

ENROLLED
 HB 7013

2006 Legislature

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding copyright of data processing
 4 software created by governmental agencies; amending s.
 5 119.084, F.S., which authorizes an agency to acquire and
 6 hold a copyright for data processing software created by
 7 the agency and to enforce its rights pertaining to such
 8 copyright; making editorial changes; removing the
 9 scheduled repeal of the exemption under the Open
 10 Government Sunset Review Act; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 119.084, Florida Statutes, is amended
 15 to read:

16 119.084 Copyright of data processing software created by
 17 governmental agencies; sale price and licensing fee.--

18 (1) As used in this section, "agency" has the same meaning
 19 as in s. 119.011(2), except that the term does not include any
 20 private agency, person, partnership, corporation, or business
 21 entity.

22 (2) An ~~Any~~ agency is authorized to acquire and hold a
 23 copyright ~~copyrights~~ for data processing software created by the
 24 agency and to enforce its rights pertaining to such copyright
 25 ~~copyrights~~, provided that the agency complies with the
 26 requirements of this subsection ~~section~~.

27 (a) An ~~Any~~ agency that has acquired a copyright for data
 28 processing software created by the agency may sell or license

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29 the copyrighted data processing software to any public agency or
30 private person. The agency ~~and~~ may establish a price for the
31 sale and a licensing license fee for the use of such data
32 processing software that. ~~Proceeds from the sale or licensing of~~
33 ~~copyrighted data processing software shall be deposited by the~~
34 ~~agency into a trust fund for the agency's appropriate use for~~
35 ~~authorized purposes. Counties, municipalities, and other~~
36 ~~political subdivisions of the state may designate how such sale~~
37 ~~and licensing proceeds are to be used. The price for the sale of~~
38 ~~and the fee for the licensing of copyrighted data processing~~
39 ~~software~~ may be based on market considerations. However, the
40 prices or fees for the sale or licensing of copyrighted data
41 processing software to an individual or entity solely for
42 application to information maintained or generated by the agency
43 that created the copyrighted data processing software shall be
44 determined pursuant to s. 119.07(4).

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

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

54 ~~(3) This section is subject to the Open Government Sunset~~
55 ~~Review Act of 1995 in accordance with s. 119.15 and shall stand~~

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56 | ~~repealed on October 2, 2006, unless reviewed and saved from~~
57 | ~~repeal through reenactment by the Legislature.~~

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