History—New 7-1-08.

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

EFFECTIVE DATE: July 1, 2008

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER08-18	Forms for Use in the Maximum Millage Calculations Required by Section 200.185, F.S., Chapter 2007-321, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2007-321 and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321 and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here are based on the requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the 2008 Legislature, and will replace the forms used in previous years. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, counties, municipalities, and independent districts, their associations, and practitioners who have told the Department that they want to receive all information associated

with property tax rulemaking. The actions that the Department has taken include: making the proposed drafts available via the Internet on two separate occasions for public review and comments, establishing a new Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the drafts of forms DR-420MM-P, DR-420, DR-420TIF, and DR-420VMA.

SUMMARY: Emergency Rule 12DER08-18, (Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. This rule requires certain actions to be taken by local governments and officials. This rule adopts and incorporates by reference certain millage levy calculation forms to be used by each county, municipality, independent special district and their related dependent special districts, municipal service taxing units, and each local taxing authority.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Renee Harkins, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6104; fax (850)488-9482; email address: harkinre@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-18 Forms for Use in the Maximum Millage Calculations Required by Section 200.185, F.S., Chapter 2007-321, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(1)(a) Emergency Rule 12DER08-18 applies to the property tax administered under Chapters 192 through 197, 200, and 218, Florida Statutes, Chapter 2007-321, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, relating to certain actions required to be taken by local governments and officials under those provisions of law.

(2) This rule subsection adopts and incorporates by reference the following millage levy calculation forms:

(a) Form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure (N. 06/08), hereby incorporated by reference, is the form to be completed by each county, municipality, and independent special district and their related dependent special districts and municipal service taxing units and submitted to the Property Appraiser. This form is used to calculate the government's and related governmental units' maximum millages based on the anticipated vote of the governing body.

(b) Form DR-420, Certification of Taxable Value (R. 06/08), hereby incorporated by reference, is the form to be used by each Property Appraiser to certify taxable value and to be used by each local taxing authority to certify property tax millages and rates.

(c) Form DR-420TIF, Tax Increment Adjustment Worksheet (R. 06/08), hereby incorporated by reference, is the form to be used by each Property Appraiser and taxing authority to determine and certify tax increment values for the applicable local taxing authorities in the county.

(d) Form DR-420VMA, Voted Millage Addendum (N. 06/08), hereby incorporated by reference, is the form to be used by each Property Appraiser and taxing authority to report voted millage levies.

(3) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blounstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority Section 9 of Ch. 2007-321, L.O.F., Section 13 of Ch. 2008-173 (Senate Bill 1588), L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. Sections 11-12 of Ch. 2008-173 (Senate Bill 1588), L.O.F. History--New 6-27-08.

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

EFFECTIVE DATE: June 27, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-40
RULE TITLE: Summer Cash™

SUMMARY: The Department of the Lottery will conduct a "Summer Cash" promotion between Monday, June 30, 2008 and Tuesday, August 26, 2008, in which cash and other prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-40 Summer Cash™.

(1) Beginning June 30 through August 26, 2008, players who purchase a \$5 Summer Cash™ ticket will have the opportunity to win the following prizes:

- 8 – \$250,000 prizes
- 40 – "Gas for Life" prizes (\$52,000 minimum value)
- 400 – "Gas for a Year" prizes (\$2,600 value)
- Over 100,000 – \$25 instant winners

The actual number of instant prizes awarded, and the odds of winning any prize in Summer Cash will depend upon the number of tickets sold during the game period.

(2) Instant \$25 Cash Prize Coupon.

(a) When a ticket is produced that entitles the player to an instant Summer Cash prize of \$25, a special message "You're A Summer Cash Winner" will play on the terminal and the ticket will contain a Lottery Prize Alert symbol and a message that the ticket holder is an instant winner. A Cash Prize Coupon will automatically print along with the Summer Cash ticket. Should any issues arise concerning the transaction and/or prize, it is the player's responsibility to seek resolution of these issues with the retailer and the Lottery prior to leaving the retail location.

(b) Winners can redeem an instant \$25 Cash Prize 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 Cash Prize Coupon by mail. In the event of a dispute concerning the type or amount of a prize, the transaction serial number shall control.

(c) Winners must redeem Cash Prize Coupons by October 25, 2008.

(3) Summer Cash Weekly Drawings.

