

and the status of the individual’s caregiver if applicable. If funding is available, the Agency shall offer waiver enrollment to individuals on the waitlist in the order of the categories, category 1 being the top category. Within categories 3 through 7 each category, the date the individual was determined eligible for the wait list shall determine the order for receiving waiver services.

(5) Category 3 includes the following individuals:

(a) Individuals for whom the caregiver has a condition or circumstance that is expected to render the caregiver unable to provide care within the next twelve months and other caregivers are unable, unwilling or unavailable to provide care. The evaluation of the caregiver’s condition or circumstance should consider the level of care necessitated by the client’s needs and the caregiver’s ability to provide that level of care. The condition or circumstance that renders the caregiver unable must be documented by a physician’s statement if it is a medical condition and must explain the reason the current caregiver can no longer provide the individual’s care. If the caregiver is paid by any source for their services to the individual there is a rebuttable presumption that another paid provider could be substituted and therefore that another caregiver is available to provide care. The client may present evidence to show that this presumption is not correct under their particular circumstances. Circumstances that are not medical in nature must be described and signed by the caregiver and notarized. This documentation will be provided to the Area Office for a determination of eligibility for Category 3.

Rulemaking Authority 393.065(7) FS. Law Implemented 393.065(5) FS. History--New_____.

65G-11.003 No change.

DEPARTMENT OF FINANCIAL SERVICES

Financial Services Commission

RULE NOS.:	RULE TITLES:
69M-236.001	Purpose
69M-236.002	Definitions
69M-236.003	Methodology
69M-236.004	Limitations and Exclusions
69M-236.005	Data Sources

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 32, August 13, 2010 issue of the Florida Administrative Weekly. The notices of rule development for these rules were published on July 2 and 31, 2009, and not on July 17, 2009.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-38
 RULE TITLE: The Price is Right® Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a The Price is Right® Second Chance Drawing between June 8, 2010 and November 24, 2010, in which special 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:

53ER10-38 The Price is Right® Second Chance Drawing.
(1) Beginning Tuesday, June 8, 2010, players can enter their non-winning THE PRICE IS RIGHT® Florida Lottery Scratch-off tickets in The Price is Right® Second Chance Drawing on the Florida Lottery Web site to win a trip to Las Vegas to participate in The Price Is Right® Live! Experience Game.

(2) Six (6) Second Chance Drawings will be held between July 7 and November 24, 2010 from entries received by midnight the night before each drawing. Entries will be good for one drawing only. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Wednesday, July 7, 2010	June 8 – July 6, 2010
2	Wednesday, August 4, 2010	July 7 – August 3, 2010
3	Wednesday, September 1, 2010	August 4 – August 31, 2010
4	Wednesday, September 29, 2010	September 1 – September 28, 2010
5	Wednesday, October 27, 2010	September 29 – October 26, 2010
6	Wednesday, November 24, 2010	October 27 – November 23, 2010

(3) In each of the six (6) The Price is Right® Second Chance Drawings, four (4) grand prize winners will win a trip to Las Vegas to participate in The Price is Right® Live! Experience Game for a chance to play for merchandise prizes

and up to \$1 million cash. In each of the Second Chance Drawings, fifteen (15) second prize winners will win a Nintendo Wii™ video game system with The Price is Right® video game. A total of 24 grand prizes and 90 second prizes will be awarded in the Second Chance Drawings.

(4) To enter a non-winning ticket into The Price Is Right® Second Chance Drawing, visit the Florida Lottery's Web site at flalottery.com, click on The Price is Right® Second Chance Drawing icon and follow the directions.

The ticket number is located below the play instructions on the front of a THE PRICE IS RIGHT® Scratch-Off ticket. Scratch off the latex covering to reveal the 24-digit ticket number. Winning THE PRICE IS RIGHT® tickets cannot be used for entry in the Second Chance Drawings. The odds of winning are dependent upon the number of entries received.

At the time of entering a non-winning THE PRICE IS RIGHT® ticket, players will be provided an option to enter the Second Chance Drawings directly or play The Price Is Right® Interactive game on the Web site where the point value assigned to the ticket will be revealed. In The Price Is Right® Interactive game, players will collect points by playing the PLINKO® and SPIN THE WHEEL™ games.

Each non-winning THE PRICE IS RIGHT® Scratch-off ticket has a point value from 4,000 points to 25,000 points. Point values will be converted into entries into one of the monthly drawings; every 1,000 points equals one (1) entry into The Price Is Right® Second Chance Drawing. Each non-winning THE PRICE IS RIGHT® Scratch-off ticket will be entitled to four (4) to twenty-five (25) entries in the applicable drawing. If players choose not to play the game or if they experience technical problems while playing The Price Is Right® Interactive game, the points that would have been revealed in the course of playing the game will be credited to their entry account for that draw period.

(5) Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one opportunity to receive entries into one (1) The Price Is Right® Second Chance Drawing. Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(6) In each of the six (6) drawings, the first four valid entries drawn will win the Grand Prize of The Price Is Right® Las Vegas Trip, and the fifth through nineteenth valid entries drawn will win a second prize of a Nintendo Wii™ video game system with The Price is Right® game. The fifth through nineteenth valid entries will be used in the order in which they were drawn to select an alternate grand prize winner in the event the grand prize cannot be awarded.

The prizewinners in each Second Chance Drawing will be posted on flalottery.com on the day of the draw. The Florida Lottery will attempt to notify each winner by telephone, U.S. mail or e-mail using the contact information provided in the winner's registration data no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a grand prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. If the Florida Lottery is unable to contact the alternate winner within three (3) weeks of the date of award of the prize, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates, provided that, to meet the anticipated schedule for the Las Vegas trip in February 2011, the last date upon which the Lottery will attempt to contact an alternate winner will be January 5, 2011. If the Lottery is unable to contact an alternate by that date, the grand prize will not be awarded. An alternate winner who has not claimed the second prize at the time of notification will be awarded only the grand prize. An alternate winner who has claimed the second prize at the time of notification may retain the second prize.

If the Florida Lottery is unable to contact a second prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the second prize will not be awarded.

(7) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a prize in a The Price is Right® Second Chance Drawing, the player must submit to the Florida Lottery the original valid non-winning THE PRICE IS RIGHT® ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL 173-2, or Spanish Winner Claim Form DOL 173-2S, as referenced in Rule 53ER10-1, F.A.C., and appropriate identification. Winners must also submit a notarized Florida Lottery Release and Authorization Form DOL-474, revised 10/08. All forms must be submitted within seven (7) days of notification by the Florida Lottery that they are a winner. If the winner does not return the required forms within seven (7) days of notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. Form DOL-474 is hereby incorporated by reference and may be obtained at any Lottery office, from the Florida Lottery's Web site at www.flalottery.com, or by writing to: Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(8) Upon the Florida Lottery's receipt of a winner's required documentation, the Lottery will notify the fulfillment company of the name of the winner. The fulfillment company will ship the Wii™ and The Price is Right® video game package prizes to second prize winners within approximately fifteen (15) business days after notification from the Florida Lottery. The estimated retail value of the second prize is three hundred dollars (\$300). The fulfillment company will contact the grand prize winners within approximately ten (10) days to make arrangements for the trip to Las Vegas for The Price Is Right® Live! Experience Game.

