

FOR CONSIDERATION 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.

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

13  
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

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.  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

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