By the Committee on Governmental Oversight and Productivity

585-498A-06

1   A bill to be entitled

2   An act relating to a review under the Open

3   Government Sunset Review Act; amending s.

4   119.084, F.S., relating to the copyright of

5   data processing software created by

6   governmental agencies; saving the provision

7   from repeal under the Open Government Sunset

8   Review Act; deleting provisions providing for

9   the repeal of the section; providing an

10   effective date.

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

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14   Section 1. Section 119.084, Florida Statutes, is

15   amended to read:

16   119.084 Copyright of data processing software created

17   by governmental agencies; sale price and licensing fee.--

18   (1) As used in this section, "agency" has the same

19   meaning as in s. 119.011(2), except that the term does not

20   include any private agency, person, partnership, corporation,

21   or business entity.

22   (2) An ~~Any~~ agency may ~~is authorized to~~ acquire and

23   hold a copyright ~~copyrights~~ for data processing software

24   created by the agency, and may ~~to~~ enforce its rights

25   pertaining to such copyright if ~~copyrights, provided that~~ the

26   agency complies with the requirements of this subsection

27   ~~section~~.

28   (a) Any agency that has acquired a copyright for data

29   processing software created by the agency may sell or license

30   the copyrighted data processing software to any public agency

31   or private person. The agency ~~and~~ may establish a price for

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1 the sale and a license fee for the use of such data processing

2 software which is. Proceeds from the sale or licensing of

3 copyrighted data processing software shall be deposited by the

4 agency into a trust fund for the agency's appropriate use for

5 authorized purposes. Counties, municipalities, and other

6 political subdivisions of the state may designate how such

7 sale and licensing proceeds are to be used. The price for the

8 sale of and the fee for the licensing of copyrighted data

9 processing software may be based on market considerations.

10 However, the price prices or fee fees for the sale or

11 licensing of copyrighted data processing software to an

12 individual or entity solely for application to information

13 maintained or generated by the agency that created the

14 copyrighted data processing software shall be determined

15 pursuant to s. 119.07(4).

16   (b) Proceeds from the sale or licensing of copyrighted

17 data processing software shall be deposited by the agency into

18 a trust fund for the agency's use for authorized purposes.

19 Counties, municipalities, and other political subdivisions of

20 the state may designate how such sale and licensing proceeds

21 are to be used.

22   (c)(b) The provisions of this subsection are

23 supplemental to, and do shall not supplant or repeal, any

24 other provision of law that authorizes an agency to acquire

25 and hold copyrights.

26   (3) This section is subject to the Open Government

27 Sunset Review Act of 1995 in accordance with s. 119.15 and

28 shall stand repealed on October 2, 2006, unless reviewed and

29 saved from repeal through reenactment by the Legislature.

30   Section 2. This act shall take effect October 1, 2006.

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2   SENATE SUMMARY

3   Revises provisions authorizing governmental agencies to
        copyright data processing software. Removes the repeal of
4   the provision which is scheduled on October 2, 2006,
        under the Open Government Sunset Review Act.

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