(9) Each grand prize winner will win a four-day, three-night trip to Las Vegas, Nevada for the prizewinner and one (1) guest. Each trip includes coach airfare for two (2) from any U.S. airport to McCarran International Airport in Las Vegas, all ground transfers between the airport and the hotel and studio, one (1) double occupancy deluxe hotel room for three (3) nights, two (2) tickets to The Price Is Right® Live! Experience Game and five-thousand dollars (\$5,000.00) cash. The Florida Lottery shall withhold from the \$5,000 cash portion of the Grand Prize Trip federal income tax withholding on the value of the Grand Prize Trip. The estimated retail value of the grand prize is ten thousand dollars (\$10,000).

The Grand Prize Trip does not include mileage, gratuities, meals, parking fees, departure fees, excess baggage fees, alcoholic beverages (other than those served without charge at any reception or party), any items not expressly specified and personal expenses such as telephone calls, valet service, laundry and the like, as well as revision or cancellation fees which may be charged by the hotel or other suppliers.

(10) Each grand prize winner must be 21 years of age or older to be eligible to play The Price Is Right® Live! Experience Game stage show. If the prizewinner is under the age of 21, he/she may designate a proxy or request that one be designated by the Florida Lottery or Scientific Games International, Inc. ("SGI") to play on his/her behalf. If a winner designates a proxy, the proxy will be classified as the winner's guest; if a winner has a proxy designated by the Florida Lottery or SGI, one (1) guest will be permitted to accompany the winner on the trip. The winner is solely responsible for the actions of the guest who accompanies the winner on the trip. If a winner's guest is a minor, the winner must be the parent or legal guardian of such guest.

The grand prize winner or the winner's guest must have a valid credit card or shall be required to post a cash deposit to cover incidental costs to check into the hotel. Grand prize winner and guest must have all necessary identification and/or travel documents (e.g., a valid U.S. driver's license or passport).

(11) The grand prize trip is not transferable or assignable without the express written consent of the Florida Lottery. If the prizewinner advises the Florida Lottery in advance that he or she is unable to take the grand prize trip, the prizewinner will receive the cash portion of the grand prize and may

designate a proxy to use the travel portion of the grand prize in his or her stead and participate on the game show; in such event, the prizewinner shall receive any prize won by the proxy and the grand prize trip and all prizes won by the proxy on the game show will be taxable to the prizewinner.

If the grand prize winner is traveling via air and fails to appear at the designated time and place of departure, the airfare portion of the prize shall be forfeited and prizewinner shall be responsible for making alternative arrangements to travel to Las Vegas at his or her own expense.

Unless prior alternative arrangements have been made, if the grand prize winner fails to check into the hotel when he or she arrives in Las Vegas, the hotel portion of the prize shall be forfeited. Unless prior alternative arrangements have been made, if the prizewinner fails to arrive at the theater for his or her scheduled Experience Game, that portion of his or her prize shall be forfeited.

In the event that a grand prize winner is unable to attend the trip due to unforeseen circumstances, and there is insufficient time to designate a person to take the trip in his or her stead as described above, the Florida Lottery or SGI will appoint a proxy to play The Price Is Right® Experience Game for the prizewinner. The prizewinner shall receive any prize won by the proxy;

(12) At the scheduled Experience Game, each prizewinner will be randomly mixed with other The Price Is Right® Florida Lottery prizewinners and assigned to one (1) of four (4) color coded groups of six (6) prizewinners upon entering The Price Is Right® theater. Prizewinners' guests will sit with them in their color coded section but will not be eligible to be contestants. One (1) prizewinner from each color group will then be randomly selected to "Come On Down!" to Contestant's Row and bid on an item for a chance to go on stage and participate as a prizewinner contestant in The Price Is Right® Experience Game with the host and play one of the famous The Price Is Right® pricing games. Four (4) new audience participants will be selected for each round. All twenty-four (24) prizewinners will visit Contestant's Row during the show and six (6) prizewinner contestants will play pricing games on stage and vie for a chance to participate in the SHOWCASE SHOWDOWN™ for a chance to win a The Price Is Right® prize package.

Payment of all federal, state and/or local taxes on prizes awarded in conjunction with a winner's participation in The Price Is Right® Live! Experience Game will be the responsibility of the winner.

(13) One prizewinner from each color coded group (four (4) total) will be randomly selected to participate in the Big Money Wheel Bonus Spin, for a chance to qualify to win cash prizes from \$1,000 to \$1,000,000. The Big Money Wheel Bonus Spin will be conducted in accordance with SGI's Big Money Wheel Bonus Spin procedures. Prizes won shall be

paid by SGI and federal withholding taxes, if applicable, shall be withheld by SGI from the Big Money Wheel Bonus Spin cash prizes. A check and an IRS Form W-2G shall be mailed to the prizewinner within ten (10) business days.

(14) Grand prizes are not transferable or assignable, and no substitutes for prizes are available, except by the Florida Lottery, which reserves the right, in its sole discretion, to substitute different prizes of comparable value should the grand prize become unavailable.

(15) The Florida Lottery, Scientific Games International, Inc., MDI Entertainment, LLC, What's Up, LLC, FremantleMedia North America Inc., and their respective parent companies, affiliates, subsidiaries, directors, officers, agents and employees assume no liability or responsibility for damages, losses, or injury resulting from this promotion or the acceptance or use of a prize and provide no warranty for any prizes won on The Price Is Right®Live! Experience Game. Any warranties and guarantees are those of the manufacturer only.

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

(17) Except as specifically mentioned herein, all federal, state and/or local taxes or other fees on the prizes won in The Price is Right® Second Chance Drawing and during the Las Vegas trip will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash awarded in connection with the second prizes in the Second Chance Drawing from which to withhold taxes, a nonresident alien claimant who is selected as a winner of a second prize will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(18) No cash option is available in lieu of The Price is Right® Second Chance Drawing prizes.

(19) If the winner of a grand prize in The Price is Right® Second Chance Drawings is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with Section 24.115, Florida Statutes. If the debt is an amount less than the cash portion of the prize, the non-cash portion of the prize and the cash portion of the prize less withholding taxes and 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, Florida Statutes, and the winner will receive the remaining non-cash portion of the prize, if any.

(20) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder.

(21) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(22) By entering The Price Is Right®Second Chance Drawing, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to Scientific Games International for prize fulfillment purposes.

(23) By entering The Price Is Right®Second Chance Drawing, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(24) The Price Is Right®second chance drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Web site at flalottery.com.

(25) This offer is void where prohibited by law.

Rulemaking Authority 24.105(9), 24.109(1), FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 8-20-10, Replaces 53ER10-25.

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: August 20, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER10-39 CASH 3™

SUMMARY: This emergency rule sets forth the provisions for the conduct of CASH 3™.

