

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

<p>RULE NOS.: 64B15-14.0051</p> <p>64B15-14.0052</p>	<p>RULE TITLES: Standards of Practice for Physicians Practicing in Pain Management Clinics</p> <p>Requirement for Pain Management Clinic Registration; Inspection or Accreditation</p>
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NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine announces a public hearing regarding the above proposed rules, as noticed in Vol. 36, No. 16, April 23, 2010 Florida Administrative Weekly.

DATE AND TIME: Friday, June 18, 2010, 4:00 p.m.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: public hearing on Rules 64B15-14.0051 and 14.0052, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

<p>RULE NO.: 64J-1.020</p>	<p>RULE TITLE: Training Programs</p>
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NOTICE OF WITHDRAWAL

Notice is hereby given that subsection (8) of the above rule, as noticed in Vol. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly has been withdrawn and the remaining subsections are renumbered accordingly.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

<p>RULE NO.: 53ER10-17</p>	<p>RULE TITLE: Extension of Retailer POWERBALL® with Power Play® Bonus Commission Retailer Incentive</p>
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SUMMARY: The Department of the Lottery will extend the Retailer POWERBALL® with Power Play® Bonus Commission Retailer Incentive in Rule 53ER10-13, F.A.C., through June 12, 2010.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-17 Extension of Retailer POWERBALL® with Power Play® Bonus Commission Retailer Incentive.

The end date of the POWERBALL® with Power Play® Retailer Bonus Sales Commission Program described in Rule 53ER10-13, F.A.C. is extended from May 19, 2010 to June 9, 2010.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 5-19-10.

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

EFFECTIVE DATE: May 19, 2010

DEPARTMENT OF THE LOTTERY

<p>RULE NO.: 53ER10-18</p>	<p>RULE TITLE: FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission</p>
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SUMMARY: The Florida Lottery will pay double the sales commissions to retailers that sell FLORIDA LOTTO™ with XTRA® 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:

53ER10-18 FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission.

(1) Beginning May 20, 2010 through June 9, 2010, the Florida Lottery will conduct, as a retailer sales incentive, a FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission program in which the Florida Lottery will double the sales commissions to retailers.

(2) The Florida Lottery will pay retailers 5% bonus sales commission on each XTRA sale in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for a total of \$.15 for each \$2.00 Florida LOTTO with Xtra sale.

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

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(5) Bonus sales commissions will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the commission(s), if any.

(6) FLORIDA LOTTO™ with XTRA bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 5-19-10.

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

EFFECTIVE DATE: May 19, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-19
 RULE TITLE: Firecracker MILLIONAIRE RAFFLE™

SUMMARY: This emergency rule describes the on-line game "Firecracker MILLIONAIRE RAFFLE," for which the Department of the Lottery will sell tickets beginning May 21, 2010.

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:

53ER10-19 Firecracker MILLIONAIRE RAFFLE™.

(1) How to Play Firecracker MILLIONAIRE RAFFLE.

(a) Firecracker MILLIONAIRE RAFFLE is an on-line number match game.

(b) Each Firecracker MILLIONAIRE RAFFLE ticket costs \$20.

(c) Firecracker MILLIONAIRE RAFFLE tickets will go on sale Friday, May 21, 2010. Sales of Firecracker MILLIONAIRE RAFFLE tickets will cease immediately after the 750,000th ticket is sold or at midnight on July 5, 2010, whichever occurs first.

(d) Each Firecracker MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the Firecracker MILLIONAIRE RAFFLE drawing. Firecracker MILLIONAIRE RAFFLE tickets will automatically print from the terminal with ticket numbers issued in sequential order from 1 to 750000 as they are sold around the state. Each Firecracker MILLIONAIRE RAFFLE ticket will contain only one ticket number. Players cannot select their own ticket numbers.

(e) The overall odds of winning a prize in the Firecracker MILLIONAIRE RAFFLE drawing depend upon the number of tickets sold and are 1 in 295 if all 750,000 tickets are sold.

(f) Firecracker MILLIONAIRE RAFFLE tickets cannot be cancelled.

(2) Firecracker MILLIONAIRE RAFFLE Drawing and Prizes.

