

## Notice of Emergency Rule

### DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER14-21 Miami Heat Playoff Experience Promotion

SUMMARY: This rule describes the Miami Heat Playoff Experience Promotion.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER14-21 Miami Heat Playoff Experience Promotion.

(1) Beginning Monday, March 24, 2014, through Sunday, May 18, 2014, the Florida Lottery will conduct the Miami Heat Playoff Experience Promotion (or "Promotion"). Retailers in the Florida Lottery's West Palm Beach and Miami Sales Districts will be included in the Promotion. During the promotion period, players who purchase a \$5.00 Big 3 Power Pack at a Florida Lottery (or "Lottery") retailer location in the two districts specified above will receive a voucher with a unique number that can be entered into one of two drawings on the Florida Lottery's website for a chance to win Miami Heat team prizes. A \$5 Big 3 Power Pack comprises one \$2.00 POWERBALL® Quick Pick ticket, one \$2.00 FLORIDA LOTTO® with XTRA Quick Pick ticket, and one \$1.00 MEGA MILLIONS® Quick Pick ticket for the next available drawings. Jackpot Combo purchases are not eligible for this Promotion.

(2) How to Enter. To enter a voucher number into the Miami Heat Playoff Experience Promotion, players must enter on the Lottery's website at [www.flalottery.com](http://www.flalottery.com). On the home page of the Lottery's website, players can click on the Miami Heat Playoff Experience Promotion banner and follow the directions. Players can also access the Lottery's website to enter a voucher number via a link on the Miami Heat's website at [www.heat.com](http://www.heat.com). The entry voucher will be attached to the bottom of the FLORIDA LOTTO ticket. The voucher entry number is located at the bottom on the front of the voucher. Players are to enter the first 13-digits of the 19-digit voucher entry number. Qualifying Big 3 Power Pack ticket purchases will produce entry vouchers from the beginning of the promotion period until 10:00 p.m. (ET) on May 18, 2014. A player will be able to enter his or her voucher entry numbers beginning at the top of the hour after the Big 3 Power Pack tickets are purchased. A player entering a voucher entry number prior to the top of the hour after purchase will be directed to return at a later time to enter his or her voucher entry number into the drawing. POWERBALL, FLORIDA LOTTO and MEGA MILLIONS ticket numbers cannot be used for entry into the drawings. The odds of winning are dependent upon the number of entries received. Entry vouchers should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Entry vouchers or tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(3) Drawings. Two drawings will be held on two separate drawing dates and will include entries submitted before midnight (ET) on the last day of the entry period for each drawing. Entries will be good for one drawing only. The drawing schedule is:

<u>Drawing</u>	<u>Drawing Date</u>	<u>Entry Period</u> (The entry submission deadline is before midnight ET on the last day of the entry period)
<u>1</u>	Tuesday, April 22, 2014	March 24, 2014 – April 20, 2014
<u>2</u>	Tuesday, May 20, 2014	April 21, 2014 – May 18, 2014

Players may enter as many times as they wish during the Promotion. However, each valid voucher entry number may only be used one time, for one entry into one drawing.

(4) Prizes. In each of the two drawings, prizes will be awarded in accordance with the table below.

<b>Prize Level</b>	<b>Prize Description</b>	<b>Winners Per Drawing</b>
<u>Grand Prize</u>	<u>2014 Miami Heat Playoff Fly-Away Trip Package</u>	<u>1</u>
<u>Second Prize</u>	<u>Miami Heat Season Tickets</u>	<u>1</u>
<u>Third Prize</u>	<u>Miami Heat Player Meet &amp; Greet</u>	<u>3</u>
<u>Fourth Prize</u>	<u>Miami Heat Legend Meet &amp; Greet</u>	<u>3</u>
<u>Fifth Prize</u>	<u>Basketball Clinic</u>	<u>3</u>
<u>Sixth Prize</u>	<u>Locker Room Tour</u>	<u>2</u>
<u>Seventh Prize</u>	<u>Playoff Game Experience</u>	<u>8</u>
<u>Eighth Prize</u>	<u>Autographed Team Ball</u>	<u>3</u>
<u>Ninth Prize</u>	<u>Autographed Jersey</u>	<u>3</u>
<b>Total Prizes per Drawing</b>		<b><u>27</u></b>
A grand total of 54 prizes will be awarded in the Promotion.		

