

53ER18-59 Waiver of Service Charges, Fees and/or Penalties for Retailers- Hurricane Michael.

(1) Notwithstanding Florida Lottery Rules 53ER17-42 *Retailer Application and Fee Schedule*, 53ER07-18 *Retailer Responsibilities*, 53ER17-55 *Retailer Accountability* and 53ER08-43 *Lost, Stolen or Damaged Instant Lottery Tickets*, Florida Administrative Code, this emergency rule sets forth provisions for the waiver of certain retailer charges, fees and/or penalties set forth in the above-referenced rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Michael. This rule shall apply to retailers in counties in Florida that are at any time eligible because of Hurricane Michael for public or individual assistance from the Federal Emergency Management Agency, which as of October 13, 2018, includes the following counties: Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, and Suwannee.

(2) Weekly Service Charge.

(a) The weekly service charge set forth in Rule 53ER07-18, Florida Administrative Code, shall be waived for any accounting week beginning October 15, 2018, provided the retailer's sales status is "non-selling" as determined by reviewing the retailer's Week to Date Sales Report on Sunday of each accounting week.

(b) The service charge waiver set forth in this subsection shall remain in effect until such time as the retailer regains its selling status, or this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence, whichever occurs first, except as provided in paragraph (2)(c) below.

(c) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's non-selling status is for reasons not attributable to Hurricane Michael, in which case the weekly service charge will be assessed in the regular manner.

(3) Electronic Funds Transfer (EFT) Delinquency Penalty.

(a) Except as provided in paragraph (3)(b) below, a penalty for an EFT delinquency as set forth in Rule 53ER17-55, Florida Administrative Code, shall be waived until such time as the retailer regains its selling status and is no longer prevented from making bank deposits for reasons attributable to Hurricane Michael, or this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence, whichever occurs first, except as provided in paragraph (3)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether an EFT delinquency penalty assessed to a retailer shall be waived and whether it shall be counted towards the number of delinquency

returns in a twelve-month period and associated penalties. (Example: the retailer EFT delinquency occurrence is for reasons not attributable to Hurricane Michael.)

(4) Lost, Stolen or Damaged Instant Lottery Ticket Service Fees and Charges.

(a) Any service fee for books of Scratch-Off lottery tickets (also known as instant lottery tickets) reported as lost, stolen, or damaged as set forth in Rule 53ER08-43, Florida Administrative Code, that were in received status as of October 10, 2018, shall be waived except as provided in paragraph (4)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's reporting of inactive lost, stolen, or damaged books is for reasons not attributable to Hurricane Michael, in which case the service fee will be assessed in the regular manner.

(c) Active books of lost or damaged tickets will be handled in accordance with subsection (3) of Rule 53ER08-43, Florida Administrative Code. Active books of stolen tickets will be handled in accordance with subsection (3) of Rule 53ER08-43, Florida Administrative Code, except as follows. Upon the request of a retailer, the Lottery will review the timing and circumstances surrounding the reporting of stolen books. If determined by the Florida Lottery that stolen book charges are primarily attributable to Hurricane Michael, any such charges will be waived.

(d) The fee waiver set forth in this subsection shall remain in effect until such time as this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(5) Retailer Application Fee - Change of Location.

(a) The \$10.00 fee for retailers that apply for a change of location as set forth in Rule 53ER17-42, Florida Administrative Code, shall be waived except as provided in paragraph (5)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's change in location is for reasons not attributable to Hurricane Michael, in which case the fee will be assessed in the regular manner.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

Rulemaking Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(j), 24.112(1) FS. History- New- 10-15-18.