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:

53ER10-39 CASH 3™.

(1) How to Play CASH 3™.

(a) CASH 3 is a lottery on-line game in which a player must select any two (2)- or three (3)-digit number from 000 to 999 inclusive. The digits may be the same or different; for example, 111, 122, and 123 are all valid selections.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing, for a total of \$.50, \$1.00, \$1.50, \$3.00, or \$6.00, depending upon the play type selected and number of combinations covered.

(c) Players may make their CASH 3 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their CASH 3 selections must mark the play type, draw time, play amount and number selection (or mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the numbers for each panel played. If the draw time is not marked, the ticket will automatically be entered into the next available draw. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

Players may mark the \$5 "Quick Picks" box to receive five (5) \$1.00 tickets, each with one (1) set of three (3) randomly selected numbers (straight play) for the next available CASH 3 drawing, or may mark the \$10 "Quick Picks" box to receive ten (10) \$1.00 tickets, each with one (1) set of three (3) randomly selected numbers (straight play) for the next available CASH 3 drawing. Players may mark Quick Picks in addition to panel plays.

Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket.

2. Players electing to make their CASH 3 ticket selections by telling the retailer may specify the play type, play amount, draw time, and their desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one (1) or more of the numbers). The terminal defaults to a \$1.00 straight play for the next available draw if the play type, play amount, and draw time are not specified by the player in conjunction with the selection of the quick pick feature.

(d) A player who selects the combo play type and who elects to use the quick pick feature will not be able to select the total cost of the ticket. The total cost will be determined by whether the quick pick numbers selected by the terminal comprise a 3-way combo or 6-way combo play type as described in paragraph (1)(g) below.

(e) A player who selects the box play type or the straight/box play type and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the terminal comprise a 3-way or 6-way box combination as described below.

(f) Players may play future consecutive midday, evening or both drawings within a fourteen (14)-day period or non-consecutive drawings within a seven-day period by using the "advance play" feature. To use the advance play feature,

players may either mark the play slip or tell the retailer the advance play selections and draw time(s) they desire. For purposes of this paragraph (1)(f), both a fourteen (14)-day and a seven (7)-day period begin on the date of the next available CASH 3 drawing for the draw time(s) selected and continue through the next thirteen (13)/six (6) consecutive days for the draw time(s) selected. The advance play options are described more fully in subparagraphs 1. and 2. below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings for the draw time(s) selected only. Players shall mark the desired number of consecutive drawings in the "Days" section and the desired draw time(s) in the "Draw Time" section of the play slip. The number of consecutive drawings marked will include the next available drawing for the draw time(s) selected and will apply to each panel (A-E) played. Advance Play does not apply to selections in the Quick Picks box.

a. If the midday (MID) box is selected, the ticket will be entered into the next available midday draw and consecutive midday draws through the selected number of days.

b. If the evening (EVE) box is selected, the ticket will be entered into the next available evening draw and consecutive evening draws through the selected number of days.

c. If the both (BOTH) box is selected, the ticket will be entered into the next available draw and consecutive midday and evening draws through the selected number of days.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one of the following advance play parameters:

a. Any single day for the draw time(s) selected in a seven (7)-day period;

b. Any two (2) non-consecutive days for the draw time(s) selected in a seven (7)-day period;

c. Any two (2) or more consecutive days for the draw time(s) selected in a seven (7)-day period, not including the next available drawing.

d. Up to fourteen (14) consecutive days for the draw time(s) selected, including the next available drawing.

(g) CASH 3 can be played and won as follows:

1. "Straight" play. In a straight play, if a player's digits are drawn in the exact order as they were chosen by the player, the player wins \$250.00 for a 50-cent play or \$500 for a \$1.00 play.

2. "Box" play. A box play allows a player to win if the player's selections are drawn in any order.

a. A "3-way box" is a play in which the player has selected a number with two (2) identical digits. Therefore, the play involves three (3) combinations; for example, a 122 box covers the combinations 122, 212, and 221, and pays a winner \$80.00 for a 50-cent play or \$160.00 for a \$1.00 play.

b. A "6-way box" is a play in which the player has selected a number in which all three (3) digits are different. Therefore, the play involves six (6) combinations; for example, a 123 box

covers the combinations 123, 132, 213, 231, 312, and 321, and pays a winner \$40.00 for a 50-cent play or \$80.00 for a \$1.00 play.

3. “Straight and Box” play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play.

a. A “Straight and 3-way box” play pays a winner \$330.00 if a player’s digits are drawn in the exact order as printed on the player’s ticket, or \$80.00 if the player’s digits are drawn in any other order.

b. A “Straight and 6-way box” play pays a winner \$290.00 if a player’s digits are drawn in the exact order as printed on the ticket, or \$40.00 if the player’s digits are drawn in any order.

4. “Combo” play. A combo is a play covering all straight combinations of a 3-digit number and will cost \$1.50 to \$6.00 depending upon the amount played (50 cents or \$1.00) and the number of like digits in the 3-digit number selected.

a. A “3-way combo” is a play in which the player has selected a number with two (2) identical digits. The combo involves three (3) straight play combinations; for example, a 122 combo covers the combinations 122, 212, and 221. A “3-way combo” pays \$250 for a \$1.50 play (\$.50 per combination) or \$500 for a \$3.00 play (\$1.00 per combination).

b. A “6-way combo” is a play in which the player has selected a number in which all three (3) digits are different. The combo involves six (6) straight play combinations; for example, a 123 combo covers the combinations 123, 132, 213, 231, 312, and 321. A “6-way combo” pays \$250 for a \$3.00 play (\$.50 per combination) or \$500 for a \$6.00 play (\$1.00 per combination).

5. “Front Pair” play. A front pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the first two (2) numbers drawn by the Lottery.

6. “Back Pair” play. A back pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the last two (2) numbers drawn by the Lottery.

7. “1-OFF™” play. A 1-OFF play allows a player to win if the three (3)-digit number chosen by the player matches in exact order the CASH 3 winning numbers drawn by the Lottery (“straight win”) or if one (1) of the twenty-six (26) three (3)-digit 1-OFF numbers printed on the player’s ticket matches in exact order the CASH 3 winning numbers drawn by the Lottery (“1-OFF win”). The CASH 3 1-OFF ticket will contain the three (3)-digit number (player-selected or Quick Pick) that qualifies for the straight win plus twenty-six (26) additional three (3)-digit 1-OFF numbers that qualify for a

1-OFF win. The twenty-six (26) 1-OFF numbers are all the possible combinations in which each of the three (3) digits either matches or is one (1) number higher or lower than each of the player’s three (3) digits, in exact order. A player wins \$125 for a \$.50 straight win or \$250 for a \$1.00 straight win, and \$5.00 for a \$.50 1-OFF win or \$10.00 for a \$1.00 1-OFF win.