(a) A random computerized drawing from among all Firecracker MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on July 6, 2010. A total of 2,540 prizes will be awarded. Prizes will be awarded in the order drawn. The 1st through 5th numbers drawn will win \$1 million cash, less applicable tax withholding. The 6th through 15th numbers drawn will win \$100,000, less applicable tax withholding, and will be alternates, in the order drawn, for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period. The 16th through 40th numbers drawn will win \$10,000. The 41st through 2,540th numbers drawn will win \$500.

(b) The Firecracker MILLIONAIRE RAFFLE drawing will be held on July 6, 2010 and shall be public and witnessed by an accountant employed by an independent certified public accounting firm, as required by Section 24.105(10), Florida Statutes.

(c) The results of the drawing will be revealed on July 6, 2010 and will be available after the drawing on the Lottery's website at www.flalottery.com, by phone at 1(850)487-7777, or at a lottery retailer.

(3) How to Claim a Firecracker MILLIONAIRE RAFFLE Prize.

(a) Firecracker MILLIONAIRE RAFFLE prizes must be claimed by submitting the winning ticket for validation at a Lottery office or retailer within 180 days from the date of the drawing (by January 2, 2011) and, if the prize is not paid at that time, by submitting the winning ticket for payment at a Lottery office, as required by the Lottery's rule governing payment of prizes. Winning Firecracker MILLIONAIRE RAFFLE tickets of \$500 can be claimed at a retailer or at a Lottery office. Winning tickets of \$10,000 and \$100,000 must be presented to

a Lottery office for payment. Tickets winning \$1 million must be submitted for payment at Lottery Headquarters. Failure of a prizewinner to claim a *Firecracker* MILLIONAIRE RAFFLE prize by submitting the winning ticket for validation and payment in accordance with the Lottery's rule governing payment of prizes shall result in forfeiture of the prize. Information about procedures for filing a claim can be obtained by calling (850)487-7777 [TDD (850)487-7784]. *Firecracker* MILLIONAIRE RAFFLE tickets are the only valid receipts to redeem a prize.

(b) A claim filed for a \$100,000 prize shall also be a contingent claim for a \$1 million prize. If a winning *Firecracker* MILLIONAIRE RAFFLE ticket bearing any of the first five winning numbers is not submitted for validation and payment in accordance with the Lottery's rule governing payment of prizes, the 6th through 15th prizewinners who have submitted their tickets for validation and payment in accordance with the Lottery's rule governing payment of prizes constitute contingent winners for the \$1 million prize and will be used in the order in which they were drawn to select a winner for the \$1 million top prize. The contingent winner will be awarded the cash difference between the \$100,000 prize and the \$1 million prize.

If applicable, the Lottery will attempt to notify, for a period of two weeks, the first contingent winner drawn in the \$100,000 prize category. If the Lottery is unable to contact the first contingent winner, the Lottery will attempt to notify, for a period of two weeks, the second contingent winner drawn. This process will continue until a contingent winner is contacted or the Lottery has exhausted the list of available contingent winners, in which case the \$1 million prize will not be awarded.

(c) Payment of all federal, state and/or local taxes will be the responsibility of the winner. Federal withholding taxes will be deducted from the \$1 million, \$100,000 and \$10,000 cash payments.

(4) Instant Win Prizes.

(a) Players who purchase a *Firecracker* MILLIONAIRE RAFFLE ticket early may be an instant winner of cash and Universal Orlando® prizes. A total of ninety-two (92) instant win prizes will be given away randomly from May 21 through June 17, 2010, including:

1. Forty (40) Hotel Prizes each consisting of \$1,000 cash plus two (2) 2-night hotel accommodations, room and tax only, for two (2) adults in a maximum of one (1) standard or garden view room at an on-site hotel at Universal Orlando Resort as selected by Universal and two (2) 2-day 2-park passes for admission for two (2) adults to Universal Studios Florida and Universal's Islands of Adventure theme parks. Hotel accommodations do not include meals, incidentals, tips, telephone calls, or any other personal expenses incurred during the trip, not specified here. The approximate retail value of each hotel prize is \$1,818.00.

2. Fifty-two (52) Ticket Prizes each consisting of \$500 cash plus one (1) pair of 2-day 2-park passes for admission for two (2) adults to Universal Studios Florida and Universal's Islands of Adventure theme parks, one park per day. The approximate retail value of each ticket prize is \$770.00.

