By the Committee on Governmental Oversight and Productivity

585-1816-06

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 $\underline{\text{may}}$ to enforce its rights
25	pertaining to such copyright if copyrights, provided that the
26	agency complies with the requirements of this <u>subsection</u>
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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the sale and a license fee for the use of such data processing software which is. Proceeds from the sale or licensing of copyrighted data processing software shall be deposited by the agency into a trust fund for the agency's appropriate use for authorized purposes. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used. The price for the sale of and the fee for the licensing of copyrighted data processing software may be based on market considerations. However, the price prices or fee fees for the sale or licensing of copyrighted data processing software to an individual or entity solely for application to information maintained or generated by the agency that created the copyrighted data processing software shall be determined pursuant to s. 119.07(4).

(b) Proceeds from the sale or licensing of copyrighted data processing software shall be deposited by the agency into a trust fund for the agency's appropriate use for authorized purposes. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used.

(c) (b) The provisions of this subsection are supplemental to, and do shall not supplant or repeal, any other provision of law that authorizes an agency to acquire and hold copyrights.

(3) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

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

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>SB 1038</u>
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4	Corrects a technical bill drafting error. Replaces a word that was removed by mistake when a paragraph was moved.
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