

1                   A bill to be entitled  
2           An act relating to cybersecurity; amending s. 110.205,  
3           F.S.; exempting the state chief technology officer  
4           from the career service; amending s. 282.0041, F.S.;  
5           providing definitions; amending s. 282.0051, F.S.;  
6           revising the purposes for which the Florida Digital  
7           Service is established; revising the date by which  
8           Department of Management Services, acting through the  
9           Florida Digital Service, must provide certain  
10          recommendations to the Executive Office of the  
11          Governor and the Legislature; requiring the state  
12          chief information officer, in consultation with the  
13          Secretary of Management Services, to designate a state  
14          chief technology officer; providing duties of the  
15          state chief technology officer; amending s. 282.318,  
16          F.S.; providing that the Florida Digital Service is  
17          the lead entity for a certain purpose; requiring the  
18          Cybersecurity Operations Center to provide certain  
19          notifications; requiring the state chief information  
20          officer to make certain reports in consultation with  
21          the state chief information security officer;  
22          requiring a state agency to report ransomware and  
23          cybersecurity incidents within certain time periods;  
24          requiring the Cybersecurity Operations Center to  
25          immediately notify a certain entity of reported

26 incidents and take certain actions; requiring the  
27 department to preserve certain data and provide  
28 certain aid in certain circumstances; requiring the  
29 state chief information security officer to notify the  
30 Legislature of certain incidents within a certain  
31 period; requiring the Cybersecurity Operations Center  
32 to provide a certain report to certain entities by a  
33 specified date; authorizing the Florida Digital  
34 Service to obtain certain access to certain state  
35 agency accounts and instances and direct certain  
36 measures; prohibiting the department from taking  
37 certain actions; providing applicability; revising the  
38 purpose of an agency's information security manager  
39 and the date by which he or she must be designated;  
40 amending s. 282.3185, F.S.; requiring a local  
41 government to report ransomware and certain  
42 cybersecurity incidents to the Cybersecurity  
43 Operations Center within certain time periods;  
44 requiring the Cybersecurity Operations Center to  
45 immediately notify certain entities of certain  
46 incidents and take certain actions; requiring the  
47 Department of Law Enforcement to coordinate certain  
48 incident responses; amending s. 1004.444, F.S.;

49 providing that the Florida Center for Cybersecurity  
50 may be referred to in a certain manner; providing that

51 the center is established under the direction of the  
 52 president of the University of South Florida and may  
 53 be assigned within a college that meets certain  
 54 requirements; revising the mission and goals of the  
 55 center; authorizing the center to take certain actions  
 56 relating to certain initiatives; providing an  
 57 effective date.

58

59 Be It Enacted by the Legislature of the State of Florida:

60

61 Section 1. Paragraph (e) of subsection (2) of section  
 62 110.205, Florida Statutes, is amended to read:

63 110.205 Career service; exemptions.—

64 (2) EXEMPT POSITIONS.—The exempt positions that are not  
 65 covered by this part include the following:

66 (e) The state chief information officer, the state chief  
 67 data officer, the state chief technology officer, and the state  
 68 chief information security officer. The Department of Management  
 69 Services shall set the salary and benefits of these positions in  
 70 accordance with the rules of the Senior Management Service.

71 Section 2. Subsections (3) through (5), (6), (7) through  
 72 (16), and (17) through (38) of section 282.0041, Florida  
 73 Statutes, are renumbered as subsections (4) through (6), (8),  
 74 (10) through (19), and (21) through (42), respectively, and new  
 75 subsections (3), (7), (9), and (20) are added to that section to

76 read:

77 282.0041 Definitions.—As used in this chapter, the term:

78 (3) "As a service" means the contracting with or  
79 outsourcing to a third party of a defined role or function as a  
80 means of delivery.

81 (7) "Cloud provider" means an entity that provides cloud-  
82 computing services.

83 (9) "Criminal justice agency" has the same meaning as in  
84 s. 943.045.