(h) A liability limit of \$10 million is established for CASH 3. When the play of a particular three (3)-digit number for a drawing reaches the Lottery’s CASH 3 liability limit of \$10 million, no further ticket sales for any type of play that would involve that three (3)-digit number will be allowed for that drawing. In addition, no Front Pair or Back Pair play that involves the first two or last two digits, respectively, of the three (3)-digit number will be allowed for that drawing.

(2) CASH 3 Drawings.

(a) CASH 3 drawings are conducted twice daily.

(b) CASH 3 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security and fairness of each drawing.

(c) The equipment (ball set(s) and drawing machine(s)) used in a CASH 3 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) The equipment shall be configured so that one ball is drawn from each of three (3) units of balls numbered zero (0) through nine (9).

(e) Once the ball set(s) has been selected and inspected, the selected drawing machine(s) shall be loaded by the Draw Manager and the ball set(s) mixed by the action of an air blower.

(f) Three balls shall be drawn by vacuum action, one (1) each into three (3) separate display devices. The numbers shown on the three (3) balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

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

(3) CASH 3 Odds of Winning.

The odds of winning in CASH 3 are as follows:

- (a) Straight 1 in 1000
- (b) Box 3-Way 1 in 333.33
- (c) Box 6-Way 1 in 166.67
- (d) Straight and Box 3-Way 1 in 1000 and 1 in 333.33
- (e) Straight and Box 6-Way 1 in 1000 and 1 in 166.67
- (f) Combo 3-Way 1 in 333.33
- (g) Combo 6-Way 1 in 166.67
- (h) Front Pair 1 in 100
- (i) Back Pair 1 in 100
- (j) 1-OFF 1 in 38.46 and 1 in 1000
(Straight)

(4) CASH 3 Rules and Prohibitions.

(a) By purchasing a CASH 3 ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) CASH 3 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer’s hours of operation and on-line system availability, CASH 3 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily CASH 3 drawing is approximately 1:30 p.m. ET for the midday draw and 7:57 p.m. ET for the evening draw. Ticket sales for a specific CASH 3 drawing will close approximately ten (10) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next available CASH 3 draw date and draw time, unless the player specifies another CASH 3 draw date and draw time within the selection parameters.

(f) Retailer cancellations of CASH 3 tickets can only be performed by the retailer who sold the ticket, using the selling terminal’s optical mark reader, and within two (2) hours after printing, except that no CASH 3 ticket can be cancelled after game close for the related drawing. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related CASH 3 close of game.

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

(5) This emergency rule replaces 53ER08-30, F.A.C.

Rulemaking Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History–New 8-20-10, Replaces 53ER08-30.

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: August 20, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-40
 RULE TITLE: CASH 3™ 1-OFF™ Retailer Bonus Sales Commission

SUMMARY: The Florida Lottery will pay double the sales commissions to retailers that sell CASH 3™ 1-OFF™ 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:

53ER10-40 CASH 3™ 1-OFF™ Retailer Bonus Sales Commission.

(1) Beginning August 23, 2010 through September 12, 2010, the Florida Lottery will conduct, as a retailer sales incentive, a CASH 3™ 1-OFF™ Retailer Bonus Sales Commission program in which the Florida Lottery will double the sales commissions to retailers.

(2) The Florida Lottery will pay retailers a 5% bonus sales commission on each CASH 3 1-OFF sale in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for a total of \$.05 for each \$.50 CASH 3 1-OFF sale and \$.10 for each \$1.00 CASH 3 1-OFF 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, Florida Statutes, 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.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History–New 8-20-10.

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: August 20, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-41
 RULE TITLE: Canes® Fan Experience Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct a Canes® Fan Experience Second Chance Promotion between September 1, 2010 and November 29, 2010, in which special 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:

53ER10-41 Canes® Fan Experience Second Chance Promotion.

(1) From Wednesday, September 1, 2010, through Sunday, November 28, 2010, players who purchase a \$5.00 or more FLORIDA LOTTO™ with \$5.00 or more XTRA® ticket (a total of \$10.00 or more) at a participating Publix Super Market will receive a voucher with a unique serial number that can be entered in one (1) of three (3) promotions on the Florida Lottery Web site: the Canes® Fan Experience Second Chance Promotion, the Florida Gators® Fan Experience Second Chance Promotion, or the Seminoles® Fan Experience Second Chance Promotion.

(2) In the Canes Fan Experience Second Chance Promotion, four (4) second chance drawings will be held between September 27 and November 8, 2010 from entries received during the entry periods shown below. One (1) final drawing will be held on November 29, 2010 from all entries received between September 1 and midnight on the night before the drawing, excluding entries selected as winners in the first four (4) drawings.

Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry into one promotion. Entries received from the beginning of the entry period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from September 1 through November 28, 2010,

excluding entries selected as winners in the first four (4) drawings, will be included in the final drawing on November 29, 2010. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Monday, September 27, 2010	September 1 – September 26, 2010
2	Monday, October 11, 2010	September 27 – October 10, 2010
3	Monday, October 25, 2010	October 11 – October 24, 2010
4	Monday, November 8, 2010	October 25 – November 7, 2010
Grand Prize	Monday, November 29, 2010	September 1 – November 28, 2010

In each of the first four (4) second chance drawings in the Canes Fan Experience Second Chance Promotion, ten (10) winners will each receive one (1) \$25 Publix gift card, \$25 in Lottery Scratch-Off tickets, two (2) tickets to the first University of Miami (“UM”) home football game scheduled after the prize claim deadline, and two (2) University of Miami hats and polo shirts for a total value of \$270.00.

The Grand Prize drawing will take place on November 29, 2010 and will award three (3) winners with the prizes shown below. The first number selected will win the Grand Prize, the second number selected will win the second place prize and the third number selected will win the third place prize.

(a) Grand Prize. Two (2) tickets to the UM bowl game at the conclusion of the 2010 season*, one (1) hotel room for two nights, airfare for two (2) from anywhere in the U.S to the city that holds the bowl game**, one (1) autographed Randy Shannon football, two (2) UM hats and polo shirts, one (1) \$100 Publix Super Market gift card and \$100 in Lottery Scratch-Off tickets. (Total Value – Estimated at \$1,840***).

(b) Second Place. Two (2) season tickets for the 2011 UM football season, two (2) UM hats and polo shirts, one (1) \$75 Publix Super Market gift card and \$75 in Lottery Scratch-Off tickets. (Total Value – \$890).

(c) Third Place. Four (4) tickets to a 2011 UM home football game, one (1) \$50 Publix Super Market gift card and \$50 in Lottery Scratch-Off tickets. (Total Value – \$360).

* If the UM does not play in a bowl game at the conclusion of the 2010-2011 season, or if the Grand Prize is not claimed in time for the winner to use the trip for the 2010-2011 bowl game, the trip will be for the next end of season bowl game in which the UM plays.

**No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner’s city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

***The value of the Grand Prize is dependent upon the location of the winner and the bowl game.

(4) To enter a voucher in the Canes Fan Experience Second Chance Promotion, players must visit the Lottery's Web site at www.flalottery.com, or the Canes Web site at www.hurricanesports.com, click on the Canes Fan Experience Second Chance Promotion icon and follow the directions.