(5) Winner Selection. In each drawing, the first valid entry selected will win the grand prize, the second valid entry selected will win the second prize, the third through the fifth valid entries selected will each win a third prize, sixth through the eighth valid entries selected will each win a fourth prize, the ninth through eleventh valid entries selected will each win a fifth prize, the twelfth and thirteenth valid entries selected will each win a sixth prize, the fourteenth through twenty-first valid entries selected will each win a seventh prize, the twenty-second through twenty-fourth entries selected will each win an eighth prize, and the twenty-fifth through the twenty-seventh valid entries drawn will each win a ninth prize. An additional twenty-five valid entries will be selected as alternates and used in the order in which they are drawn and in the order of need to fulfill a grand, second, third, fourth, fifth, sixth or seventh prize in the event that a prize cannot be awarded. Alternate winners will not be selected for eighth and ninth prize.

(6) Notification. The prize winners in each drawing will be posted on [www.flalottery.com](http://www.flalottery.com) after the drawing. The Florida Lottery will attempt to notify each prize winner by telephone, U.S. mail or e-mail using the contact information provided in the winner's registration data no later than twenty-four hours after the winners are posted on the Florida Lottery's website.

(a) Grand Prize Winner – If the Florida Lottery is unable to have personal contact with the grand prize winner within three business days of the date of the drawing, the winner will forfeit his or her right to claim the prize, and the Florida Lottery will award the prize to the first alternate winner as described in subsection (5). If the Florida Lottery is unable to contact the first alternate winner within two business days, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This notification process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Florida Lottery is unable to contact an alternate winner, the prize will not be awarded.

(b) Second, Third, Fourth, Fifth and Sixth Prize Winners. If the Lottery is unable to have personal contact with a second, third, fourth, fifth or sixth prize winner within two weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to the first available alternate winner as described in subsection (5) above. If the Florida Lottery is unable to have personal contact the first available alternate winner within two weeks, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to the second available alternate winner. This notification process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Florida Lottery is unable to contact an alternate winner, the prize will not be awarded.

(c) Seventh Prize Winners. If the Florida Lottery is unable to have personal contact with a seventh prize winner within three business days of the date of the drawing, the winner will forfeit his or her right to claim the prize, and the Florida Lottery will award the prize to the first alternate winner as described in subsection (5). If the Florida Lottery is unable to contact the first alternate winner within two business days, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This

notification process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Florida Lottery is unable to contact an alternate winner, the prize will not be awarded.

(d) Eighth and Ninth Prize Winners. If the Florida Lottery is unable to have personal contact with an eighth or ninth prize winner within two weeks of the date of the drawing in order to confirm the winner's mailing address, the winner will forfeit his or her right to claim the prize and the prize will not be awarded.

(e) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met.

(7) How to claim a prize.

(a) To claim the grand prize in a drawing, a winner must submit to the Florida Lottery the original valid voucher bearing the unique number selected in the drawing, a completed Winner Claim Form DOL-173-2, revised 09/13, or Spanish Winner Claim Form DOL-173-2S, revised 09/13, a copy of acceptable identification as listed on [www.flalottery.com](http://www.flalottery.com), and any and all required releases. Forms DOL-173-2 and DOL-173-2S are hereby incorporated by reference and can be obtained from any Lottery office, from the Lottery's website: [www.flalottery.com](http://www.flalottery.com), or by writing to: Florida Lottery, Customer Service Division, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The required forms must be received by the Florida Lottery no later than three business days after the winner is notified by the Lottery that he or she is a winner. If the Florida Lottery has not received the required forms by the third business day after notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner in accordance with subsection (5) and paragraph (6)(a) above.

(b) To claim a second, third, fourth, fifth, or sixth prize in a drawing, a winner must submit to the Florida Lottery the original valid voucher bearing the unique number selected in the drawing along with a Winner Claim Form, required releases and identification referenced in paragraph (7)(a) above. The required documentation must be received by the Florida Lottery no later than two weeks after the winner is notified by the Lottery that he or she is a winner. If the Florida Lottery has not received the required forms by the fourteenth day after notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner in accordance with subsection (5) and paragraph (6)(b).