85 (20) "Enterprise digital data" means information held by a  
86 state agency in electronic form that is deemed to be data owned  
87 by the state and held for state purposes by the state agency.  
88 Enterprise digital data must be maintained in accordance with  
89 chapter 119. This subsection may not be construed to create,  
90 modify, abrogate, or expand an exemption from public records  
91 requirements under s. 119.07(1) or s. 24(a), Art. I of the State  
92 Constitution.

93 Section 3. Subsection (1) of section 282.0051, Florida  
94 Statutes, is amended, and paragraph (c) is added to subsection  
95 (2) of that section, to read:

96 282.0051 Department of Management Services; Florida  
97 Digital Service; powers, duties, and functions.—

98 (1) The Florida Digital Service is established ~~has been~~  
99 ~~created~~ within the department to lead enterprise information  
100 technology and cybersecurity efforts, to propose and evaluate

101 innovative solutions pursuant to interagency agreements that  
102 securely modernize state government, including technology and  
103 information services, to achieve value through digital  
104 transformation and interoperability, and to fully support the  
105 cloud-first policy as specified in s. 282.206. The department,  
106 through the Florida Digital Service, shall have the following  
107 powers, duties, and functions:

108 (a) Develop and publish information technology policy for  
109 the management of the state's information technology resources.

110 (b) Develop an enterprise architecture that:

111 1. Acknowledges the unique needs of the entities within  
112 the enterprise in the development and publication of standards  
113 and terminologies to facilitate digital interoperability;

114 2. Supports the cloud-first policy as specified in s.  
115 282.206; and

116 3. Addresses how information technology infrastructure may  
117 be modernized to achieve cloud-first objectives.

118 (c) Establish project management and oversight standards  
119 with which state agencies must comply when implementing  
120 information technology projects. The department, acting through  
121 the Florida Digital Service, shall provide training  
122 opportunities to state agencies to assist in the adoption of the  
123 project management and oversight standards. To support data-  
124 driven decisionmaking, the standards must include, but are not  
125 limited to:

126 1. Performance measurements and metrics that objectively  
127 reflect the status of an information technology project based on  
128 a defined and documented project scope, cost, and schedule.

129 2. Methodologies for calculating acceptable variances in  
130 the projected versus actual scope, schedule, or cost of an  
131 information technology project.

132 3. Reporting requirements, including requirements designed  
133 to alert all defined stakeholders that an information technology  
134 project has exceeded acceptable variances defined and documented  
135 in a project plan.

136 4. Content, format, and frequency of project updates.

137 5. Technical standards to ensure an information technology  
138 project complies with the enterprise architecture.

139 (d) Perform project oversight on all state agency  
140 information technology projects that have total project costs of  
141 \$10 million or more and that are funded in the General  
142 Appropriations Act or any other law. The department, acting  
143 through the Florida Digital Service, shall report at least  
144 quarterly to the Executive Office of the Governor, the President  
145 of the Senate, and the Speaker of the House of Representatives  
146 on any information technology project that the department  
147 identifies as high-risk due to the project exceeding acceptable  
148 variance ranges defined and documented in a project plan. The  
149 report must include a risk assessment, including fiscal risks,  
150 associated with proceeding to the next stage of the project, and

151 a recommendation for corrective actions required, including  
152 suspension or termination of the project.

153 (e) Identify opportunities for standardization and  
154 consolidation of information technology services that support  
155 interoperability and the cloud-first policy, as specified in s.  
156 282.206, and business functions and operations, including  
157 administrative functions such as purchasing, accounting and  
158 reporting, cash management, and personnel, and that are common  
159 across state agencies. The department, acting through the  
160 Florida Digital Service, shall biennially on January 15 ± of  
161 each even-numbered year provide recommendations for  
162 standardization and consolidation to the Executive Office of the  
163 Governor, the President of the Senate, and the Speaker of the  
164 House of Representatives.

