1. **Purpose.** This operating procedure states the Department of Children and Families’ (DCF) 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. **Definitions.** For the purposes of this operating procedure, the following definitions shall apply:
   
   a. **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.
   
   b. **Data Security Administrator.** Individual designated by the Information Security Manager to coordinate and administer a statewide data security program.
   
   c. **Information Security Manager.** Individual designated by the Secretary to administer the department's data and information technical resource security program [see section 282.318 (2)(a)1., Florida Statutes].
   
   d. **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 agents under contract to DCF 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 any and all patent rights accruing under or in connection with the software are reserved to the State of Florida; or,
      
      (4) Submitted to, screened, and approved by the Technology Standards Board (TSB) and the Information Technology Governance Board (ITGB) for authorized use.

4. **Policy.**

   a. The Department of Children and Families 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 most cases license agreements for software prohibit copying the software, except for archival purposes.
(2) Some license agreements also prohibit use of the software on any machine other
than the one for which the license was obtained. Unless the license clearly provides the right to copy
the software or to use it on another machine, users must assume that it is illegal to do so.

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

(4) Questions regarding license agreements shall be referred to the Region Legal
Counsel or Office of General Counsel.

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

5. 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 work place, to computers owned, purchased or leased by DCF.
The TSB, ITGB, or the Data Security Administrator may be consulted concerning determinations of
compliance with this operating procedure.

6. Violation Penalties.

a. Violations of the provisions of this operating procedure will be handled as determined by the
Employee Handbook (CFP 60-1) 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. 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)

ELWOOD MCELHANEY
Acting Assistant Secretary for
Administration

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

The updates in this operating procedure reflect current requirements for copying computer software
from or installing computer software on DCF owned, purchased or leased computer equipment.