

CHAPTER 17

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SOURCE CODE LICENSE AGREEMENT

PURPOSE:

To identify the requirements a Senior Management Service (SMS) manager or traditional Select Exempt Service (SES) manager must comply with in order to grant another governmental entity a royalty free, perpetual, nontransferable, and nonexclusive license for specific software, including source code, belonging to the Florida Department of Transportation (Department).

AUTHORITY:

Sections 20.23(43)(a) and 334.048(3), Florida Statutes (F.S.)

SCOPE:

This procedure applies to all Department personnel, and all consultants and contract personnel working for, or under the guidance of, the Department, and all computer software owned by the Florida Department of Transportation.

TRAINING:

~~No training required.~~

FORMS:

~~Forms No. 325-060-1011 and 325-060-12, Software License Agreement is available in the Department's Forms Library.~~

DEFINITIONS:

~~**Derivative Works:** Any and all computer programs in executable code or source code form developed or otherwise acquired by the licensee which are a modification of, enhancement to, derived from, or based upon the software.~~

~~**Executable Code:** The computer code for the software in a form that is intended to be directly executed by a computer.~~

~~**Owner of an Information Resource:** The SMS or traditional SES manager responsible for the function supported by the resource. In the specific context of this procedure, it is the manager responsible for the function supported by the FDOT-owned software for which a software license is to be granted.~~

~~**Software:** Both the computer programs in machine-readable executable code and source code form for the software product(s) for which a license is to be granted, including related materials and documentation.~~

~~**Source Code:** The computer code for the software printed or displayed in human-readable form.~~

~~**Traditional Select Exempt Service (SES) Manager:** This procedure pertains to the SES manager in a Level 3—Manager, Pay Band 21, or Level 4—Manager, Pay Band 22, position; or a position with a DMS-comparable class of Regional Toll Manager-DOT in Level 2—Manager, Pay Band 21. This does not include Service First SES personnel.~~

BACKGROUND:

Software developed, purchased, or acquired by Department employees or contract personnel in the performance of their duties for the Department is the property of the Department. In contrast for clarification, the Department does not purchase the Windows operating system software for a personal computer; it buys a license for that software. The Windows software license becomes the property of the Department, but not the software itself.

Circumstances may arise when it is desirable or beneficial to the Department to give software, including source code, -owned by the Department to another governmental entity such as another state's transportation department.

17.1 REQUIREMENTS FOR GRANTING A SOFTWARE LICENSE

17.1.1 The software license to be granted is for software that has been developed, purchased, or acquired by Department employees or contract personnel in the performance of their duties for the Department and is the property of the Department.

17.1.2 The software license to be granted is a royalty free, perpetual, nontransferable, and nonexclusive license for specific software belonging to the Florida Department of Transportation.

17.1.3 The appropriate Senior Management Service (SMS) or traditional Select Exempt Service (SES) manager is authorized to grant a software license to another governmental entity. The appropriate SMS or traditional SES manager is the SMS or traditional SES manager responsible for the function supported by the FDOT-owned software.

17.1.4 The SMS or traditional SES manager granting the software license is responsible for ensuring the Department's form titled **Software License Agreement, Form No. 325-060-~~11~~11 (for Florida State Agencies) or 325-060-12 (for Other State Agencies)**, a legally binding license agreement, is properly completed and signed. The SMS or traditional SES manager is responsible for contacting the Department's Chief Information Officer's office to obtain a number for the form being completed, for reviewing the terms and conditions of the software license agreement with the recipient, for retaining a file copy of the completed **Agreement** and for forwarding a copy of the completed **Agreement** to the Department's Chief Information Officer.

TRAINING:

[None Required.](#)

FORMS:

[Forms No. 325-060-11 or 325-060-12, Software License Agreement](#)