

# Department of the Lottery 2022-2023 Regulatory Plan

8/30/2022



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



Below is the Department of the Lottery's (Department) 2022-2023 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 (2021):

*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.*

*Two law amendments have been enacted since the 2021-2022 Regulatory Plan was created:*

- 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, or is planned, to implement the new statutory amendment. The statute amendment is 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 set to expire July 1, 2023 and the subsection is to revert to the text in existence on June 30, 2022, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire.
  - ii. Lottery Emergency Rule 53ER22-30 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.



## **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, 2023 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.*

Updates to the 2021-2022 Regulatory Plan were necessary, reference Subsection 1., above. A Supplement to the 2021-2022 Regulatory Plan was published on the Lottery's website on August 1, 2022. In compliance with Section 120.74(2) and (7), Florida Statutes, a FAR Notice as to the Supplement was filed on August 1, 2022.

Absent an extension of the expiration date, which is July 1, 2023, set forth under the modification to Section 24.105(9), Florida Statutes (See Paragraph 1.b), above), a new rule will be promulgated to accommodate the statutory expiration.



## 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 2022-2023 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 August of 2022.

Dated this 4th day of August, 2022.

By:   
John Davis, Secretary

By:   
Dane Dunson, General Counsel