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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2023	.	
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The Committee on Governmental Oversight and Accountability  
(Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 112.22, Florida Statutes, is created to  
read:

112.22 Use of applications from foreign countries of  
concern prohibited.—

(1) As used in this section, the term:

(a) "Department" means the Department of Management



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11 Services.

12 (b) "Employee or officer" means a person who performs labor  
13 or services for a public employer in exchange for salary, wages,  
14 or other remuneration.

15 (c) "Foreign country of concern" means the People's  
16 Republic of China, the Russian Federation, the Islamic Republic  
17 of Iran, the Democratic People's Republic of Korea, the Republic  
18 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
19 Arab Republic, including any agency of or any other entity under  
20 significant control of such foreign country of concern.

21 (d) "Foreign principal" means:

22 1. The government or an official of the government of a  
23 foreign country of concern;

24 2. A political party or a member of a political party or  
25 any subdivision of a political party in a foreign country of  
26 concern;

27 3. A partnership, an association, a corporation, an  
28 organization, or another combination of persons organized under  
29 the laws of or having its principal place of business in a  
30 foreign country of concern, or an affiliate or a subsidiary  
31 thereof; or

32 4. Any person who is domiciled in a foreign country of  
33 concern and is not a citizen of the United States.

34 (e) "Government-issued device" means a cellular telephone,  
35 desktop computer, laptop computer, computer tablet, or other  
36 electronic device capable of connecting to the Internet which is  
37 owned or leased by a public employer and issued to an employee  
38 or officer for work-related purposes.

39 (f) "Prohibited application" means an application that



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40 meets the following criteria:

41 1. Any Internet application that is created, maintained, or  
42 owned by a foreign principal and that participates in activities  
43 that include, but are not limited to:

44 a. Collecting keystrokes or sensitive personal, financial,  
45 proprietary, or other business data;

46 b. Compromising e-mail and acting as a vector for  
47 ransomware deployment;

48 c. Conducting cyber-espionage against a public employer;

49 d. Conducting surveillance and tracking of individual  
50 users; or

51 e. Using algorithmic modifications to conduct  
52 disinformation or misinformation campaigns; and

53 2. Any Internet application the department deems to present  
54 a security risk in the form of unauthorized access to or  
55 temporary unavailability of the public employer's records,  
56 digital assets, systems, networks, servers, or information.

57 (g) "Public employer" means the state or any agency,  
58 authority, branch, bureau, commission, department, division,  
59 special district, institution, university, institution of higher  
60 education, or board thereof; or any county, district school  
61 board, or municipality, or any agency, branch, department,  
62 board, or metropolitan planning organization thereof.

63 (2) (a) A public employer shall do all of the following:

64 1. Block all prohibited applications from public access on  
65 any network and virtual private network that it owns, operates,  
66 or maintains.

67 2. Restrict access to any prohibited application on a  
68 government-issued device.



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69           3. Retain the ability to remotely wipe and uninstall any  
70 prohibited application from a government-issued device that is  
71 believed to have been adversely impacted, either intentionally  
72 or unintentionally, by a prohibited application.

73           (b) A person, including an employee or officer of a public  
74 employer, may not download or access any prohibited application  
75 on any government-issued device.

76           1. This paragraph does not apply to a law enforcement  
77 officer as defined in s. 943.10(1) if the use of the prohibited  
78 application is necessary to protect the public safety or conduct  
79 an investigation within the scope of his or her employment.

80           2. A public employer may request a waiver from the  
81 department to allow designated employees or officers to download  
82 or access a prohibited application on a government-issued  
83 device.

84           (c) Within 15 calendar days after the department issues or  
85 updates its list of prohibited applications pursuant to  
86 paragraph (3) (a), an employee or officer of a public employer  
87 who uses a government-issued device must remove, delete, or  
88 uninstall any prohibited applications from his or her  
89 government-issued device.

90           (3) The department shall do all of the following:

91           (a) Compile and maintain a list of prohibited applications  
92 and publish the list on its website. The department shall update  
93 this list quarterly and shall provide notice of any update to  
94 public employers.

95           (b) Establish procedures for granting or denying requests  
96 for waivers pursuant to subparagraph (2) (b)2. The request for a  
97 waiver must include all of the following:



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98           1. A description of the activity to be conducted and the  
99 state interest furthered by the activity.

100           2. The maximum number of government-issued devices and  
101 employees or officers to which the waiver will apply.

102           3. The length of time for necessary for the waiver. Any  
103 waiver granted pursuant to subparagraph (2) (b)2. must be limited  
104 to a timeframe of no more than 1 year, but the department may  
105 approve an extension.

106           4. Risk mitigation actions that will be taken to prevent  
107 access to sensitive data, including methods to ensure that the  
108 activity does not connect to a state system, network, or server.

109           5. A description of the circumstances under which the  
110 waiver applies.

111           (4) (a) Notwithstanding s. 120.74(4) and (5), the department  
112 is authorized, and all conditions are deemed met, to adopt  
113 emergency rules pursuant to s. 120.54(4) and to implement  
114 paragraph (3) (a). Such rulemaking must occur initially by filing  
115 emergency rules within 30 days after July 1, 2023.

116           (b) The department shall adopt rules necessary to  
117 administer this section.

118           Section 2. The Legislature finds that a proper and  
119 legitimate state purpose is served when efforts are taken to  
120 secure a public employer's system, network, or server.  
121 Therefore, the Legislature determines and declares that this act  
122 fulfills an important state interest.

123           Section 3. This act shall take effect July 1, 2023.

124  
125 ===== T I T L E   A M E N D M E N T =====

126 And the title is amended as follows:



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127 Delete everything before the enacting clause  
128 and insert:

129 A bill to be entitled  
130 An act relating to prohibited applications on  
131 government-issued devices; creating s. 112.22, F.S.;  
132 defining terms; requiring public employers to take  
133 certain actions relating to prohibited applications;  
134 prohibiting employees and officers of public employers  
135 from downloading or accessing prohibited applications  
136 on government-issued devices; providing exceptions;  
137 providing a deadline by which specified employees must  
138 remove, delete, or uninstall a prohibited application;  
139 requiring the Department of Management Services to  
140 compile a specified list and establish procedures for  
141 a specified waiver; authorizing the department to  
142 adopt emergency rules; requiring that such rulemaking  
143 occur within a specified timeframe; requiring the  
144 department to adopt specified rules; providing a  
145 declaration of important state interest; providing an  
146 effective date.