165 (f) Establish best practices for the procurement of  
166 information technology products and cloud-computing services in  
167 order to reduce costs, increase the quality of data center  
168 services, or improve government services.

169 (g) Develop standards for information technology reports  
170 and updates, including, but not limited to, operational work  
171 plans, project spend plans, and project status reports, for use  
172 by state agencies.

173 (h) Upon request, assist state agencies in the development  
174 of information technology-related legislative budget requests.

175 (i) Conduct annual assessments of state agencies to

176 determine compliance with all information technology standards  
177 and guidelines developed and published by the department and  
178 provide results of the assessments to the Executive Office of  
179 the Governor, the President of the Senate, and the Speaker of  
180 the House of Representatives.

181 (j) Conduct a market analysis not less frequently than  
182 every 3 years beginning in 2021 to determine whether the  
183 information technology resources within the enterprise are  
184 utilized in the most cost-effective and cost-efficient manner,  
185 while recognizing that the replacement of certain legacy  
186 information technology systems within the enterprise may be cost  
187 prohibitive or cost inefficient due to the remaining useful life  
188 of those resources; whether the enterprise is complying with the  
189 cloud-first policy specified in s. 282.206; and whether the  
190 enterprise is utilizing best practices with respect to  
191 information technology, information services, and the  
192 acquisition of emerging technologies and information services.  
193 Each market analysis shall be used to prepare a strategic plan  
194 for continued and future information technology and information  
195 services for the enterprise, including, but not limited to,  
196 proposed acquisition of new services or technologies and  
197 approaches to the implementation of any new services or  
198 technologies. Copies of each market analysis and accompanying  
199 strategic plan must be submitted to the Executive Office of the  
200 Governor, the President of the Senate, and the Speaker of the



201 House of Representatives not later than December 31 of each year  
202 that a market analysis is conducted.

203 (k) Recommend other information technology services that  
204 should be designed, delivered, and managed as enterprise  
205 information technology services. Recommendations must include  
206 the identification of existing information technology resources  
207 associated with the services, if existing services must be  
208 transferred as a result of being delivered and managed as  
209 enterprise information technology services.

210 (l) In consultation with state agencies, propose a  
211 methodology and approach for identifying and collecting both  
212 current and planned information technology expenditure data at  
213 the state agency level.

214 (m)1. Notwithstanding any other law, provide project  
215 oversight on any information technology project of the  
216 Department of Financial Services, the Department of Legal  
217 Affairs, and the Department of Agriculture and Consumer Services  
218 which has a total project cost of \$20 million or more. Such  
219 information technology projects must also comply with the  
220 applicable information technology architecture, project  
221 management and oversight, and reporting standards established by  
222 the department, acting through the Florida Digital Service.

223 2. When performing the project oversight function  
224 specified in subparagraph 1., report at least quarterly to the  
225 Executive Office of the Governor, the President of the Senate,

226 and the Speaker of the House of Representatives on any  
227 information technology project that the department, acting  
228 through the Florida Digital Service, identifies as high-risk due  
229 to the project exceeding acceptable variance ranges defined and  
230 documented in the project plan. The report shall include a risk  
231 assessment, including fiscal risks, associated with proceeding  
232 to the next stage of the project and a recommendation for  
233 corrective actions required, including suspension or termination  
234 of the project.

235 (n) If an information technology project implemented by a  
236 state agency must be connected to or otherwise accommodated by  
237 an information technology system administered by the Department  
238 of Financial Services, the Department of Legal Affairs, or the  
239 Department of Agriculture and Consumer Services, consult with  
240 these departments regarding the risks and other effects of such  
241 projects on their information technology systems and work  
242 cooperatively with these departments regarding the connections,  
243 interfaces, timing, or accommodations required to implement such  
244 projects.