(c) To claim a seventh prize in a drawing, a winner must submit to the Florida Lottery the original valid voucher bearing the unique number selected in the drawing along with a Winner Claim Form, required releases and identification referenced in paragraph (7)(a) above. The required documentation must be received by the Florida Lottery no later than three business days after the winner is notified by the Lottery that he or she is a winner. If the Florida Lottery has not received the required forms by the third business day after notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner in accordance with subsection (5) and paragraph (6)(c).

(d) Eighth and ninth prize winners are not required to submit the original valid voucher bearing the entry number selected in the drawing or the documentation listed in paragraph (7)(a) in order to claim the merchandise prize.

(8) Award of Prizes.

(a) Grand Prize.

1. Grand Prize – (Miami Heat Playoff Fly Away Trip Package). Upon the Florida Lottery's receipt of a grand prize winner's required documentation, the Florida Lottery will award a prize of a Miami Heat Playoff Fly Away Trip Package ("Trip Package"). The Lottery will mail the grand prize winner a check for the cash portion of the prize along with a certificate describing the Trip Package and information necessary for the prizewinner to make reservations to fulfill the trip. The Trip Package includes the following: two tickets to one 2014 Miami Heat Playoff away game, round-trip airfare for two persons from any U.S. regional or international airport to the city in which the game is played, two nights' hotel stay (room and room tax only), and \$1,000 cash. The game shall be the first practicable Miami Heat playoff away game of the 2014 Miami Heat season after the prize is claimed by the winner. However, the winner will have the option to attend a 2014 playoff game in Miami and forfeit the airfare and/or hotel portion of the prize package. If the playoff results prohibit the fulfillment of a trip to a 2014 playoff game in which Miami Heat plays, or if attendance by the winner at a 2014 playoff game in which Miami Heat plays is not practicable, the trip shall be to an away game (determined by Miami Heat) in the first round of playoffs in 2015 in which Miami Heat plays. The estimated retail value of the prize, including the cash portion, is \$6,000. The actual retail value of the prize depends on the cost of airfare from the airport used by the winner to the airport in which the

game is played. The Florida Lottery will pay applicable Federal income tax withholding on the actual retail value of the grand prize. The reportable taxable value of the grand prize is the actual retail value of the prize plus the value of the federal income tax withholding paid by the Lottery. The reportable taxable value of a grand prize is estimated at \$8,000.

2. A grand prize is not transferable or assignable without the express written consent of the Lottery. If the prizewinner advises the Lottery at the time the grand prize is claimed that he or she is unable to attend the 2014 Miami Heat playoff game, the grand prize winner may transfer the airline ticket/hotel/game ticket portions of the grand prize to another person; however, the cash portion of the prize will be paid to the grand prize winner and the entire value of the grand prize shall remain taxable to the grand prize winner. An alternate winner of a grand prize may transfer the airline ticket/hotel/game ticket portions of the grand prize to another person provided he or she advises the Lottery of such transfer at the time of notification of his or her selection as an alternate.

3. A grand prize does not include travel (except as specified above), gratuities, parking fees, baggage fees, any items not expressly specified, meals or per diem for meals, incidentals, tips, and personal expenses such as telephone calls, valet service or laundry, etc., or revision, rebooking, transfer or cancellation fees that may be charged by the airline, hotel or other suppliers.

4. The Florida Lottery reserves the right, in its sole discretion, to substitute a different prize of comparable value should a grand prize become unavailable.

(b) Second Prize (Season Tickets). Upon the Florida Lottery's receipt of a second prize winner's required documentation, the Lottery will award a prize of two lower level Miami Heat home game season tickets for the 2014-2015 season. The winner will be provided a certificate with the necessary information to obtain the basketball tickets from the fulfillment entity. (Total value \$4,576)

(c) Third Prize (Heat Player Meet and Greet). Upon the Florida Lottery's receipt of a third prize winner's required documentation, the Lottery will award a prize of two lower level tickets to a 2014-2015 regular season Miami Heat home game with a post-game meet and greet with a Miami Heat player. The winner will be provided a certificate with the necessary information to make arrangements for the post-game meet and greet and to obtain the basketball tickets from the fulfillment entity. (Total value \$1,200)

