CYBERSECURITY CHANGES IN FLORIDA

OR

How the State Turned Our World Upside Down in 2022

Pasco County Purchasing Info

Purchasing Thresholds as of 11/15/2022

<$10,000.00	=	One Quote (by the department)
$10,000.01 - $50,000.00	=	Three Quotes (by the department)
$50,000.01 - $100,000.00	=	Formal Request for Quotes (RSQ) (by Purchasing through Bonfire)
>$100,000.00	=	Formal Solicitation (RFQ, RFP, ITM, RFI)

Purchasing Approval Levels as of 11/15/2022

Non-Cybersecurity Related

>50,000.00 and under	=	Purchasing Director
$50,000.01 - $100,000.00	=	County Administrator
>$100,000.01	=	Board of County Commissioners

What is Florida State Statute 282.318 and what does it mean to you?

Passed by Florida Legislature during the regular 2022 session and went into effect July 1, 2022

The main points of the statute:
Cybersecurity information is now **EXEMPT** from Public Records

What's the Big Deal?

Pasco County found this exemption to be in direct conflict with many of our existing policies for example:

- Purchasing
- Budget
- Information Technology
- Public Records
- Board Agenda

As we began to address 282.318, Pasco County not only had to amend ordinances, but we had to completely rethink the way we approached technology related purchases on a day-to-day operational basis.

What Were Some of Our Concerns?

- What items are considered cybersecurity related by the state of Florida?
- Who determines if a purchase is indeed cybersecurity related?
- How do you process a cybersecurity related item in our ERP system (Tyler MUNIS)?
- How do we handle internal processes and approvals for purchase 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
5. and other sensitive Cybersecurity items as determined by the Purchasing Director and Chief Information Officer.

What Did Pasco Do?

After much deliberation, Pasco decided to make all the items listed above EXEMPT from our solicitation requirements- so now we technically do not have to go out to bid or get multiple quotes for these items.

HOWEVER….

Just because we don't HAVE to solicit an item, it doesn't mean we CAN'T.

Our goal is still to be as competitive as possible, while still being able to maintain confidentiality.

One concern is that Departments would consider this a "free for all" to buy what they want from anyone they want, so we created a process to make the determination.

The determination as to whether or not a purchase is cybersecurity related (referred to as "confidential (CONF)" from this point forward) is made dually by the Purchasing Director and the Chief Information Officer.

Who Decides if a Purchase is Cybersecurity?

The determination of whether an item is cybersecurity is a dual approval by the Purchasing Director and the Chief Information Officer.

Purchasing Dollar Amount Approval Authority

Cybersecurity Related Purchases

$100,000.00 and under	=	Purchasing Director
$100,000.01 - $500,000.00	=	County Administrator*
>$500,000.01	=	Board of County Commissioners

*any cybersecurity items approved by County Administrator (between $100,000.00 and $500,000.00) is brought to the Board at the next meeting as a noted item, with CONF information redacted.

TOP
WORK
PLACES
2021

USA

Approval Authority Process

Purchasing Director:

- All approvals from the Purchasing Director require a signed form to be uploaded into MUNIS (above $10,000) regardless of CONF status, so nothing changes.

County Administrator:

- All approvals from the County Administrator require an email.
- For cybersecurity purchases, the subject line now starts with CONF.
- As with Purchase Orders, when a public records request is made, we are able to sort my subject and remove all emails with "CONF" in the subject line.

Board of County Commissioners:

- Items are brought to the Board via our CivicClerk system
- Since all agendas are public information, the agenda memos and supporting documents are heavily redacted

What does County Administrator Approval Look Like?

CONF - Request Admin Approval - Change Order - Additional Purchase Authority - Certificate Purchase - $5,000.00

↩ Reply   « Reply All   → Forward

Kimberly Feeney
To ● Erik Breitenbach   Tue 4/4/2023 8:20 AM
Cc ● Carrie C. Roberts; ● Christopher M. Arnone; ● Tammy A. Hummer; ● Steven Boswell

ⓘ Please treat this as Confidential.
This message was sent with High importance.

📄 Vendor Quote.pdf   📄 Approval History.pdf
    80 KB   606 KB

REQUESTING DEPARTMENT: Information Technology

REQUISITION/CONTRACT NO: 2596A

AMOUNT: New cumulative total Not to Exceed (NTE) amount of $473,759.03
$2,500.00 for Fiscal Year (FY) 2023
$2,500.00 for FY 2024
Authority for the County Admin to approve this item is pursuant to Code Section 2-110(b) Awards of Cybersecurity Purchases.