245 (o) If adherence to standards or policies adopted by or  
246 established pursuant to this section causes conflict with  
247 federal regulations or requirements imposed on an entity within  
248 the enterprise and results in adverse action against an entity  
249 or federal funding, work with the entity to provide alternative  
250 standards, policies, or requirements that do not conflict with

251 the federal regulation or requirement. The department, acting  
252 through the Florida Digital Service, shall annually by January  
253 15 report such alternative standards to the Executive Office of  
254 the Governor, the President of the Senate, and the Speaker of  
255 the House of Representatives.

256 (p)1. Establish an information technology policy for all  
257 information technology-related state contracts, including state  
258 term contracts for information technology commodities,  
259 consultant services, and staff augmentation services. The  
260 information technology policy must include:

261 a. Identification of the information technology product  
262 and service categories to be included in state term contracts.

263 b. Requirements to be included in solicitations for state  
264 term contracts.

265 c. Evaluation criteria for the award of information  
266 technology-related state term contracts.

267 d. The term of each information technology-related state  
268 term contract.

269 e. The maximum number of vendors authorized on each state  
270 term contract.

271 f. At a minimum, a requirement that any contract for  
272 information technology commodities or services meet the National  
273 Institute of Standards and Technology Cybersecurity Framework.

274 g. For an information technology project wherein project  
275 oversight is required pursuant to paragraph (d) or paragraph

276 (m), a requirement that independent verification and validation  
277 be employed throughout the project life cycle with the primary  
278 objective of independent verification and validation being to  
279 provide an objective assessment of products and processes  
280 throughout the project life cycle. An entity providing  
281 independent verification and validation may not have technical,  
282 managerial, or financial interest in the project and may not  
283 have responsibility for, or participate in, any other aspect of  
284 the project.

285 2. Evaluate vendor responses for information technology-  
286 related state term contract solicitations and invitations to  
287 negotiate.

288 3. Answer vendor questions on information technology-  
289 related state term contract solicitations.

290 4. Ensure that the information technology policy  
291 established pursuant to subparagraph 1. is included in all  
292 solicitations and contracts that are administratively executed  
293 by the department.

294 (q) Recommend potential methods for standardizing data  
295 across state agencies which will promote interoperability and  
296 reduce the collection of duplicative data.

297 (r) Recommend open data technical standards and  
298 terminologies for use by the enterprise.

299 (s) Ensure that enterprise information technology  
300 solutions are capable of utilizing an electronic credential and

301 | comply with the enterprise architecture standards.

302 |       (2)

303 |       (c) The state chief information officer, in consultation  
 304 | with the Secretary of Management Services, shall designate a  
 305 | state chief technology officer who shall be responsible for all  
 306 | of the following:

307 |       1. Establishing and maintaining an enterprise architecture  
 308 | framework that ensures information technology investments align  
 309 | with the state's strategic objectives and initiatives pursuant  
 310 | to paragraph (1)(b).

311 |       2. Conducting comprehensive evaluations of potential  
 312 | technological solutions and cultivating strategic partnerships,  
 313 | internally with state enterprise agencies and externally with  
 314 | the private sector, to leverage collective expertise, foster  
 315 | collaboration, and advance the state's technological  
 316 | capabilities.

317 |       3. Supervising program management of enterprise  
 318 | information technology initiatives pursuant to paragraphs  
 319 | (1)(c), (d), and (l); providing advisory support and oversight  
 320 | for technology-related projects; and continuously identifying  
 321 | and recommending best practices to optimize outcomes of  
 322 | technology projects and enhance the enterprise's technological  
 323 | efficiency and effectiveness.