(b) If a *Firecracker* MILLIONAIRE RAFFLE ticket is an instant winner, the terminal will play a tune and an Instant Win Prize Voucher will automatically print after issuance of the *Firecracker* MILLIONAIRE RAFFLE ticket. *Firecracker* MILLIONAIRE RAFFLE instant winning tickets will contain a Lottery Prize Alert symbol and a message that the ticket holder is an instant winner. 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.

(c) Instant prize winners must file a claim for their Instant Win Vouchers at a Lottery office by September 3, 2010. The instant win prize winners will be required to execute a Florida Lottery Release and Authorization Form DOL-474. Form DOL-474, Eff. 10/08, is hereby incorporated by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The cash portion of all instant prizes will be paid by the Florida Lottery at the time the claim is filed, subject to subsection (8) below. The pair of Universal Orlando 2-day park tickets will be mailed to prize winners within two weeks following Universal Orlando's receipt of prize winner's name from the Florida Lottery. A member of Universal Orlando's Promotion Fulfillment Department will contact the prize winner, who will in turn be responsible for making the necessary travel arrangements.

(d) Hotel prize winners of a Universal Orlando Resort 2-night hotel stay will also be contacted by a member of Universal Orlando's Promotion Fulfillment Department within two weeks following Universal Orlando's receipt of prize winner's name from the Florida Lottery. The prize winner will be responsible for making the necessary travel arrangements directly with Universal Orlando Resort.

(e) All Universal Orlando Resort instant win prizes must be claimed by September 3, 2010 and travel must be completed no later than December 31, 2010. Blockout dates or other restrictions may apply as directed by hotel. Winner travel arrangements must be made a minimum of fourteen (14) days prior to winner travel and are subject to availability. All elements of the Universal Orlando instant win prizes must be redeemed at the same time, and no changes will be permitted after confirmation of a reservation. If the winner is unable to fulfill his or her hotel prize during above-referenced time period, the winner forfeits the non-cash portion of the prize package. Winners of hotel prizes must be 21 years of age or older unless accompanied by a parent or legal guardian, who is at least 21 years of age, in order to check in to on-site hotel.

Minor traveling companion(s), if any, must be accompanied by a parent or legal guardian. Trips are non-transferable and have no cash value. All unclaimed and/or unused Universal Orlando prize packages will remain the property of Universal Orlando and may not be sold, exchanged or otherwise transferred by winner. Winner and guests must travel at the same time. Winners who do not meet these specified requirements will forfeit the right to the hotel stay; however, the value of the hotel stay will remain taxable income to the winner. Universal Orlando Resort hotel stays and park tickets cannot be redeemed for cash.

(f) All the Universal Orlando theme park tickets are valid during normal operating hours only. Operating hours and availability of attractions and shows are subject to change without notice. Some special events may be separately ticketed. Universal reserves the right to change the name of all tickets. All tickets specifically exclude admission to special or separately ticketed "hard ticket" entertainment events at either of the theme parks, hotels, or within any of the Universal CityWalk venues such as Hard Rock Live[®] and the Blue Man Group show.

(5) Payment of federal, state and/or local taxes on instant win prizes is the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident winner.

(6) Universal Orlando Resort Offer Coupon.

(a) All Firecracker MILLIONAIRE RAFFLE tickets that are not instant winners will receive a Resort Offer Coupon for a special offer from Universal Orlando Resort. As purchasers of Firecracker MILLIONAIRE RAFFLE tickets, players can book a Universal Orlando Resort on-site hotel for 3 nights or more from May 21 – July 31, 2010, with travel from August 15 – October 7, 2010, and receive a discounted room rate starting from \$134 per night at Loews Royal Pacific Resort and a \$75 dining credit for all qualified bookings. A minimum 3 night stay is required. The offer is limited to one (1) \$75 food and beverage credit per booking. Consumers must book their hotel room at Universal's website and present their Florida Lottery Firecracker Millionaire Raffle discount coupon upon check-in at the on-site hotel at Universal Orlando Resort to receive the \$75 dining credit. No duplications, replications or facsimiles will be accepted. Credit applies to select hotel restaurants only, and days/hours of operation may vary. The offer is non-transferable and cannot be combined with any other offers, promotions, or discounts. The offer is subject to hotel availability. Any unused portions are non-transferable and non-refundable. Blockout dates or other restrictions may apply as directed by hotel.