(a) Each Summer Cash ticket will bear a unique ticket number that will be automatically entered into the current week's drawing. Summer Cash tickets will automatically print from the terminal with ticket numbers issued in sequential order as they are sold around the state. Each Summer Cash ticket will contain only one ticket number. Players cannot select their own ticket numbers. The weekly draw schedule shall be as follows:

DRAW #	DRAW DATE	FROM TICKET NUMBERS ISSUED
<u>1</u>	<u>July 9</u>	<u>June 30 – July 8</u>
<u>2</u>	<u>July 16</u>	<u>July 9 – July 15</u>
<u>3</u>	<u>July 23</u>	<u>July 16 – July 22</u>
<u>4</u>	<u>July 30</u>	<u>July 23 – July 29</u>
<u>5</u>	<u>August 6</u>	<u>July 30 – August 5</u>
<u>6</u>	<u>August 13</u>	<u>August 6 – August 12</u>
<u>7</u>	<u>August 20</u>	<u>August 13 – August 19</u>
<u>8</u>	<u>August 27</u>	<u>August 20 – August 26</u>

For each drawing, a total of fifty-six (56) ticket numbers will be selected. The first ticket number drawn will be entitled to a prize of \$250,000; the second through sixth numbers drawn will be entitled to prizes of "Gas for Life"; and the seventh through fifty-sixth numbers drawn will be entitled to prizes of "Gas for a Year."

(b) A prizewinner possessing a Summer Cash ticket bearing one of the 56 ticket numbers drawn must present the winning ticket to a Florida Lottery office within 180 days of the winning draw date, along with a completed Winner Claim Form DOL 173-2, or DOL 173-2S (together referred to as the "claim package") which are hereby incorporated by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at www.flalottery.com. Failure of a prizewinner to file a claim for a Summer Cash prize within 180 days of the winning draw date shall result in forfeiture of the prize.

(c) "Gas for Life" prizewinners will receive prepaid gas cards in increments of \$100 each once a year for life with a minimum of 20 years. The value of the gas cards received will be the annual value of \$2,600 less applicable tax withholding. Any excess amount not divisible into a \$100 gas card will be paid in cash. A cash option of \$52,000, less applicable tax withholding, is available to winners in lieu of the "Gas for Life" prize.

(d) "Gas for a Year" prizes, valued at \$2,600, will be 26 prepaid gas cards in increments of \$100 each. A cash option is not available for the "Gas for a Year" prize except that the Florida Lottery reserves the right, due to unavailability of gas cards, to award cash prizes equal to the value of the gas cards.

(e) No expiration date will apply to the gas cards.

(f) Federal income tax withholding will be applied to the \$250,000 prize and to the "Gas for Life" prize. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner. If a non U.S. Citizen presents a winning ticket, applicable federal withholding taxes will be deducted from the cash value of the prize. The remaining amount will be paid to the player in gas cards. Any excess amount not divisible into a \$100 gas card will be paid in cash.

(g) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(4) 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 win.

(5) All Summer Cash prizes are subject to the provisions of Chapter 24, Florida Statutes and rules promulgated thereunder. Prizes will be paid in accordance with the procedures set forth in Rule 53ER08-20, F.A.C., or applicable replacement rule.

(6) The Florida Lottery will post the winning numbers at Florida Lottery retailers and at www.flalottery.com after each Wednesday drawing.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 6-27-08.

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

EFFECTIVE DATE: June 27, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-41
 RULE TITLE: Summer Cash™ Retailer Bonus Cashing Commission

SUMMARY: Effective June 30, 2008 through August 26, 2008, the Florida Lottery will award retailers cashing commissions on each Summer Cash instant prize redeemed by them.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-41 Summer Cash™ Retailer Bonus Cashing Commission.

(1) Effective June 30, 2008 through August 26, 2008, the Florida Lottery will pay retailers a five-percent (5%) cashing commission on each Summer Cash™ instant \$25 Cash Prize Coupon redeemed in their store, including the regular commission set forth in Rule 53ER05-14, Florida Administrative Code.

(2) The cashing commission will be reflected on the retailer's weekly Settlement Report.

(3) A bonus cashing commission will be considered compensation to the retailer for Internal Revenue Service purposes.

Specific Authority 24.105(9)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History--New 6-27-08.

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EFFECTIVE DATE: June 27, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-42
 RULE TITLE: Retailer Accountability.

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

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-42 Retailer Accountability.

(1) Ticket Accountability.

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

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

(c) Each retailer is liable to the Lottery for any and all tickets accepted or generated by any employee or representative of that retailer, less cancelled on-line tickets and tickets returned for adjustment credit in accordance with paragraph (1)(d) or (e) below. Scratch-off tickets shall be deemed to have been purchased by the retailer unless returned to the Lottery by the official end of game date.

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

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

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

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

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

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

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

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

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

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

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

1. Settlement by the retailer:

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

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

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

(2) Financial Accountability.

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

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

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

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

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

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

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

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

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

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

4. For a third delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges and post a certificate of deposit or performance bond with the Florida Lottery prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets. The amount of the security shall not exceed twice the retailer's average weekly ticket sales as determined by the Lottery.

5. For a fourth delinquency in a twelve-month period, a review of the retailer account will be performed by the Lottery to determine if the retailer's contract will be terminated. In making its determination, the Lottery will review factors such as the retailer's Lottery accounts receivable transactions and Lottery sales history. If the retailer contract is not terminated, the Lottery will make a determination as to whether the security amount is to be increased or whether other requirements are to be imposed.