324 |       Section 4. Subsection (3) and paragraph (a) of subsection  
 325 | (4) of section 282.318, Florida Statutes, are amended to read:

326 282.318 Cybersecurity.—

327 (3) The ~~department, acting through the~~ Florida Digital  
 328 Service~~7~~ is the lead entity responsible for leading enterprise  
 329 information technology and cybersecurity efforts, establishing  
 330 standards and processes for assessing state agency cybersecurity  
 331 risks, and determining appropriate security measures. Such  
 332 standards and processes must be consistent with generally  
 333 accepted technology best practices, including the National  
 334 Institute for Standards and Technology Cybersecurity Framework,  
 335 for cybersecurity. The department, acting through the Florida  
 336 Digital Service, shall adopt rules that mitigate risks;  
 337 safeguard state agency digital assets, data, information, and  
 338 information technology resources to ensure availability,  
 339 confidentiality, and integrity; and support a security  
 340 governance framework. The department, acting through the Florida  
 341 Digital Service, shall also:

342 (a) Designate an employee of the Florida Digital Service  
 343 as the state chief information security officer. The state chief  
 344 information security officer must have experience and expertise  
 345 in security and risk management for communications and  
 346 information technology resources. The state chief information  
 347 security officer is responsible for the development, operation,  
 348 and oversight of cybersecurity for state technology systems. The  
 349 Cybersecurity Operations Center shall immediately notify the  
 350 state chief information officer and the state chief information

351 security officer ~~shall be notified~~ of all confirmed or suspected  
352 incidents or threats of state agency information technology  
353 resources. The state chief information officer, in consultation  
354 with the state chief information security officer, and must  
355 report such incidents or threats to ~~the state chief information~~  
356 ~~officer~~ and the Governor.

357 (b) Develop, and annually update by February 1, a  
358 statewide cybersecurity strategic plan that includes security  
359 goals and objectives for cybersecurity, including the  
360 identification and mitigation of risk, proactive protections  
361 against threats, tactical risk detection, threat reporting, and  
362 response and recovery protocols for a cyber incident.

363 (c) Develop and publish for use by state agencies a  
364 cybersecurity governance framework that, at a minimum, includes  
365 guidelines and processes for:

366 1. Establishing asset management procedures to ensure that  
367 an agency's information technology resources are identified and  
368 managed consistent with their relative importance to the  
369 agency's business objectives.

370 2. Using a standard risk assessment methodology that  
371 includes the identification of an agency's priorities,  
372 constraints, risk tolerances, and assumptions necessary to  
373 support operational risk decisions.

374 3. Completing comprehensive risk assessments and  
375 cybersecurity audits, which may be completed by a private sector

376 vendor, and submitting completed assessments and audits to the  
377 department.

378 4. Identifying protection procedures to manage the  
379 protection of an agency's information, data, and information  
380 technology resources.

381 5. Establishing procedures for accessing information and  
382 data to ensure the confidentiality, integrity, and availability  
383 of such information and data.

384 6. Detecting threats through proactive monitoring of  
385 events, continuous security monitoring, and defined detection  
386 processes.

387 7. Establishing agency cybersecurity incident response  
388 teams and describing their responsibilities for responding to  
389 cybersecurity incidents, including breaches of personal  
390 information containing confidential or exempt data.

391 8. Recovering information and data in response to a  
392 cybersecurity incident. The recovery may include recommended  
393 improvements to the agency processes, policies, or guidelines.

394 9. Establishing a cybersecurity incident reporting process  
395 that includes procedures for notifying the department and the  
396 Department of Law Enforcement of cybersecurity incidents.

397 a. The level of severity of the cybersecurity incident is  
398 defined by the National Cyber Incident Response Plan of the  
399 United States Department of Homeland Security as follows:

400 (I) Level 5 is an emergency-level incident within the



401 specified jurisdiction that poses an imminent threat to the  
402 provision of wide-scale critical infrastructure services;  
403 national, state, or local government security; or the lives of  
404 the country's, state's, or local government's residents.

405 (II) Level 4 is a severe-level incident that is likely to  
406 result in a significant impact in the affected jurisdiction to  
407 public health or safety; national, state, or local security;  
408 economic security; or civil liberties.

