

# Department of the Lottery 2018-2019 Regulatory Plan

9/28/2018



*This Regulatory Plan has been prepared in accordance with Section 120.74(1), Florida Statutes.*

# Department of the Lottery 2018-2019 Regulatory Plan



Below is the Department of the Lottery's 2018-2019 Regulatory Plan (or "plan") which has been prepared in accordance with the requirements set forth in Section 120.74(1), Florida Statutes.

## 1. Plan Requirements of Section 120.74(1)(a), Florida Statutes (2018):

*Section 120.74(1)(a), Florida Statutes, provides that an agency's plan must include a listing of each law enacted or amended during the previous 12 months which created or modified the duties or authority of the agency and a statement as to whether rulemaking is required to implement the law.*

The duties and authority of the Department of the Lottery ("Department") are primarily identified in Chapter 24, Florida Statutes. That chapter was not amended during the previous 12 months.

Further, the Department of the Lottery has reviewed the below-listed laws enacted or amended during the previous 12-months which may modify the duties or authority of the Lottery, in the same way as to all other agencies of the executive branch, and the Department has determined that corresponding rulemaking by the Department is not necessary to implement the listed laws. Each listed law provides a sufficient level of detail and clarity to be executed by the Department without rulemaking. Notably, none of the below-listed laws required the Department to initiate rulemaking.

Law	Subject
2018-002	Public Records
2018-009	Appropriations
2018-010	Appropriations
2018-011	Collective Bargaining
2018-052	Contracting with Scrutinized Companies
2018-053	Public Records
2018-057	State Employment
2018-060	Public Records
2018-064	Public Records
2018-077	Public Records
2018-099	Daylight Savings Time
2018-109	Florida Statutes
2018-110	Reviser's Bill
2018-111	Reviser's Bill
2018-112	Reviser's Bill
2018-114	2020 Legislative Session
2018-117	Open Government Sunset Review
2018-126	Resign-to-Run Law
2018-146	Public Records/Meetings
2018-147	Public Records



## **2. Plan Requirements of Section 120.74(1)(b), Florida Statutes (2018):**

*Section 120.74(1)(b), Florida Statutes, provides that an agency's plan must include a listing of any other laws which the agency expects to implement by rulemaking before the following July 1, except emergency rulemaking.*

All but two of the Department's rules are promulgated by emergency rulemaking in accordance with the emergency rulemaking authority granted to the Department in Section 24.109(1), Florida Statutes. Laws implemented by emergency rulemaking are excluded from the requirements of Section 120.74(1)(b), Florida Statutes, and thus not included in the plan.

The Department initiated the repeal of Rule 53-1.005, *Confidential Information*, in September of 2017, because it was superseded by Emergency Rule 53ER17-57 and is obsolete. The Department, however, did not complete the rule repeal process as anticipated due in part to the introduction and movement of HB 459.

The Department intends to re-initiate rulemaking for the repeal of Rule 53-1.005. The law implemented by Rule 53-1.005 is 24.105(12) F.S.

The Department does not presently have plans to implement any other laws by non-emergency rulemaking before July 1, 2019. However, the Department is still evaluating and reviewing its permanent and emergency rules, and may update this section later, depending on the outcome of the review.

## **3. Plan Requirements of Section 120.74(1)(c), Florida Statutes (2018):**

*Section 120.74(1)(c), Florida Statutes, provides that an agency's plan must include any desired update to the prior year's regulatory plan; furthermore, if laws requiring rulemaking were identified in a prior years' plan but a notice of proposed rulemaking has not yet been published, the agency must make the statements as required in Section 120.74(1)(c)1. and 2.*

The Department's 2017-2018 plan is updated to state that the Department will re-initiate the repeal of Rule 53-1.005, *Confidential Information*, during the 2018-2019 reporting year.

The 2017-2018 Regulatory Plan did not identify laws requiring rulemaking under paragraph (1)(c) or under subparagraph (1)(a)1.



**CERTIFICATION**

I, Jim Poppell, Secretary of the Department of the Lottery, and I, David Guerrieri, General Counsel for the Department of the Lottery, hereby certify the following:

1. I have reviewed the Department of the Lottery's 2018-2019 Regulatory Plan; and
2. I have verified that the Department of the Lottery regularly reviews all of its rules to determine if the rules remain consistent with the Department of the Lottery's rulemaking authority and laws implemented. The most recent review was completed during September of 2018.

Dated this 28<sup>th</sup> day of September, 2018.

By:   
Jim Poppell, Secretary

By:   
David Guerrieri, General Counsel