

Bill No. CS for SB 1588

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 24.1075, Florida Statutes, is		
18	created to read:		
19	<u>24.1075 Legislative findings; dissemination of</u>		
20	<u>information; fees charged.--</u>		
21	<u>(1) LEGISLATIVE FINDINGS.--</u>		
22	<u>(a) The Legislature finds that the department widely</u>		
23	<u>distributes the winning lottery numbers and payout</u>		
24	<u>information. This information is distributed to all lottery</u>		
25	<u>retailers who make that information available to customers and</u>		
26	<u>lottery players, free of charge. The media is also given this</u>		
27	<u>information which is regularly published in numerous</u>		
28	<u>newspapers of general circulation. The department also</u>		
29	<u>disseminates winning-number information nightly on television</u>		
30	<u>and immediately posts this information on the department's</u>		
31	<u>Internet website; access to the website is free. Additionally,</u>		

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1 in conformance with the constitutional and statutory  
2 requirements regarding access to public records, any person,  
3 upon request, may inspect the public records that contain  
4 winning lottery numbers and payout information, at department  
5 offices; and, upon request, the department provides copies of  
6 those records, at a fee as prescribed by s. 119.07(1).  
7 Furthermore, the department provides copies of such records,  
8 by mail, at a fee in conformance with s. 119.07(1).

9 (b) The Legislature has previously stated and further  
10 reiterates that it intends the department to operate as much  
11 as possible in the manner of an entrepreneurial business  
12 enterprise, and to operate in a self-supporting,  
13 revenue-producing manner, with the ultimate goal of increasing  
14 educational funding. To that end, in 1995 the Legislature  
15 required the department to provide a 1-900 telephone number  
16 service, for dissemination of winning lottery numbers and  
17 payout information, in lieu of the department's costly 1-800  
18 telephone number service. The department has, however, from  
19 its inception, had the authority to establish any type  
20 telephone number service for the convenience of the public, as  
21 the department considered appropriate and pursuant to the  
22 department's powers and duties as set forth in s. 24.105. More  
23 specifically, s. 24.105 authorizes the establishment and  
24 operation of the state lottery in a manner necessary or  
25 desirable for the efficient or economical operation of the  
26 lottery or for the convenience of the public and to enter into  
27 contracts for goods and services necessary for such purposes.  
28 The Legislature finds that, under these circumstances,  
29 information provided through audio-telephonic communications  
30 alone does not constitute remote electronic access for the  
31 purpose of "inspecting, examining, and copying public records"

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1 as envisioned by the Legislature pursuant to s. 119.085. The  
2 Legislature further finds and declares that information  
3 disseminated through audio-telephonic communications, whether  
4 provided by the department or by a private entity pursuant to  
5 contact, is not a public record as that term is defined in  
6 chapter 119, and that using a dedicated telephone number  
7 service for audio-telephonic transmission of information does  
8 not constitute a public records request.

9 (2) DISSEMINATION OF INFORMATION; FEES CHARGED FOR  
10 1-900 TELEPHONE NUMBER SERVICE.--The department is authorized  
11 to continue to allow winning lottery numbers and payout  
12 information to be provided to private contractors to be  
13 disseminated in whatever medias agreed to by the department  
14 and the contractor, and to otherwise disseminate in print and  
15 through other media such information. The department is more  
16 specifically authorized to continue to provide the 1-900  
17 telephone number service, and to continue to charge a price or  
18 fee in excess of cost for that 1-900 telephone service  
19 sufficient to generate money for education, and shall continue  
20 to provide the 1-900 telephone number service and shall  
21 continue to transfer the revenue generated thereby to the  
22 Educational Enhancement Trust Fund monthly. The department,  
23 has always been and is currently still authorized to operate  
24 the service internally or contract for the service. The  
25 department may discontinue this consumer service at any time  
26 the department deems appropriate in light of its purpose,  
27 powers, and duties as set forth in chapter 24.

28 Section 2. This act shall take effect upon becoming a  
29 law and shall apply to all authorized 1-900 services of the  
30 Department of Lottery since October 1, 1995.

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to dissemination of winning

8           lottery numbers and payout information;

9           creating s. 24.1075, F.S.; providing

10          legislative findings; addressing various public

11          records issues; reiterating and explaining

12          certain Department of Lottery powers;

13          reiterating and reauthorizing the provision of

14          a 1-900 telephone number service and fees

15          charged for that service; providing retroactive

16          applicability; providing an effective date.

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