(7) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play. A winner's right to a prize cannot be assigned to another person or entity.

(8) If a winner of a prize valued at \$600 or more is identified as owing an outstanding debt to a state agency, child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), F.S., in an amount less than the cash portion of the prize, the non-cash portion of the prize, if any, and the cash portion of the prize less the amount owed, shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize, the winner's entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115, F.S., and the winner will receive the remaining non-cash portion of the prize, if any.

(9) All Firecracker MILLIONAIRE RAFFLE prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the 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.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 5-20-10, Replaces 53ER09-21.

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

EFFECTIVE DATE: May 20, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER10-20	Firecracker MILLIONAIRE RAFFLE™ Retailer Incentive Rules

SUMMARY: The Department of the Lottery will conduct a "Firecracker Millionaire Raffle Retailer Incentive" program from May 21, 2010 through July 5, 2010, in which certain retailers will receive bonus commissions during the promotion period.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-20 Firecracker MILLIONAIRE RAFFLE™ Retailer Incentive Rules.

(1) Firecracker MILLIONAIRE RAFFLE is an on-line number match game. Firecracker MILLIONAIRE RAFFLE tickets will go on sale Friday, May 21, 2010. Sales of

Firecracker MILLIONAIRE RAFFLE tickets will cease immediately after the 750,000th ticket is sold or at midnight on July 5, 2010, whichever occurs first.

(2) There will be five winners of \$1 million, ten winners of \$100,000, twenty-five winners of \$10,000 and 2,500 winners of \$500 in the Firecracker MILLIONAIRE RAFFLE game. The \$100,000 winners will be alternates in the order drawn for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period.

(3) A retailer who sells a winning \$1 million Firecracker MILLIONAIRE RAFFLE ticket will receive a bonus commission of \$5,000 in addition to the regular five percent sales commission set forth in Rule 53ER05-14, F.A.C.

(4) Award of a bonus commission is not dependent upon the winning Firecracker MILLIONAIRE RAFFLE ticket being claimed by the winner. Retailers who sell winning \$100,000 Firecracker MILLIONAIRE RAFFLE tickets that subsequently become alternate winners of a \$1 million prize will not be eligible for a bonus commission.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the bonus commission earned against a retailer's outstanding debt to the Florida Lottery.

Rulemaking Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History--New 5-20-10, Replaces 53ER09-22.

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

EFFECTIVE DATE: May 20, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on May 17, 2010, the Department of Community Affairs, Division of Housing and Community Development, received a petition for waiver from

the City of DeFuniak Springs relating to Florida Small Cities Community Block Grant Program subgrant ceilings based on HUD modified census figures summarizing low and moderate income population. The petitioner seeks a waiver of paragraph 9B-43.0041(2)(b), Florida Administrative Code. This waiver is being requested pursuant to the provisions of Section 120.542, Florida Statutes and Section 28-104.002, Florida Administrative Code. It was assigned the number DCA10-WAI-111.

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

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on May 13, 2010, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by Paula Boyd. The rule requires officers to successfully complete firearms qualification every two years unless an officer is injured in the line of duty, which would grant the officer two additional years to complete the qualification. The Petitioner has cancer which prevents her from completing her firearms qualification. The Petitioner would like to waive the operation of the rule in her case.

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

NOTICE IS HEREBY GIVEN THAT on May 20, 2010, the Criminal Justice Standards and Training Commission has issued an order.

This matter concerned a request for a permanent waiver of subsection 11B-27.00212(14), F.A.C., by Paula Boyd. The rule requires officers to successfully complete firearms qualification every two years unless an officer is injured in the line of duty, which would grant the officer two additional years to complete the qualification. The Petitioner has cancer which prevents her from completing her firearms qualification. The Petitioner requested a waiver of the operation of the rule in her case. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 36, No. 22, on June 4, 2010.

On May 20, 2010, at its regularly scheduled business agenda meeting held in Ocala, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to for the Petitioner to qualify while undergoing medical treatment for a serious illness. The Commission found that the purposes of the underlying statute, to ensure that officers are