409 (III) Level 3 is a high-level incident that is likely to  
410 result in a demonstrable impact in the affected jurisdiction to  
411 public health or safety; national, state, or local security;  
412 economic security; civil liberties; or public confidence.

413 (IV) Level 2 is a medium-level incident that may impact  
414 public health or safety; national, state, or local security;  
415 economic security; civil liberties; or public confidence.

416 (V) Level 1 is a low-level incident that is unlikely to  
417 impact public health or safety; national, state, or local  
418 security; economic security; civil liberties; or public  
419 confidence.

420 b. The cybersecurity incident reporting process must  
421 specify the information that must be reported by a state agency  
422 following a cybersecurity incident or ransomware incident,  
423 which, at a minimum, must include the following:

424 (I) A summary of the facts surrounding the cybersecurity  
425 incident or ransomware incident.

426 (II) The date on which the state agency most recently  
 427 backed up its data; the physical location of the backup, if the  
 428 backup was affected; and if the backup was created using cloud  
 429 computing.

430 (III) The types of data compromised by the cybersecurity  
 431 incident or ransomware incident.

432 (IV) The estimated fiscal impact of the cybersecurity  
 433 incident or ransomware incident.

434 (V) In the case of a ransomware incident, the details of  
 435 the ransom demanded.

436 c.(I) A state agency shall report all ransomware incidents  
 437 and ~~any~~ cybersecurity incidents ~~incident~~ determined by the state  
 438 ~~agency to be of severity level 3, 4, or 5~~ to the Cybersecurity  
 439 Operations Center ~~and the Cybercrime Office of the Department of~~  
 440 ~~Law Enforcement~~ as soon as possible but no later than 12 ~~48~~  
 441 hours after discovery of the cybersecurity incident and no later  
 442 than 6 ~~12~~ hours after discovery of the ransomware incident. The  
 443 report must contain the information required in sub-subparagraph  
 444 b.

445 (II) The Cybersecurity Operations Center shall:

446 (A) Immediately notify the Cybercrime Office of the  
 447 Department of Law Enforcement of a reported incident and provide  
 448 to the Cybercrime Office of the Department of Law Enforcement  
 449 regular reports on the status of the incident. The department  
 450 shall preserve forensic data to support a subsequent

451 investigation and provide aid to the investigative efforts of  
 452 the Cybercrime Office of the Department of Law Enforcement upon  
 453 the office's request if the investigation does not impede  
 454 remediation of the incident and there is no risk to the public  
 455 and no risk to critical state functions.

456 (B) Immediately notify the state chief information officer  
 457 and the state chief information security officer of a reported  
 458 incident. The state chief information security officer shall  
 459 notify the President of the Senate and the Speaker of the House  
 460 of Representatives of any severity level 3, 4, or 5 incident as  
 461 soon as possible but no later than 12 hours after receiving a  
 462 state agency's incident report. The notification must include a  
 463 high-level description of the incident and the likely effects.

464 ~~d. A state agency shall report a cybersecurity incident~~  
 465 ~~determined by the state agency to be of severity level 1 or 2 to~~  
 466 ~~the Cybersecurity Operations Center and the Cybercrime Office of~~  
 467 ~~the Department of Law Enforcement as soon as possible. The~~  
 468 ~~report must contain the information required in sub-subparagraph~~  
 469 ~~b.~~

470 d.e. The Cybersecurity Operations Center shall provide a  
 471 consolidated incident report by the 30th day after the end of  
 472 each quarter ~~on a quarterly basis~~ to the Governor, the Attorney  
 473 General, the executive director of the Department of Law  
 474 Enforcement, the President of the Senate, the Speaker of the  
 475 House of Representatives, and the Florida Cybersecurity Advisory

476 Council. The report provided to the Florida Cybersecurity  
477 Advisory Council may not contain the name of any agency, network  
478 information, or system identifying information but must contain  
479 sufficient relevant information to allow the Florida  
480 Cybersecurity Advisory Council to fulfill its responsibilities  
481 as required in s. 282.319(9).

