



## FLORIDA DEPARTMENT OF JUVENILE JUSTICE POLICY

**Secretary** /s/, Frank Peterman, Jr.

**Date:** 9/16/09

**Subject:** Ownership of Work Product: Copyrights, Patents, and Royalties

**Section:** FDJJ – 1602.09

**Originating Office:** Office of General Counsel

**Authority:** Section 286.021, Florida Statutes

**Related References:** Section 286.031, Florida Statutes  
Institutional Review Board (IRB) Research Proposal Review Process (FDJJ 1609.1)

**Purpose:** Establishes the Department of Juvenile Justice (DJJ) statement on patents, trademarks, copyrights, etc. relating to materials generated by the Department.

**Offices Affected by the Policy:** All offices within the Department of Juvenile Justice

### **POLICY STATEMENT:**

- The Florida Department of State holds the title to patents, trademarks, copyrights, etc. generated by the Florida Department of Juvenile Justice (DJJ) as a state agency or by its employees.
- Employees' work products, as used in this policy, shall include but are not limited to all literary, scientific, or technical works, devices, methods, or inventions developed or produced in the course or within the scope of the official duties of a DJJ employee or on behalf of the Department at public expense, specifically those which are copyrightable or patentable under federal law.
- Department processes, as used in this policy, shall include but are not limited to unique processes, devices, plans, methods, or systems in the nature of trade secrets developed or produced by DJJ employees in the course or within the scope of their official duties or on behalf of the Department at public expense.
- Unauthorized disclosure of DJJ work products and/or Department processes may tend to compromise the Department's mission. Such disclosures may be the subject of disciplinary action and, in appropriate circumstances, may be the subject of civil action for damages against the employee or employees responsible.
  - Should an employee plan to use data generated by DJJ to fulfill a part of the employee's course requirements, the employee must have prior written approval for use of data that has not been

**FLORIDA DEPARTMENT OF JUVENILE JUSTICE**

**SUBJECT:** Ownership of Work Product: Copyrights, Patents, and Royalties

**SECTION:** FDJJ - 1602.09

published by DJJ. Use of data that has been published, as part of the public record of the DJJ, does not require prior approval of the employee's supervisor.

- Should the employee intend to generate data, extrapolate data from client or other DJJ files, or use data being compiled as part of a review or study being conducted by DJJ or its providers, the employee shall not use this information without the prior written approval of the Secretary, Deputy Secretary of DJJ, or the DJJ Institutional Review Board Director. Work done by DJJ's Bureau of Research and Data Integrity is exempt from the requirements of this paragraph.
- All requests for use of data shall be in writing. The request shall identify the data requested and how it is to be used. When appropriate, such requests shall be forwarded to the Institutional Review Board prior to the decision of the Secretary or Deputy Secretary to approve or deny the request. Work done by DJJ's Bureau of Research and Data Integrity is exempt from the requirements of this paragraph.
- All contracts with private firms or individuals for the generation of a specified work product shall contain specific provisions stating the respective rights of the Florida Department of State and DJJ to the Department processes and/or work products that may be involved or generated.

**PROCEDURES/MANUALS:** N/A