The voucher serial number is located on the front of the voucher. Vouchers cannot be entered in the drawing within one hour of purchase. Players entering a voucher within one hour of purchase will be directed to return at a later time to enter their voucher in the drawing. FLORIDA LOTTO with XTRA tickets cannot be used for entry in the drawing. The odds of winning are dependent upon the number of entries received. The voucher must be presented in order to claim a prize in the Canes Fan Experience Second Chance Promotion. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned.

(5) The prize winners in the Canes Fan Experience drawings will be posted on flalottery.com after the drawings. The Florida Lottery will attempt to notify prize winners in the first four (4) drawings by telephone or e-mail no later than two (2) days after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prize winners in the Grand Prize drawing by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner in the November 29, 2010, Grand Prize drawing within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Canes Fan Experience drawing prize, a winner must submit for receipt by the Florida Lottery no later than five (5) days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER10-1, F.A.C., a copy of acceptable identification and a completed Release and Authorization form DOL-474, Eff. 10/08. Form DOL-474 is hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's website www.flalottery.com. Winners who cannot produce a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use the game tickets for the scheduled game, reasonable efforts will be made by University of Miami to provide tickets for the next available home game in which the Canes play. Fulfillment of all prizes other than the team merchandise, gift cards and scratch-off tickets will be handled by the University of Miami staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(9) All federal, state and/or local taxes or other fees on the Canes Fan Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

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

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

(13) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(14) By entering the Canes Fan Experience Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the University of Miami for prize fulfillment purposes.

(15) A player entering the Canes Fan Experience Second Chance Promotion is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(16) The Canes Fan Experience drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm.

The results of the drawings will be available after the drawing on the Florida Lottery’s Website at flalottery.com, and at participating Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 8-31-10, Replaces 53ER09-45.

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: August 31, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-42
 RULE TITLE: Florida Gators® Fan Experience Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct a Florida Gators® Fan Experience Second Chance Promotion between September 1, 2010 and November 29, 2010, in which special 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:

53ER10-42 Florida Gators® Fan Experience Second Chance Promotion.

(1) From Wednesday, September 1, 2010, through Sunday, November 28, 2010, players who purchase a \$5.00 or more FLORIDA LOTTO™ with \$5.00 or more XTRA® ticket (a total of \$10.00 or more) at a participating Publix Super Market or Kangaroo Express will receive a voucher with a unique serial number that can be entered in one (1) of three (3) promotions on the Florida Lottery Web site: the Florida Gators® Fan Experience Second Chance Promotion, the Canes® Fan Experience Second Chance Promotion, or the Seminoles® Fan Experience Second Chance Promotion.

(2) In the Florida Gators Fan Experience Second Chance Promotion, four (4) second chance drawings will be held between September 27 and November 8, 2010 from entries received during the entry periods shown below. One (1) final drawing will be held on November 29, 2010 from all entries received between September 1 and midnight on the night before the drawing, excluding entries selected as winners in the first four (4) drawings.

Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry into one promotion. Entries received from the beginning of the entry period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from September 1 through November 28, 2010,

excluding entries selected as winners in the first four (4) drawings, will be included in the final drawing on November 29, 2010. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Monday, September 27, 2010	September 1 – September 26, 2010
2	Monday, October 11, 2010	September 27 – October 10, 2010
3	Monday, October 25, 2010	October 11 – October 24, 2010
4	Monday, November 8, 2010	October 25 – November 7, 2010
Grand Prize	Monday, November 29, 2010	September 1 – November 28, 2010

In each of the first four (4) second chance drawings in the Florida Gators Fan Experience Second Chance Promotion, ten (10) winners will receive the following:

The first through third winners will receive two (2) tickets to a 2010 University of Florida (“UF”) home football game, one (1) \$25 Publix Super Market gift card, one (1) \$25 Kangaroo Express gift card and \$25 in Lottery Scratch-Off tickets. (Total Value – \$165).

The fourth winner will receive one (1) autographed Urban Meyer football, one (1) \$25 Publix Super Market gift card, one (1) \$25 Kangaroo Express gift card and \$25 Lottery Scratch-Off tickets. (Total Value – \$225).

The fifth through tenth winners will receive two (2) UF t-shirts, two (2) UF hats, one (1) \$25 Publix Super Market gift card, one (1) \$25 Kangaroo Express gift card and \$25 in Lottery Scratch-Off tickets. (Total Value – \$175).

The Grand Prize drawing will take place on November 29, 2010 and will award three (3) winners with the prizes shown below. The first number selected will win the Grand Prize, the second number selected will win the second place prize and the third number selected will win the third place prize.

(a) Grand Prize. Two (2) tickets to the UF bowl game at the conclusion of the 2010 season*, one (1) hotel room for two nights, airfare for two (2) from anywhere in the U.S to the city that holds the bowl game**, one (1) autographed Urban Meyer football, two (2) UF hats and polo shirts, one (1) \$100 Publix Super Market gift card, one (1) \$100 Kangaroo Express gift card and \$100 in Lottery Scratch-Off tickets. (Total Value – Estimated at \$1,900***).

(b) Second Place. Two (2) season tickets for the 2011 UF football season, two (2) UF hats and polo shirts, one (1) \$75 Publix Super Market gift card, one (1) \$75 Kangaroo Express gift card and \$75 in Lottery Scratch-Off tickets. (Total Value – \$885).

(c) Third Place. Four (4) tickets to a 2011 UF home football game, one (1) \$50 Publix Super Market gift card, one (1) \$50 Kangaroo Express gift card and \$50 in Lottery Scratch-Off tickets. (Total Value – \$330).

* If UF does not play in a bowl game at the conclusion of the 2010-2011 season, or if the Grand Prize is not claimed in time for the winner to use the trip for the 2010-2011 bowl game, the trip will be for the next end of season bowl game in which the UF plays. Bowl game package does not include tickets to the National Championship Bowl Game. In the event the Florida Gators play in the 2010-2011 National Championship Bowl Game, the trip will be for the next end of season bowl game in which the Florida Gators play.

**No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

***The value of the Grand Prize is dependent upon the location of the winner and the bowl game.

(4) To enter a voucher in the Florida Gators Fan Experience Second Chance Promotion, players must visit the Lottery's Web site at www.flalottery.com, or the Gators Web site at www.Gatorzone.com, click on the Florida Gators Fan Experience Second Chance Promotion icon and follow the directions.

The voucher serial number is located on the front of the voucher. Vouchers *cannot* be entered in the drawing within one hour of purchase. Players entering a voucher within one hour of purchase will be directed to return at a later time to enter their voucher in the drawing. FLORIDA LOTTO with XTRA tickets cannot be used for entry in the drawing. The odds of winning are dependent upon the number of entries received. The voucher must be presented in order to claim a prize in the Florida Gators Fan Experience Second Chance Promotion. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned.