482 10. Incorporating information obtained through detection  
483 and response activities into the agency's cybersecurity incident  
484 response plans.

485 11. Developing agency strategic and operational  
486 cybersecurity plans required pursuant to this section.

487 12. Establishing the managerial, operational, and  
488 technical safeguards for protecting state government data and  
489 information technology resources that align with the state  
490 agency risk management strategy and that protect the  
491 confidentiality, integrity, and availability of information and  
492 data.

493 13. Establishing procedures for procuring information  
494 technology commodities and services that require the commodity  
495 or service to meet the National Institute of Standards and  
496 Technology Cybersecurity Framework.

497 14. Submitting after-action reports following a  
498 cybersecurity incident or ransomware incident. Such guidelines  
499 and processes for submitting after-action reports must be  
500 developed and published by December 1, 2022.

501 (d) Assist state agencies in complying with this section.

502 (e) In collaboration with the Cybercrime Office of the  
 503 Department of Law Enforcement, annually provide training for  
 504 state agency information security managers and computer security  
 505 incident response team members that contains training on  
 506 cybersecurity, including cybersecurity threats, trends, and best  
 507 practices.

508 (f) Annually review the strategic and operational  
 509 cybersecurity plans of state agencies.

510 (g) Annually provide cybersecurity training to all state  
 511 agency technology professionals and employees with access to  
 512 highly sensitive information which develops, assesses, and  
 513 documents competencies by role and skill level. The  
 514 cybersecurity training curriculum must include training on the  
 515 identification of each cybersecurity incident severity level  
 516 referenced in sub-subparagraph (c)9.a. The training may be  
 517 provided in collaboration with the Cybercrime Office of the  
 518 Department of Law Enforcement, a private sector entity, or an  
 519 institution of the State University System.

520 (h) Operate and maintain a Cybersecurity Operations Center  
 521 led by the state chief information security officer, which must  
 522 be primarily virtual and staffed with tactical detection and  
 523 incident response personnel. The Cybersecurity Operations Center  
 524 shall serve as a clearinghouse for threat information and  
 525 coordinate with the Department of Law Enforcement to support

526 state agencies and their response to any confirmed or suspected  
527 cybersecurity incident.

528 (i) Lead an Emergency Support Function, ESF-20 ~~ESF-CYBER~~,  
529 under the state comprehensive emergency management plan as  
530 described in s. 252.35.

531 (j) During a cyber incident or as otherwise agreed to in  
532 writing by the state agency that holds the particular enterprise  
533 digital data, have the authority to obtain immediate and  
534 complete access to state agency accounts and instances that hold  
535 enterprise digital data and to direct, in consultation with the  
536 state agency that holds the particular enterprise digital data,  
537 measures to assess, monitor, and protect the security of  
538 enterprise digital data. The department may not view, modify,  
539 transfer, or otherwise duplicate enterprise digital data except  
540 as required to respond to a cyber incident or as agreed to in  
541 writing by the state agency that holds the particular enterprise  
542 digital data. This paragraph does not apply to a criminal  
543 justice entity.

544 (4) Each state agency head shall, at a minimum:

545 (a) Designate an information security manager to ensure  
546 compliance with cybersecurity governance and with the state's  
547 enterprise security program and incident response plan. The  
548 information security manager must coordinate with the agency's  
549 information security personnel and the Cybersecurity Operations  
550 Center to ensure that the unique needs of the agency are met

551 ~~administer the cybersecurity program of the state agency.~~ This  
 552 designation must be provided annually in writing to the  
 553 department by January 15 ~~1~~. A state agency's information  
 554 security manager, for purposes of these information security  
 555 duties, shall report directly to the agency head.