VENDOR: PATTIS PARTNERSHIP LLC

DESCRIPTION OF GOODS AND/OR SERVICES: WEBSITE ANNUAL FEE RENEWAL

TYPE OF PURCHASE: Contract Change Order (Increase)

JUSTIFICATION:
On June 21, 2011, the Board of County Commissioners (BCC) approved the Service and License Agreement (Agreement), for a cumulative NTE amount of $114,273.00.

What does Board Approval Look Like?

BOARD OF COUNTY COMMISSIONERS AGENDA MEMORANDUM

COMMISSION DISTRICT: All   **FILE NO.:** IT23-0031   **DATE:** 4/18/2023

SUBJECT: Additional Purchase Authority – Ongoing and As-Needed Maintenance – $104,000.00

REFERENCES: Not Applicable

AGENDA SECTION: Consent Agenda

THRU: Erik Breitenbach, Assistant County Administrator

FROM: Todd Bayley, Information Technology CIO

RECOMMENDED BOARD ACTION:
Approve additional purchasing authority for ongoing and as-needed maintenance, in the amount of $104,000.00, resulting in the new annual Not to Exceed (NTE) amount of $1,341,708.88 for Fiscal Year (FY) 2023, resulting in the new cumulative total NTE amount of $3,631,355.02 for the three-year contract term, expiring May 31, 2024.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS:
Due to the nature of the purchase involved, the information provided in this memorandum is limited pursuant to section 119.0725, Florida Statutes.

On June 8, 2021, the Board of County Commissioners (BCC) approved the three-year contract agreement for ongoing and as-needed maintenance in the annual NTE amount of $1,032,246.35 for FY 2021, $1,148,749.45 for FY 2022 and $1,148,749.45 for FY 2023, for a cumulative NTE amount of $3,329,745.25 for the three-year contract term.

On October 25, 2022, the BCC approved an additional Agreement with the vendor to implement adjusted terms on all of its future purchases with the County.

The Information Technology Department, with concurrence from the Purchasing Department, requests approval of additional purchasing authority, resulting in the new cumulative NTE amount of $3,631,355.02 for the three-year contract term ending May 31, 2024.

FISCAL IMPACT/COST/REVENUE STATEMENT:
Funding in the amount of $104,000.00 is budgeted and available for FY 2023 in the General Fund, Information Technology.

DISTRIBUTION:
Not applicable.

ATTACHMENT(S):
1. IT23-0031 Quote Redacted
2. IT23-0031 Agreement Redacted
3. IT23-0031 NTE Contract Redacted
4. IT23-0031 Division of Corporations - Sunbiz Redacted

IT23-0031
Page **1** of **2**

Thank you for choosing   . We have received your quote.

Hardware   Software   Services   IT Solutions   Brands   Research Hub

Review and Complete Purchase

ALICIA GENTZ,

Thank you for considering   for your technology needs. The details of your quote are below. **If you are an eProcurement or single sign on customer, please log into your system to access the ' site.** You can search for your quote to retrieve and transfer back into your system for processing.

For all other customers, click below to convert your quote to an order.

Convert Quote to Order

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
	3/7/2023			$104,000.00

QUOTE DETAILS

ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
	1	4678936	$104,000.00	$104,000.00

March 7, 2023 - May 31, 2023

Electronic distribution - NO MEDIA
Contract: Standard Pricing

SUBTOTAL	$104,000.00
SHIPPING	$0.00
SALES TAX	$0.00
GRAND TOTAL	$104,000.00

PURCHASER BILLING INFO	DELIVER TO
Billing Address: BOARD OF COUNTY COMMISSIONERS ACCOUNTS PAYABLE 38053 LIVE OAK AVE PASCO COUNTY DADE CITY, FL 33523-3805 Phone: (813) 847-8194 **Payment Terms:** Net 45 Days	**Shipping Address:** BOARD OF COUNTY COMMISSIONERS ALICIA GENTZ 38053 LIVE OAK AVE PASCO COUNTY DADE CITY, FL 33523-3805 Phone: (813) 847-8194 **Shipping Method:** ELECTRONIC DISTRIBUTION
	Please remit payments to:

Sales Contact Info

How Does Pasco Ensure IT Approval in the ERP System?

➤First, we created a new Requisition Request form (paper form)

➤We added a checkbox for "Confidential" items

➤The Department must start the General Description field (searchable) with "CONF"

➤We added budget cost center codes for departments to use when they have an item they feel is cybersecurity related.

*We have the ability to pull a PO report form our EP system and convert it to an Excel sheet. If a Public Records Request (PRR) is made for "all POs" we can now run the report, sort by the general description, and remove any POS that start with CONF.

