

Department of the Lottery 2024-2025 Regulatory Plan

8/26/2024



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

Department of the Lottery 2024-2025 Regulatory Plan



Below is the Department of the Lottery's (Department) 2024-2025 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:

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 following statutory sections were amended or added since the 2023-2024 Regulatory Plan was submitted:

- (a) **Florida Statute 24.105** (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 manner and amount of compensation of retailers, except for the 2024-2025 fiscal year only, effective July 1, 2024, the commission for lottery ticket sales shall be 6 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 Appropriation 2834 of the 2024-2025 General Appropriations Act.”

i. Effective date: July 1, 2024

ii. No rule change was needed since the amount of compensation/compensation provisions for Lottery retailers did not change.

- (b) **Florida Statute 24.1051** (Exemptions from inspection or copying of public records), a sentence was added to **sub subparagraph (1)(a)1.a.**, stating “This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.”

i. Effective date: October 1, 2024

ii. No rule promulgation was needed.

- (c) **Florida Statute 937.0205** (Purple Alert), **subsection (6)** says a state Purple Alert may be requested from the Department of Law Enforcement's Missing Endangered Persons Information Clearinghouse when an investigation indicates that there is a motor vehicle with an identified license plate or other vehicle information, and



paragraph (6)(b) was added to require the clearinghouse to “Coordinate with the Department of the Lottery to have the state Purple Alert broadcast on lottery terminals, including, but not limited to, lottery terminals in gas stations, convenience stores, and supermarkets.”

- i. Effective date: July 1, 2024
- ii. No rulemaking was done, or is planned, to implement the new statutory amendment. The statute amendment is self-explanatory and complete without the promulgation of a rule.

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 1st, 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, 2025 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 2023-2024 Regulatory Plan are planned or necessary. The following statutory section was amended and was identified in the 2023-2024 Regulatory Plan:

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 manner and amount of compensation of retailers, except for the 2023-2024 fiscal year only, effective July 1, 2023, the commission for lottery ticket sales shall be 6 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

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Lottery Retailer Bonus Commission program appropriated in Specific Appropriation 2820 of the 2023-2024 General Appropriations Act.”

- a. Effective date: July 1, 2023
- b. 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.

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 2024-2025 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 2024.

Dated this 26th day of August, 2024.

By:

Dane Dunson, General Counsel

By:

John Davis, Secretary