

Department of the Lottery 2023-2024 Regulatory Plan

8/31/2023



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



Below is the Department of the Lottery's (Department) 2023-2024 Regulatory Plan (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 (2023):

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.

House Bill 715 was enacted since the 2022-2023 Regulatory Plan was submitted:

a) **Florida Statute 24.105(9)** (Powers and duties of department – the department shall adopt rules governing the establishment and operation of the state lottery), **paragraph (9)(i)** was modified to state “the commission for Florida Lottery ticket sales shall be 6.00 percent of the purchase price of each ticket sold or issued as a prize by a retailer. Any additional retailer compensation is limited to the Florida Lottery Retailer Bonus Commission program appropriated annually in the General Appropriations Act or any other specific compensation appropriated by the act.”

i. Effective date: July 1, 2023

ii. Lottery Emergency Rule 53ER23-30 (Retailer Compensation) was promulgated to implement the change and replaced Emergency Rule 53ER22-30. Emergency Rule 53ER23-30 was published on June 30, 2023 in volume 49/127 of the FAR, with an effective date of July 1, 2023.

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

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 one of the Department's rules (Rule 53-1.007) 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 does not presently have plans to implement any other laws by non-emergency rulemaking before July 1, 2024 but will continue to assess and evaluate the Department's rulemaking on an on-going basis.

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

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.

No updates to the 2022-2023 Regulatory Plan are planned or necessary. The following statutory sections were enacted/amended and were identified in the 2022-2023 Regulatory Plan:

- a) **Florida Statute 24.1051** (Exemptions from inspection or copying of public records) was modified to include "The name of a winner of a prize valued at \$250,000 or more is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 90 days from the date the prize is claimed, unless the winner consents to the release of his or her name or as provided for in s. 24.115(4) or s. 409.2577. After 90 days, the winner's name is no longer confidential and exempt."
 - i. Effective date: May 25, 2022
 - ii. No rulemaking was done to implement the new statutory amendment. The amendment was self-explanatory and complete without the promulgation of a rule.

- b) **Florida Statute 24.105(9)** (Powers and duties of department – the department shall adopt rules governing the establishment and operation of the state lottery) was modified to state "the commission for Florida Lottery ticket sales shall be 5.75 percent of the purchase price of each ticket sold or issued as a prize by a retailer. Any additional retailer compensation is limited to the Florida Lottery Retailer Bonus Commission program appropriated in Specific Appropriations 2759U of the 2022-2023 General Appropriations Act."
 - i. Effective date: July 1, 2022 and expired on July 1, 2023. Lottery Emergency Rule 53ER22-30 (Retailer Compensation) was promulgated to implement and clarify the statutory change and replaced Emergency Rule 53ER19-27. Emergency Rule 53ER22-30 was published on June 30, 2022, in volume 48/127 of the FAR, with an effective date of July 1, 2022.



CERTIFICATION

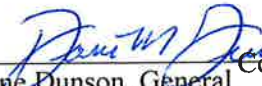
I, John Davis, Secretary of the Department of the Lottery, and I, Dane Dunson, General Counsel for the Department of the Lottery, hereby certify the following:

1. I have reviewed the Department of the Lottery's 2023-2024 Regulatory Plan; and

2. I have verified that the Department of the Lottery regularly reviews all 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 in August of 2023.

Dated this 24th day of August, 2023.

By: 
John Davis, Secretary

By: 
Dane Dunson, General Counsel