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

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

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

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

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

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

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

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

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

12. The Lottery will accept a prepayment for the settlement amount if the prepayment is received by the Lottery prior to 5:00 p.m., Eastern Time, on the day before the EFT would normally occur. A service charge will not be applied to the first three (3) prepayments made by a retailer in a twelve-month period, nor will the first three (3) prepayments be counted as a delinquency against the retailer; however, retailers who make more than three (3) prepayments in a twelve-month period will be assessed a service charge as described in subparagraph (2)(f)7. above for each additional prepayment. The Lottery reserves the right to waive the service charge upon showing of good cause by a retailer. Failure by the Lottery to impose a service charge does not constitute a waiver of its right to impose a service charge for any subsequent prepayment.

13. The Lottery will actively pursue collection of all delinquencies that are not paid through the process described above. Methods of collection may include, but are not limited to, filing judicial proceedings and referral of the delinquent accounts to the Office of the Comptroller.

(3) The emergency rule replaces Emergency Rule 53ER05-16, Florida Administrative Code, effective July 1, 2008.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1),(11), 24.114 FS. History--New 7-1-08. Replaces 53ER05-16.

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: July 1, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-43
RULE TITLE: Lost, Stolen, or Damaged Instant Lottery Tickets

SUMMARY: This emergency rule sets forth for Lottery retailers the reporting requirement and charges associated with active and inactive books of lost, stolen or damaged instant lottery tickets.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-43 Lost, Stolen or Damaged Instant Lottery Tickets.

(1) Reporting Requirement.

(a) Upon the theft, loss or damage of instant lottery tickets the retailer shall immediately report the incident to the Lottery Division of Security at (850)487-7752.

(b) For purposes of this rule, tickets that have latex removed or that have been "scratched" are not considered "damaged tickets" and shall not be accepted for retailer account adjustment.

(2) Inactive Tickets. If tickets from a book are lost, stolen or damaged before the book has been activated, the retailer will be charged a service fee equal to fifty percent (50%) of the value of the book, less sales commission, except as follows:

(a) If the retailer provides the Lottery with a copy of a police report reporting the theft of tickets, the retailer shall be charged a non-refundable service fee of five dollars (\$5.00) for each book reported stolen.

(b) The retailer will not be charged a service fee for books missing from a shipment provided the retailer reports the books as missing to the Lottery within seven (7) days of receipt of the shipment.

(c) A retailer will not be charged a service fee for books damaged by the vendor provided such damage is reported to the Lottery within seven (7) days of receipt of the shipment containing the damaged books.

(3) Active Tickets. If tickets from a book are lost, stolen or damaged after the book has been activated, the retailer shall be charged the retail value of the book of tickets multiplied by the percentage of low tier winning tickets redeemed as of the date the book is reported lost, stolen or damaged, less the retailer's sales commission(s).

(4) Settled Tickets. If a retailer settles a book of active tickets and subsequently reports unsold tickets as lost, stolen or damaged, the retailer will be credited an amount equal to the retail value of the book less the amount calculated as set forth in subsection (3) above.

(5) The retailer shall return to the Lottery tickets recovered by the retailer subsequent to the tickets being reported lost, stolen or damaged.

(6) Payment for Tickets. Accounting for lost, stolen or damaged tickets will be reflected on the retailer's weekly Settlement Report, as follows:

(a) The amount due the Lottery for the active books will be included with the book sales value.

(b) The amount due the Lottery for the inactive books will be reflected as an adjustment. No adjustment will be made to the retailer's account upon return to the Lottery of active lost, stolen or damaged tickets recovered by the retailer subsequent to the tickets being reported lost, stolen or damaged.

(7) In the event books of tickets are lost, stolen or damaged for reasons arising out of force majeure, the Florida Lottery reserves the right to waive the assessment of charges under this rule. In determining whether to waive an assessment, the Lottery will consider factors such as the number of previous occurrences of lost, stolen or damaged tickets by the retailer in question, if any; whether the retailer had taken precautions to prevent the occurrence of lost, stolen, or damaged tickets; and whether the retailer had implemented loss prevention recommendations made by the Lottery prior to the occurrence of lost, stolen, or damaged tickets. As used herein, "force majeure" shall include acts of God, action of the elements, fire, explosion, rationing, war, civil disturbance, or other similar occurrences.

(8) This emergency rule replaces Emergency Rule 53ER07-16 Florida Administrative Code, effective July 1, 2008.

Specific Authority 24.109(1), 24.105(9)(j), 24.112(1) FS. Law Implemented 24.112, 24.114 FS. History--New 7-1-08, Replaces 53ER07-16.

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EFFECTIVE DATE: July 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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