

CF OPERATING PROCEDURE
NO. 50-4

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, June 14, 2022

Systems Management

COMPUTER SOFTWARE LICENSING AND COPYRIGHT POLICY

1. Purpose. This operating procedure states the Department of Children and Families (DCF or Department) policy concerning computer software used on DCF owned, purchased, or leased computer equipment.

2. Scope. This operating procedure is applicable to all computer software currently installed or installed in the future on any data processing equipment owned, purchased, or leased by DCF.

3. Authority.

- a. Chapter 60GG-2, Florida Administrative Code (F.A.C.), "Florida Cybersecurity Standards."
- b. Section 20.05, Florida Statutes (F.S.), "Heads of departments; powers and duties."
- c. Section 20.19, F.S., "Department of Children and Families."
- d. Section 282.318, F.S., "State Cybersecurity Act."
- e. Section 286.021, F.S., "Department of State to hold title to patents, trademarks, copyrights, etc."
- f. National Institute of Standards and Technology (NIST) SP 800-53 r4, "Security and Privacy Controls for Information Systems and Organizations."
- g. 5 U.S.C. 552a, "Privacy Act of 1974 – Electronic Information Exchange Security Requirements and Procedures for State and Local Agencies Exchanging Electronic Information with The Social Security Administration."
- h. CFOP 5-2, "Departmental Administrative Publications System."

4. Definitions. For this operating procedure, the following definitions shall apply:

a. Authorized Software. Computer software, including freeware and shareware, that meets at least one of the following criteria:

- (1) Approved by Information Systems as a department standard;
- (2) Purchased utilizing an Information Resource Request (IRR);
- (3) Developed by DCF staff or authorized contract agents and where such developed software is referred to the Department of State to determine whether patent protection will be sought in the name of the State of Florida so that all patent rights accruing under or in connection with the State of Florida are reserved; or,

(4) Submitted to, screened, and approved by the Technology Standards Board (TSB) and the Information Technology Governance Board (ITGB) for authorized use.

b. Copyright. The right granted by law to an author, publisher, or distributor, for exclusive production, sale, or distribution of specific computer software or a computer software package.

c. Data Security Administrator. Individual designated by the Information Security Manager to coordinate and administer a statewide data security program.

d. Information Security Manager. Individual designated by the Secretary of the Department to administer the Department's data and information technology security program [see section 282.318, F.S.].

5. Policy.

a. The Department recognizes and supports the legitimate interests of copyright holders and prohibits its employees and contractors from violating the rights of copyright holders. All users of commercial software products licensed to the department, freeware, or shareware are responsible for upholding the terms of the license agreements.

(1) License agreements for commercial software often provide only a right to use the software; these agreements do not transfer ownership of the software to the user. In addition, in most cases, license agreements for software prohibit copying the software, except for archival purposes.

(2) Some license agreements prohibit the use of software on machines not included under the license purchase. Unless the license provides the right to copy the software or use it on another machine, users must assume that copying the software is illegal.

(3) Before copying or installing software on a computer other than the one it was originally licensed for, all users must ensure that the license terms permit the copying or installation.

(4) Refer questions regarding license agreements to the Region Legal Counsel or the Office of General Counsel.

b. Only use computer software documented as authorized software on any computer owned, purchased, or leased by DCF.

6. Compliance Procedures. All users of computers owned, purchased, or leased by DCF are expected to adhere to the requirements of this operating procedure and any related security safeguards. Each supervisor or contract manager must provide a copy of this operating procedure to their staff or contractors who have access, in their workplace, to computers owned, purchased, or leased by DCF. Consult the TSB, ITGB, or the Data Security Administrator concerning determinations of compliance with this operating procedure.

7. Violation Penalties.

a. Violations of the provisions of this operating procedure are handled in accordance with the Employee Handbook (CFP 60-55) or according to other appropriate recourses.

b. Copyright statutes do not preclude the imposition of liability for copyright infringements on governmental agencies or their staff. According to Title 17, United States Code, section 101 et seq., the federal copyright act protects the interest of persons who have developed original works of authorship, including computer software. Accordingly, illegal reproduction of software can be subject to civil damages and criminal penalties, including fines and imprisonment.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

COLE SOUSA
Chief Information Officer

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

Annual review completed; no substantive changes.