(5) The prize winners in the Florida Gators Fan Experience drawings will be posted on flalottery.com after the drawings. The Florida Lottery will attempt to notify prize winners in the first four (4) drawings by telephone or e-mail no later than two (2) days after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prize winners in the Grand Prize drawing by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner in the November 29, 2010, Grand Prize drawing within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Florida Gators Fan Experience drawing

prize, a winner must submit for receipt by the Florida Lottery no later than five (5) days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER10-1, F.A.C., a copy of acceptable identification and a completed Release and Authorization form DOL-474, Eff. 10/08. Form DOL-474 is hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's website www.flalottery.com. Winners who cannot produce a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use the game tickets for the scheduled game, reasonable efforts will be made by University of Florida to provide tickets for the next available home game in which the Florida Gators play. Fulfillment of all prizes other than the team merchandise, gift cards and scratch-off tickets will be handled by University of Florida staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(9) All federal, state and/or local taxes or other fees on the Florida Gators Fan Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

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

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

(13) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(14) By entering the Florida Gators Fan Experience Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the University of Florida for prize fulfillment purposes.

(15) A player entering the Florida Gators Fan Experience Second Chance Promotion is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(16) The Florida Gators Fan Experience drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Website at flalottery.com, and at participating Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 8-31-10, Replaces 53ER09-44.

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: August 31, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-43
 RULE TITLE: Seminole® Fan Experience Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct a Seminole® Fan Experience Second Chance Promotion between September 1, 2009 and November 29, 2010, in which special 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:

53ER10-43 Seminole® Fan Experience Second Chance Promotion.

(1) From Wednesday, September 1, 2010, through Sunday, November 28, 2010, players who purchase a \$5.00 or more FLORIDA LOTTO™ with \$5.00 or more XTRA® ticket (a total of \$10.00 or more) at a participating Publix Super Market or Kangaroo Express will receive a voucher with a unique serial number that can be entered in one (1) of three (3) promotions on the Florida Lottery Web site: the Seminole® Fan Experience Second Chance Promotion, the Canes® Fan Experience Second Chance Promotion, or the Florida Gators® Fan Experience Second Chance Promotion.

(2) In the Seminole Fan Experience Second Chance Promotion, four (4) second chance drawings will be held between September 27 and November 8, 2010 from entries received during the entry periods shown below. One (1) final drawing will be held on November 29, 2010 from all entries received between September 1 and midnight on the night before the drawing, excluding entries selected as winners in the first four (4) drawings.

Players may enter as many times as they wish during the contest period. However, each valid voucher serial number may only be used one (1) time, for one (1) entry into one promotion. Entries received from the beginning of the entry period for a drawing through midnight ET on the night before the drawing will be included in the drawing. All entries received from September 1 through November 28, 2010, excluding entries selected as winners in the first four (4) drawings, will be included in the final drawing on November 29, 2010. The draw dates are:

Drawing	Draw Date	From Entries Received
1	Monday, September 27, 2010	September 1 – September 26, 2010
2	Monday, October 11, 2010	September 27 – October 10, 2010
3	Monday, October 25, 2010	October 11 – October 24, 2010
4	Monday, November 8, 2010	October 25 – November 7, 2010
Grand Prize	Monday, November 29, 2010	September 1 – November 28, 2010

In each of the first four (4) second chance drawings in the Seminole Fan Experience Second Chance Promotion, ten (10) winners will each receive one (1) \$25 Publix gift card, one (1) \$25 Kangaroo Express gift card, \$25 in Lottery Scratch-Off tickets, two (2) tickets to the first Florida State University (“FSU”) home football game scheduled after the prize claim deadline, and two (2) FSU hats. (Total value – \$237).

The Grand Prize drawing will take place on November 29, 2010 and will award three (3) winners with the prizes shown below. The first number selected will win the Grand Prize, the second number selected will win the second place prize and the third number selected will win the third place prize.

(a) Grand Prize. Two (2) tickets to the FSU bowl game at the conclusion of the 2010 season*, one (1) hotel room for two nights, airfare for two (2) from anywhere in the U.S to the city that holds the bowl game**, one (1) autographed Jimbo Fisher football, two (2) FSU hats and polo shirts, one (1) \$100 Publix Super Market gift card, one (1) \$100 Kangaroo Express gift card and \$100 in Lottery Scratch-Off tickets. (Total Value – Estimated at \$2,815***).

(b) Second Prize. Two (2) season tickets for the 2011 FSU football season, two (2) FSU hats and polo shirts, one (1) \$75 Publix Super Market gift card, one (1) \$75 Kangaroo Express gift card and \$75 in Lottery Scratch-Off tickets. (Total Value – \$1,005).

(c) Third Prize. Four (4) tickets to a 2011 FSU home football game, one (1) \$50 Publix Super Market gift card, one (1) \$50 Kangaroo Express gift card and \$50 in Lottery Scratch-Off tickets. (Total Value – \$374).

* If FSU does not play in a bowl game at the conclusion of the 2010-2011 season, or if the Grand Prize is not claimed in time for the winner to use the trip for the 2010-2011 bowl game, the trip will be for the next end of season bowl game in which FSU plays.

**No monetary compensation will be given to the winner in lieu of airfare if the bowl game is held in a city in Florida for which air travel from the winner's city of residence is not required. In such case, the value of the prize for tax reporting will be reduced by the estimated value of the airfare.

***The value of the Grand Prize is dependent upon the location of the winner and the bowl game.

(4) To enter a voucher in the Seminoles Fan Experience Second Chance Promotion, players must visit the Lottery's Web site at www.flalottery.com, or the Seminoles Web site at www.seminoles.com, click on the Seminoles Fan Experience Second Chance Promotion icon and follow the directions.

The voucher serial number is located on the front of the voucher. Vouchers cannot be entered in the drawing within one hour of purchase. Players entering a voucher within one hour of purchase will be directed to return at a later time to enter their voucher in the drawing. FLORIDA LOTTO with XTRA tickets cannot be used for entry in the drawing. The odds of winning are dependent upon the number of entries received. The voucher must be presented in order to claim a prize in the Seminoles Fan Experience Second Chance Promotion. Vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Vouchers or tickets received in the mail by the Florida Lottery will not be entered in the drawing and will not be returned.

(5) The prize winners in the Seminoles Fan Experience drawings will be posted on flalottery.com after the drawings. The Florida Lottery will attempt to notify prize winners in the first four (4) drawings by telephone or e-mail no later than two (2) days after the winners are drawn. If the Florida Lottery is unable to contact a prizewinner within four (4) days of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The Florida Lottery will attempt to notify prize winners in the Grand Prize drawing by telephone, certified mail or e-mail no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a winner in the November 29, 2010, Grand Prize drawing within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(6) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Seminoles Fan Experience drawing prize, a winner must submit for receipt by the Florida Lottery no later

than five (5) days after being notified by the Lottery that he/she is a winner, the original valid voucher bearing the unique serial number selected in the drawing, a completed Winner Claim Form DOL-173-2 or DOL-173-2S, as referenced in Rule 53ER10-1, F.A.C., a copy of acceptable identification and a completed Release and Authorization form DOL-474, Eff. 10/08. Form DOL-474 is hereby incorporated by reference and can be obtained from any Lottery office or on the Lottery's website www.flalottery.com. Winners who cannot produce a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use the game tickets for the scheduled game, reasonable efforts will be made by Florida State University to provide tickets for the next available home game in which the Florida State Seminoles play. Fulfillment of all prizes other than the team merchandise, gift cards and scratch-off tickets will be handled by Florida State University staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(9) All federal, state and/or local taxes or other fees on the Seminoles Fan Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

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

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

(13) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(14) By entering the Seminoles Gators Fan Experience Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to Florida State University for prize fulfillment purposes.

