

1                   A bill to be entitled  
2           An act relating to dissemination of winning  
3           lottery numbers and payout information;  
4           creating s. 24.1075, F.S.; providing  
5           legislative findings; addressing various public  
6           records issues; reiterating and explaining  
7           certain Department of Lottery powers;  
8           reiterating and reauthorizing the provision of  
9           a 1-900 telephone number service and fees  
10          charged for that service; providing retroactive  
11          applicability; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Section 24.1075, Florida Statutes, is  
16          created to read:

17           24.1075 Legislative findings; dissemination of  
18          information, fees charged.--

19           (1) Legislative findings.--

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

30          Additionally, in conformance with the constitutional and  
31          statutory requirements regarding access to public records, any

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

8 (b) The legislature has previously stated and further  
9 reiterates that it intends the department to operate as much  
10 as possible in the manner of an entrepreneurial business  
11 enterprise, and to operate in a self-supporting,  
12 revenue-producing manner, with the ultimate goal of increasing  
13 educational funding. To that end, in 1995 the legislature  
14 required the department to provide a 1-900 telephone number  
15 service, for dissemination of winning lottery numbers and  
16 payout information, in lieu of the department's costly 1-800  
17 telephone number service. The department has, however, from  
18 its inception, had the authority to establish any type  
19 telephone number service for the convenience of the public, as  
20 the department considered appropriate and pursuant to the  
21 department's powers and duties as set forth in s. 24.105.  
22 More specifically, s. 24.105 authorizes the establishment and  
23 operation of the state lottery in a manner necessary or  
24 desirable for the efficient or economical operation of the  
25 lottery or for the convenience of the public and to enter into  
26 contracts for goods and services necessary for such purposes.  
27 The legislature finds that, under these circumstances,  
28 information provided through audio-telephonic communications  
29 alone does not constitute remote electronic access for the  
30 purpose of "inspecting, examining, and copying public records"  
31 as envisioned by the legislature pursuant to s. 119.085. The

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

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

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