

CYBERSECURITY CHANGES IN FLORIDA

FLORIDA STATUTE 282.318

WHAT IS FLORIDA STATUTE 282.318 AND WHAT DOES IT MEAN TO LEVY COUNTY?

- Passed by Florida Legislature during the regular 2022 session and went into effect on July 1, 2022.
- The main points of the Statute:
 - Cybersecurity information is now EXEMPT from Public Records.

WHAT'S THE BIG DEAL?

- Levy County has found this exemption to be in direct conflict with many of our existing policies/practices for example:
 - Purchasing
 - Budgeting
 - Information Technology
 - Public Records
 - Board Agenda

As we begin to address 282.318 Florida Statutes, Levy County will need to amend our Purchasing Ordinance, and also rethink the way we approach technology related purchases on a day-to-day operational basis.

WHAT ARE SOME CONCERNS?

- What items are considered cybersecurity related by the State of Florida?
- Who determines if a purchase is indeed cybersecurity related?
- How do we process a cybersecurity related item in our Fund Management System (ADG)?
- How do we handle internal processes and approvals for purchases that are exempt?
- How do we compete items that are exempt, if we can't tell anyone what we are buying?
- How do we handle items that go to the Board (public meetings = public agendas = public records)?
- When we do have a public records request for an item we have deemed exempt, how do we ensure those related records are not released to the requestor?

WHAT ITEMS ARE CONSIDERED CYBERSECURITY RELATED?

The State's definition on Cybersecurity related Items:

The protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology resources.

In Plain English, the Definition of Cybersecurity related Items is:

Any technology used in your organization, that if compromised or was disabled, would impact:

- Operations
- Finances
- Customer Trust

PER THE STATUTE, THE FOLLOWING ITEMS ARE EXEMPT:

It is a purchase of Goods or Services related to Cybersecurity including, but not limited to the following. Any terms included in this subsection (1)d. that are defined in section 119.0725, Florida Statutes, shall have the meaning set forth in that section.

1. Insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data;
2. Critical Infrastructure
3. Cybersecurity Incidents
4. Network Schematics, hardware and software configurations, or encryption or that identifies detection, investigation, or response practices for suspected or confirmed Cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such purchase information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:
 - a) Data or Information, whether physical or virtual; or
 - b) Information technology resources, which include an agency's existing or proposed information technology systems

STAFF RECOMMENDATIONS

- Amend Purchasing Ordinance to include:
 - Amend Purchasing Thresholds for Cybersecurity Related Purchases
 - Amend Approval Authority for Cybersecurity Related Purchases
 - Amend Exemptions from Competitive Procurement
- Amend Purchasing Policy for Cybersecurity Related Purchases
- Work with Clerk's Finance Office to generate G/L codes for Cybersecurity Related Purchases (if possible) for tracking purposes.
- Staff Training for Cybersecurity Related Purchases i.e. the process and changes being made.

QUESTIONS?