(15) A player entering the Seminoles Fan Experience Second Chance Promotion is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(16) The Seminoles Fan Experience drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawings will be available after the drawing on the Florida Lottery's Website at flalottery.com, and at participating Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 8-31-10, Replaces 53ER09-46.

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: August 31, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BBER10-3	Eligibility for Emergency Unemployment Compensation
60BBER10-4	Emergency Unemployment Compensation Individual Accounts

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Florida's unemployment rate is currently 11.5%, with over a million Floridians out of work. Many of these individuals have exhausted their regular unemployment benefits. Currently, 292,000 Floridians are eligible to receive funded Emergency Unemployment Compensation. Approximately 235,000 more Floridians may become eligible for funded Emergency Unemployment Compensation before the end of November, 2010. It is essential to the welfare and economic security of these Floridians and in the best interest of the State of Florida that these benefits be paid in a timely manner.

The proposed emergency rules amend existing rules (Rules 60BB-3.0251-60BB-3.0254, F.A.C.) that implement procedure and policy relating to the federally funded Emergency Unemployment Compensation Program authorized under Public Laws 110-252, 110-449, 111-5, 111-92, 111-118, 111-144, and 111-157. The most recent of these federal laws, the Unemployment Compensation Extension Act of 2010

(Public Law 111-205), extends the time period during which an individual may claim and receive Emergency Unemployment Compensation and, in many cases, enhances the amount of weekly benefits an individual may receive if he or she is still receiving such benefits more than one year after the claim for regular unemployment compensation is filed.

In order to determine which individuals are eligible for benefits under the new federal law and provide compensation to them as quickly as possible, it is necessary that the processes set forth in this emergency rule be implemented immediately, without the delay attendant with regular rulemaking procedures. The Agency is currently pursuing the regular rulemaking process for incorporating these procedures into its current claims rules, found in Chapter 60BB-3, Florida Administrative Code.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The rules under development by the Agency provide the most efficient means of providing unemployment benefits to those individuals that are entitled to them. In adopting these rules, the Agency has acted to ensure that all procedural remedies available to recipients of regular state unemployment compensation will be available to Emergency Unemployment Compensation program applicants under state law and under the terms of the governing agreement with the United States Department of Labor. The Agency crafted the proposed rules to comply with the new federal legislation, controlling state law, and existing federal standards.

SUMMARY: The new rules extend the time period during which an individual may claim and receive Emergency Unemployment Compensation and, in many cases, enhance the amount of weekly benefits an individual may receive if he or she is still receiving such benefits more than one year after the claim for regular unemployment compensation is filed.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: John R. Perry, Assistant General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150, fax (850)921-3230, email john.perry@flaawi.com

THE FULL TEXT OF THE EMERGENCY RULES IS:

60BBER10-3 Eligibility for Emergency Unemployment Compensation.

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;

(b) Have no rights to unemployment compensation under any other state or federal law;

(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

(a) Has received all regular unemployment compensation available on the qualifying benefit year; or

(b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new benefit year for regular unemployment compensation.

(3) Exception to Exhaustion Requirement.

(a) Notwithstanding paragraph (1)(a) of this rule, the expiration of a qualifying benefit year during that which the individual has earned sufficient wage credits to establish monetary eligibility for a new benefit year will not render the individual ineligible for emergency unemployment compensation if:

1. The individual has established entitlement to emergency unemployment compensation with respect to that qualifying benefit year;

2. The individual's qualifying benefit year expired on or after July 23, 2010;

3. the individual has remaining entitlement to emergency unemployment compensation benefits with respect to that benefit year; and

4. the weekly benefit amount established under the new benefit year is at least either \$100 or 25% less than the weekly benefit amount for the qualifying benefit year.

(b) If the criteria set forth in paragraph (3)(a) of this rule are satisfied, the Agency shall establish a new benefit year for the individual, but shall defer payment of regular unemployment compensation for the new benefit year until all emergency unemployment compensation payable to the individual has been exhausted.

(4) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BBER10-4, F.A.C.

(5) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(6) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.111, 443.151(6), 443.221(3) FS. History—New 9-1-10.

60BBER10-4 Emergency Unemployment Compensation Individual Accounts.

(1) Establishment of Account. Persons deemed eligible under Rule 60BBER10-3, F.A.C., will be paid from emergency unemployment compensation accounts established for each individual with respect to that individual's benefit year.

(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.

(a) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.

(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3), (4), (5), and (6) of this rule.

(3) Tier One.

(a) Tier One benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:

1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 20 times the individual's average weekly benefit amount for the benefit year.

(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).

(d) Tier One benefits may be paid only in cases in which an individual's regular unemployment compensation benefits are exhausted by the week ending November 20, 2010.

(4) Tier Two.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier One benefits by the week ending November 27, 2010;

2. The individual remains otherwise eligible.

(b) Amount Added to Account. The amount established in an account under this subsection will equal the lesser of:

1. 54 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 14 times the individual's average weekly benefit amount for the benefit year.

(c) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(5) Tier Three.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (4) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Two benefits by the week ending November 27, 2010;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending November 27, 2010, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Three benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(6) Tier Four.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (5) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier Three benefits by the week ending November 27, 2010, 2010;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending November 27, 2010, one of the following circumstances occur:

a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 6 percent; or

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 8.5 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 24 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 6 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Four benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(7) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of November 27, 2010, will continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after April 30, 2011.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History--New 9-1-10.

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: September 1, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BBER10-5	Definitions Relating to Extended Benefits
60BBER10-6	How to Apply for Extended Benefits
60BBER10-7	Diligent Work Search Requirements

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: With unemployment currently at 11.5%, over a million Floridians are unemployed. Of these, many have exhausted their regular unemployment benefits. With so many unemployed Floridians deprived of any income, it is vital that the State of Florida enable them to benefit from all available unemployment compensation programs.

The Federal-State Extended Unemployment Compensation Act of 1970 (P.L. 91-373) provides partial federal funding for states to administer an Extended Benefit Program. Under this program, states with extremely high unemployment rates may pay Extended Benefits to persons who exhaust their regular unemployment compensation without becoming reemployed. Over the last year and a half, Congress has addressed the nation's record unemployment by enacting Public Laws 111-5, 111-118, 111-144, and 111-157, which enabled more states to qualify for such funding and raised the federal funding level to 100% of benefits paid. These laws, however, only did not fund payment of Extended Benefits any weeks of unemployment ending after June 5, 2010.