REQUISITION REQUEST FORM

☐ REQUISITION   ☐ RFQ/BID   ☐ CHANGE ORDER

☐ **CONFIDENTIAL - CYBERSECURITY PURCHASES**
CODED TO OBJECTS 534999, 546999, 552999 OR 564999

SALES TAX EXEMPTION #61-04-026782-53-C

SHIP TO: 20101 CENTRAL BLVD, LOL FL 34637

CONTACT: CONTACT NUMBER:

VENDOR   PURPOSE - INCLUDE CONTRACT #, QUOTE #, BCC MEMO #, TERM, ETC

ADDRESS

CITY/STATE/ZIP

CONTACT NAME

DATE

REQUESTING DEPARTMENT

REQUESTOR'S NAME

PASCO
County Florida
Open Spaces. *Vibrant* Places.

FUND	BRU/DEPT	FUNCTION	OBJECT	PROJECT	SUB PROJECT	GRANT	LOCATION	IMPACT FEE	AMOUNT

TOTAL: $ 0.00

What About Purchasing Approval in the ERP System?

➢When the Fiscal team enters a requisition into MUNIS, they use one of the new confidential cost center code. This automatically routes the requisition for review and approval by the CIO.

➢When the requisition gets to Purchasing for review and approval, if there is "CONF " in the general description AND one of the new cost codes are used, the Purchasing team knows it has been approved and moved forward by IT.

➢ IT is approving from their perspective only- meaning it is ok to consider it a confidential purchase from an exempt status. Purchasing is still responsible for our process- quotes/bids/approvals/contracts and so forth.
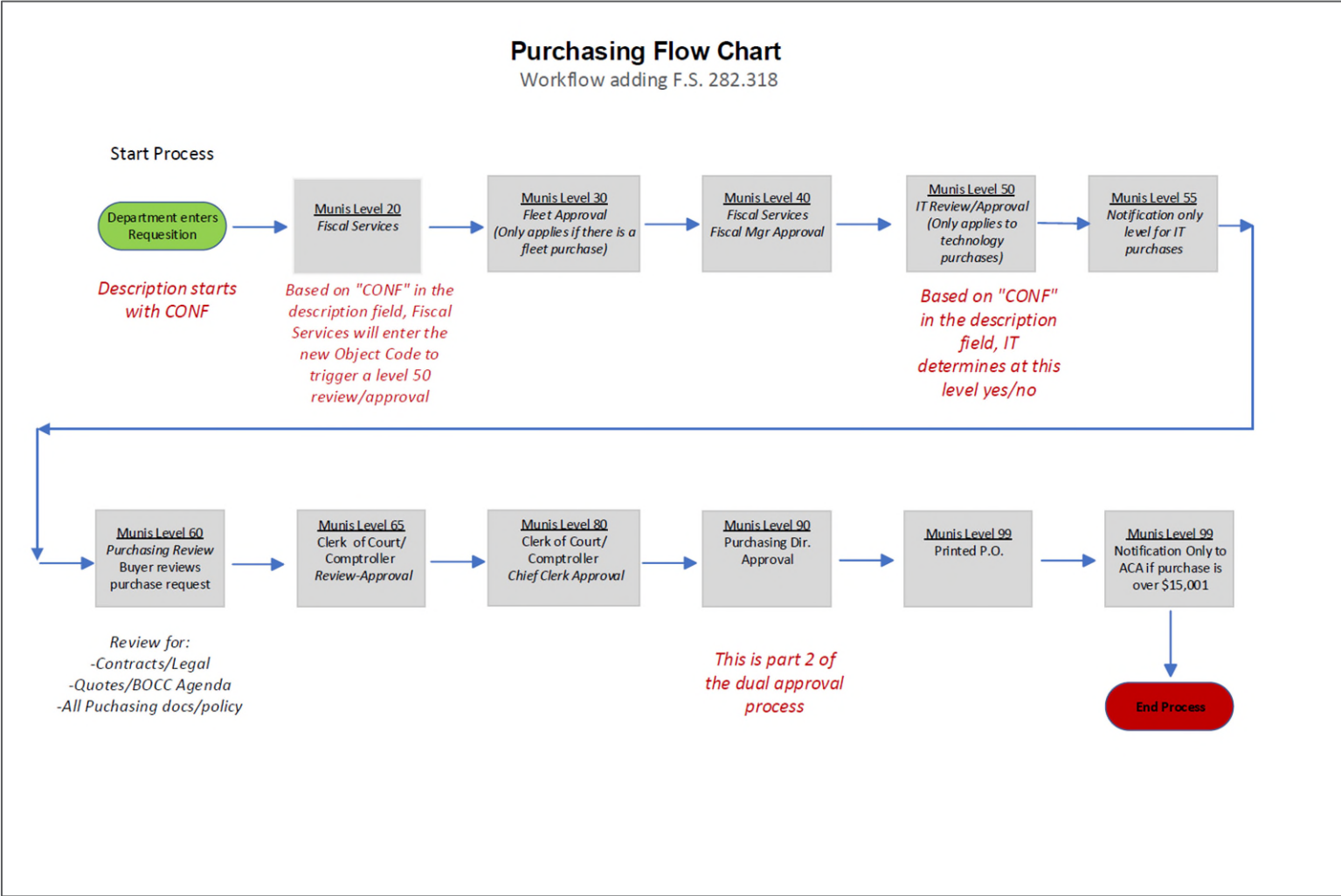
MUNIS has various levels for approval
Level 20   Fiscal/Department Head
Level 50   IT
Level 60   Buyer/Purchasing Agent review
Level 90   Purchasing Director approval, creates the Purchase Order

