

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11 The Committee on Governmental Operations offered the
12 following:

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14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Section 24.1075, Florida Statutes, is
19 created to read:

20 24.1075 Legislative findings; dissemination of
21 information, fees charged.--
22 (1) Legislative findings.--
23 (a) The legislature finds that the department widely
24 distributes the winning lottery numbers and payout
25 information. This information is distributed to all lottery
26 retailers who make that information available to customers and
27 lottery players, free of charge. The media is also given this
28 information which is regularly published in numerous
29 newspapers of general circulation. The department also
30 disseminates winning-number information nightly on television
31 and immediately posts this information on the department's

Amendment No. ____ (for drafter's use only)

1 Internet website; access to the website is free.
2 Additionally, in conformance with the constitutional and
3 statutory requirements regarding access to public records, any
4 person, upon request, may inspect the public records that
5 contain winning lottery numbers and payout information, at
6 department offices; and, upon request, the department provides
7 copies of those records, at a fee as prescribed by s.
8 119.07(1). Furthermore, the department provides copies of
9 such records, by mail, at a fee in conformance with s.
10 119.07(1).

11 (b) The legislature has previously stated and further
12 reiterates that it intends the department to operate as much
13 as possible in the manner of an entrepreneurial business
14 enterprise, and to operate in a self-supporting,
15 revenue-producing manner, with the ultimate goal of increasing
16 educational funding. To that end, in 1995 the legislature
17 required the department to provide a 1-900 telephone number
18 service, for dissemination of winning lottery numbers and
19 payout information, in lieu of the department's costly 1-800
20 telephone number service. The department has, however, from
21 its inception, had the authority to establish any type
22 telephone number service for the convenience of the public, as
23 the department considered appropriate and pursuant to the
24 department's powers and duties as set forth in s. 24.105.
25 More specifically, s. 24.105 authorizes the establishment and
26 operation of the state lottery in a manner necessary or
27 desirable for the efficient or economical operation of the
28 lottery or for the convenience of the public and to enter into
29 contracts for goods and services necessary for such purposes.
30 The legislature finds that, under these circumstances,
31 information provided through audio-telephonic communications

Amendment No. ____ (for drafter's use only)

1 alone does not constitute remote electronic access for the
2 purpose of "inspecting, examining, and copying public records"
3 as envisioned by the legislature pursuant to s. 119.085. The
4 legislature further finds and declares that information
5 disseminated through audio-telephonic communications, whether
6 provided by the department or by a private entity pursuant to
7 contact, is not a public record as that term is defined in
8 chapter 119, and that utilizing a dedicated telephone number
9 service for audio-telephonic transmission of information does
10 not constitute a public records request.

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

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

Amendment No. ____ (for drafter's use only)

1 ===== T I T L E A M E N D M E N T =====
2 And the title is amended as follows:
3 On page 1, lines 2 through 10,
4 remove from the title of the bill: all of said lines
5
6 and insert in lieu thereof:
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
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