Fortunately, the Unemployment Compensation Extension Act of 2010 (Public Law 111-205), extends the time period during which an individual may claim and receive Extended Benefits until December 2010. Currently, approximately 22,500 Floridians are receiving Extended Benefits. Approximately 235,000 more Floridians may become eligible for Extended Benefits before the end of November, 2010. In Executive Order 10-170, Governor Charlie Crist directed the Agency to pay Extended Benefits to all unemployed Floridians who are eligible to receive such benefits. It is essential to the welfare and economic security of these Floridians and in the best interest of the State of Florida that these benefits be paid in a timely manner.

In order to determine which individuals are eligible for benefits under the new federal law and provide compensation to them as quickly as possible, it is necessary that the processes set forth in this emergency rule, and the forms incorporated by reference, be implemented immediately, without the delay attendant with regular rulemaking procedures. The Agency is currently pursuing the regular rulemaking process for incorporating these forms and procedures into its current claims rules, found in Chapter 60BB-3, Florida Administrative Code.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The rules under development by the Agency provide the most efficient means of providing unemployment benefits to those individuals that are entitled to them. In adopting these rules, the Agency has acted to ensure that all procedural remedies available to recipients of regular state unemployment compensation will be available to Extended Benefit program applicants under state

law. The Agency crafted the proposed rules to comply with the new federal legislation, controlling state law, and existing federal standards.

SUMMARY: The new rules define terms used in connection with the Extended Benefit Program, describe the application process, and notify individuals of the program's diligent work search requirements.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: John R. Perry, Assistant General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150, fax (850)921-3230, email john.perry@flaawi.com

THE FULL TEXT OF THE EMERGENCY RULES IS:

60BBER10-5 Definitions Relating to Extended Benefits.

For the purposes of extended benefits payable under Section 443.1117, Florida Statutes, and Rules 60BBER10-5 through 60BBER10-7, F.A.C., the following definitions apply:

(1) Good job prospects: An individual has good job prospects if he or she has a definite return to work date within 4 weeks of the eligibility notices referred to in subsection 60BBER10-6(2), F.A.C.

(2) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. 8501-8525, other than emergency unemployment compensation, trade readjustment allowance, disaster unemployment assistance, and extended unemployment compensation under Sections 443.1115 and 443.1117, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.1115, 443.1117 FS. History—New 9-1-10.

60BBER10-6 How to Apply for Extended Benefits.

(1) Initiating a Claim for Extended Benefits. The Agency will mail a Form AWI-UC310EB (07/10), Application for Extended Benefits (EB), which is hereby incorporated by reference into this rule, to all individuals who exhaust their available emergency unemployment compensation. This form will advise the recipient that the application for extended benefits may be filed using the form or by applying online at <http://www.floridajobs.org>. The online application report (AWI UCB-310EB-ONL (Rev. 2/10) Extended Benefit Online Application) is hereby incorporated by reference into this rule. When the individual is eligible for retroactive payment of extended benefits, the Agency will mail the claimant a Form AWI-UC310EBR (Rev 07/10) Information and Initial Claims Form for Retroactive Claims, which is hereby incorporated by reference into this rule. The Form AWI-UC310EB or Form AWI-UC310EBR may be submitted by:

(a) Mailing the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5700, Tallahassee, Florida 32314-5350.

(b) Faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)922-0107.

(2) Notice of Determination.

(a) Notice of the Agency's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11 EB (07/10), Monetary Determination/Redetermination for Extended Benefits, which is hereby incorporated by reference into this rule, when the Agency:

1. Determines that the individual is eligible for extended benefits; or

2. Determines that the individual is ineligible for extended benefits because:

a. The individual has available credits remaining on a claim for regular benefits or emergency unemployment compensation; or

b. The individual's claim for extended benefits was previously made in relation to the wrong regular unemployment claim.

(b) Notice of the Agency's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11-I EB (07/10), Extended Benefits Determination of Eligibility, which is hereby incorporated by reference into this rule, when the individual:

1. Has not exhausted his or her regular benefits or emergency unemployment compensation;

2. Did not exhaust his or her regular benefits or emergency unemployment compensation during his or her eligibility period;

3. Has rights to regular or extended benefits available or is potentially eligible for such benefits under the law of any state (which shall include Puerto Rico, the U.S. Virgin Islands, or the District of Columbia); or

4. Is receiving compensation under the unemployment compensation law of Canada.

(c) Any notice mailed pursuant to this rule will be accompanied by an EB BRI (7/10), Extended Benefits Benefit Rights Information, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History—New 9-1-10.

60BBER10-7 Diligent Work Search Requirements.

(1) Claim Certification. Every two weeks, an individual determined to be eligible for extended benefits must report his or her work search activities. The individual may satisfy this requirement by reporting online at <http://www.floridajobs.org/unemployment/EB/index.html>, and clicking on the "Claim Your Weeks" icon. The individual may also file his or her report on a Form AWI UCB-60EB (07/10), Unemployment Compensation Benefit Weekly Claim Certification, or a Form AWI-UCB-60EBR (07/10) Information and Initial Claims

Form for Retroactive Claims, in the manner prescribed in paragraphs 60BBER10-6(1)(a) and (b), F.A.C. The Agency mails the Form AWI UCB-60EB and the Form AWI UCB-60EBR to the claimant for this purpose. The online work search reports (AWI UCB-60EB-ONL (Rev. 08/10) Weekly Claim Certifications and AWI UCB-60EB-ONL (S) (Rev. 08/10) Certificaciones para las Reclamaciones Semanales), the Form AWI UCB-60EB and the Form AWI UCB-60EBR are hereby incorporated by reference into this rule.

(2) Work Search Requirements. Except as provided in subsection (3) of this rule, any eligible individual must conduct at least two work search activities on separate days per week.

(3) Good Job Prospects. Individuals who have been determined to have good job prospects, as defined in subsection 60BBER10-5(1), F.A.C.:

(a) Are not required to seek other employment, except as provided by subsection (4) of this rule.

(b) Must list, in the Work Search Record portion of the report required in subsection (1) of this rule, the name and address of the employer to which the individual expects to report to work, and the date such work is expected to begin.

(4) Additional Reporting Requirement for Individuals with Good Job Prospects. If, after four weeks of extended benefits, an individual determined to have good job prospects remains unemployed, the Agency will mail him or her an AWI Form UCB231EB (Rev. 12/09), Unemployment Compensation Extended Benefits (EB) Eligibility Review Questionnaire, which is hereby incorporated by reference into this rule. The individual shall fill out and return this form within ten days of the mailing date, in the manner prescribed in paragraphs 60BBER10-6(1)(a) and (b), F.A.C.

(5) Failure to Comply. Failure to comply with the requirements of this rule will result in the individual's disqualification from receiving extended benefits until:

(a) Four weeks have passed since the noncompliance; and

(b) The individual has earned wages that equal four times his or her weekly benefit amount.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History—New 9-1-10.

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: September 1, 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."