ERP Flowchart

Purchasing Flow Chart
Workflow adding F.S. 282.318

Start Process

Department enters Requesition

Description starts with CONF

Munis Level 20
Fiscal Services

Based on "CONF" in the description field, Fiscal Services will enter the new Object Code to trigger a level 50 review/approval

Munis Level 30
Fleet Approval
(Only applies if there is a fleet purchase)

Munis Level 40
Fiscal Services
Fiscal Mgr Approval

Munis Level 50
IT Review/Approval
(Only applies to technology purchases)

Based on "CONF" in the description field, IT determines at this level yes/no

Munis Level 55
Notification only level for IT purchases

Munis Level 60
Purchasing Review
Buyer reviews purchase request

Review for:
-Contracts/Legal
-Quotes/BOCC Agenda
-All Puchasing docs/policy

Munis Level 65
Clerk of Court/ Comptroller
Review-Approval

Munis Level 80
Clerk of Court/ Comptroller
Chief Clerk Approval

Munis Level 90
Purchasing Dir. Approval

This is part 2 of the dual approval process

Munis Level 99
Printed P.O.

Munis Level 99
Notification Only to ACA if purchase is over $15,001

End Process

What About Formal Solicitations for Cybersecurity Items?

The first step is to determine if the WHOLE project is exempt, or just a portion of it. For projects that only have a CONF component, we created a 2-step bidding/proposal process .

STEP 1

➢ Solicit the project with a dollar allowance for the CONF items already added to the bid form, based on our internal estimates

➢ Clearly indicate the successful bidder will need to negotiate CONF items with the County's approved vendor

➢ All bidders will sign a disclosure form indicating they will keep all CONF information confidential if they are the awarded vendor

➢ When bids come in, we determine the apparent low bidder and move to Step 2

Step 2

➢ Low bidder is provided CONF information and asked to submit final pricing with CONF items included

➢ A similar process will be followed for proposal based solicitations

How do you determine who the CONF approved vendors are?

CONF approved vendors may be selected from any of the following*:

➤Current County contracted vendors

➤Proprietary vendors for existing systems (like GIS or operating systems)

➤Vendors who hold a GSA contract for same/similar services

*the state has indicated their intention to created a "safe list" of vendors, but has yet to do so

LET YOU IN ON SECRETS

I SHALL

What About Projects where ALL items are Cybersecurity?

➤When the whole project is CONF, the project should be solicited to an approved list of vendors.

➤Pasco County uses Bonfire for our formal solicitations. Bonfire has the ability to send projects to a designated list of vendors instead of all vendors who match selected commodity codes.

➤Again, we would require All bidders will sign a disclosure form indicating they will keep all CONF information confidential if they are the awarded vendor.
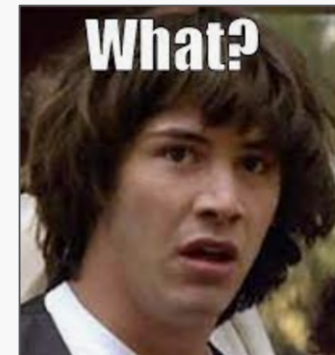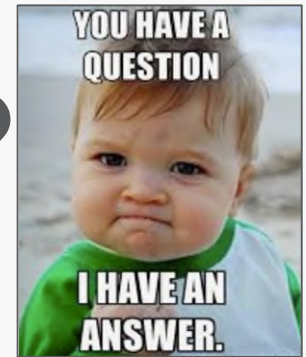
What About Other challenges?

Things to consider:

➢ How will you handle email confidentiality?

➢ How will you handle Public Records Requests?

➢ How do you ensure that ALL employees, not just those that handle Public Records Requests understand this new requirement?

????QUESTIONS??

PASCO
COUNTY FLORIDA
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