

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.

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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 contract, 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 for
9 1-900 telephone number service. -- The department is hereby
10 authorized to continue to allow winning lottery numbers and
11 payout information to be provided to private contractors to be
12 disseminated in whatever medias agreed to by the department
13 and the contractor, and to otherwise disseminate in print and
14 through other media such information. The department is more
15 specifically authorized to continue to provide the 1-900
16 telephone number service, and to continue to charge a price or
17 fee in excess of cost for that 1-900 telephone service
18 sufficient to generate money for education, 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.