(d) Fourth Prize (Heat Legend Meet and Greet). Upon the Florida Lottery's receipt of a fourth prize winner's required documentation, the Lottery will award a prize of two lower level tickets to a 2014-2015 regular Miami Heat season home game with a pre-game meet and greet with a Miami Heat legend. The winner will be provided a certificate with the necessary information to make arrangements for the pre-game meet and greet and to obtain the basketball tickets from the fulfillment entity. (Total value \$1,100)

(e) Fifth Prize (Basketball Clinic). Upon the Florida Lottery's receipt of a fifth prize winner's required documentation, the Lottery will award a prize of the opportunity for the winner and one guest to attend a Miami Heat basketball clinic facilitated by a Miami Heat legend at the American Airlines Arena. The winner will be provided a certificate with the necessary information to make arrangements for the clinic with the fulfillment entity. (Total value \$900)

(f) Sixth Prize (Locker Room Tour). Upon the Florida Lottery's receipt of a sixth prize winner's required documentation, the Lottery will award a prize of two lower bowl tickets to a 2014-2015 regular season home game and a Miami Heat locker room tour led by a Miami Heat legend with photo opportunity with the 2013 Championship Trophy. The winner will be provided a certificate with the necessary information to make arrangements for the locker room tour and to obtain the basketball tickets from the fulfillment entity. (Total value \$700)

(g) Seventh Prize (Playoff Game Experience). Upon the Florida Lottery's receipt of a seventh prize winner's required documentation, the Lottery will award a prize of two lower level tickets to a 2014 Miami Heat home playoff game and pre-game dinner in Dewar's Club House. If the playoff results prohibit the fulfillment of a home playoff game or if attendance by the winner at a 2014 home playoff game is not practicable, then the player will have the option of receiving two lower level tickets to a 2014-2015 regular home game or two lower level tickets to the first round of playoffs in 2015 in which the Heat plays at home and a pre-game dinner in Dewar's Club House. The winner will be provided a certificate with the necessary information to make dinner arrangements and to obtain the basketball tickets from the fulfillment entity. (Total value \$650)

(h) Eighth Prize (Autographed Basketball). Upon confirmation of an eighth prize winner's mailing address, the Florida Lottery will mail one basketball autographed by the 2013-2014 Miami Heat team roster. (Total value \$500)

(i) Ninth Prize (Autographed Jersey). Upon confirmation of a ninth prize winner's mailing address, the Florida Lottery will mail one Miami Heat jersey autographed by a Miami Heat legend. (Total value \$125)

(9) Taxes. Except as specifically mentioned herein, all federal, state and/or local taxes or other fees on the prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. A nonresident alien claimant who is selected as a winner of a prize for which tax withholding is not paid by the Florida Lottery will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) State-Owed Debt. If the winner of a grand prize in a drawing is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with Section 24.115, F.S. If the debt is an amount less than the cash portion of the prize, the non-cash portion of the prize and the cash portion of the prize less the amount owed shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize, the winner's entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115, F.S., and the winner will receive the remaining non-cash portion of the prize, if any.

(11) No cash option is available in lieu of the non-cash prizes.

(12) The right to claim a prize cannot be assigned to another person or entity.

(13) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rule of the Florida Lottery governing payment of prizes. Copies of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(14) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(15) By entering the Miami Heat Playoff Experience Promotion, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the fulfillment entity for prize fulfillment purposes.

(16) A player entering the Miami Heat Playoff Experience Promotion is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(17) Entry into the Miami Heat Playoff Experience Promotion and/or acceptance of a prize constitutes permission to use the prizewinner's name, biographical information and/or likeness for purposes of advertising and promotion without further compensation as permitted by law by the Florida Lottery, Miami Heat Limited Partnership, the American Airlines Arena, the National Basketball Association and its Member Teams, NBA Properties, Inc., NBA Media Ventures, LLC and/or each of their respective parent companies, subsidiaries, affiliates and advertising/promotion agencies.

(18) The Miami Heat Playoff Experience Promotion drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm.

(19) This emergency rule replaces Emergency Rules 53ER13-26 and 53ER13-27, F.A.C.

*Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 3-21-14, Replaces 53ER13-26 and 53ER13-27, F.A.C.*

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: March 21, 2014