

Department of the Lottery 2019-2020 Regulatory Plan

9/30/2019



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



Below is the Department of the Lottery’s 2019-2020 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 (2019):

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. Chapter 2019-41, Laws of Florida, amended Chapter 24 as follows:

- Paragraphs (a), (b), and (c) of subsection (12) of section 24.105, Florida Statutes, were transferred, renumbered as subsections (1), (2), and (3), respectively, of section 24.1051, Florida Statutes, and amended.
- Subsection (4) of section 24.118, Florida Statutes, was transferred, renumbered as subsection (4) of section 24.1051, Florida Statutes, and amended.

Rulemaking is not required to implement the above-mentioned law amendments. Chapter 2019-41 amended the Lottery’s exemptions from public records law and nullified the Lottery’s authority to determine such exemptions by rule.

2. Plan Requirements of Section 120.74(1)(b), Florida Statutes (2019):

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, 2020 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 (2019):

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 2018-2019 plan is updated as follows: Rule 53-1.005, F.A.C., *Confidential Information*, was not repealed by the Department as stated in the plan. Rule 53-1.005 was nullified by operation of law (Chapter 2019-41, Laws of Florida).

The 2018-2019 Regulatory Plan did not identify laws requiring rulemaking under Section 120.74 (1)(c) or under Section 120.74 (1)(a)1, Florida Statutes.



CERTIFICATION

I, Jim Poppell, 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 2019-2020 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 in September of 2019.

Dated this 30th day of September 2019.

By: *Samantha Finis*
for Jim Poppell, Secretary

By: *Dane M Dunson*
Dane Dunson, General Counsel