556 Section 5. Paragraphs (b) and (c) of subsection (5) of  
 557 section 282.3185, Florida Statutes, are amended to read:

558 282.3185 Local government cybersecurity.—

559 (5) INCIDENT NOTIFICATION.—

560 (b)1. A local government shall report all ransomware  
 561 incidents and any cybersecurity incident determined by the local  
 562 government to be of severity level 3, 4, or 5 as provided in s.  
 563 282.318(3)(c) to the Cybersecurity Operations Center, ~~the~~  
 564 ~~Cybercrime Office of the Department of Law Enforcement, and the~~  
 565 ~~sheriff who has jurisdiction over the local government~~ as soon  
 566 as possible but no later than 12 ~~48~~ hours after discovery of the  
 567 cybersecurity incident and no later than 6 ~~12~~ hours after  
 568 discovery of the ransomware incident. The report must contain  
 569 the information required in paragraph (a).

570 2. The Cybersecurity Operations Center shall:

571 a. Immediately notify the Cybercrime Office of the  
 572 Department of Law Enforcement and provide to the Cybercrime  
 573 Office of the Department of Law Enforcement and the sheriff who  
 574 has jurisdiction over the local government regular reports on  
 575 the status of the incident, preserve forensic data to support a

576 subsequent investigation, and provide aid to the investigative  
577 efforts of the Cybercrime Office of the Department of Law  
578 Enforcement upon the office's request. The Department of Law  
579 Enforcement shall coordinate the response to an incident in  
580 which a law enforcement agency is the subject of the incident  
581 and must provide updates to the Cybersecurity Operations Center.

582 b. Immediately notify the state chief information security  
583 officer of a reported incident. The state chief information  
584 security officer shall notify the President of the Senate and  
585 the Speaker of the House of Representatives of any severity  
586 level 3, 4, or 5 incident as soon as possible but no later than  
587 12 hours after receiving a local government's incident report.  
588 The notification must include a high-level description of the  
589 incident and the likely effects.

590 (c) A local government may report a cybersecurity incident  
591 determined by the local government to be of severity level 1 or  
592 2 as provided in s. 282.318(3)(c) to the Cybersecurity  
593 Operations Center, the Cybercrime Office of the Department of  
594 Law Enforcement, and the sheriff who has jurisdiction over the  
595 local government. The report shall contain the information  
596 required in paragraph (a). The Cybersecurity Operations Center  
597 shall immediately notify the Cybercrime Office of the Department  
598 of Law Enforcement and the sheriff who has jurisdiction over the  
599 local government of a reported incident and provide regular  
600 reports on the status of the cybersecurity incident, preserve



601 forensic data to support a subsequent investigation, and provide  
 602 aid to the investigative efforts of the Cybercrime Office of the  
 603 Department of Law Enforcement upon request if the investigation  
 604 does not impede remediation of the cybersecurity incident and  
 605 there is no risk to the public and no risk to critical state  
 606 functions.

607 Section 6. Section 1004.444, Florida Statutes, is amended  
 608 to read:

609 1004.444 Florida Center for Cybersecurity.—

610 (1) The Florida Center for Cybersecurity, which may also  
 611 be referred to as "Cyber Florida," is established as a center  
 612 within the University of South Florida under the direction of  
 613 the president of the university or the president's designee. The  
 614 president may assign the center within a college of the  
 615 university if the college has a strong emphasis in  
 616 cybersecurity, technology, or computer sciences and engineering  
 617 as determined and approved by the university's board of  
 618 trustees.

619 (2) The mission and goals of the center are to:

620 (a) Position Florida as the national leader in  
 621 cybersecurity and its related workforce primarily through  
 622 advancing and funding education and, research and development  
 623 initiatives in cybersecurity and related fields, with a  
 624 secondary emphasis on, ~~and~~ community engagement and  
 625 cybersecurity awareness.

626 (b) Assist in the creation of jobs in the state's  
627 cybersecurity industry and enhance the existing cybersecurity  
628 workforce through education, research, applied science, and  
629 engagements and partnerships with the private and military  
630 sectors.

631 (c) Act as a cooperative facilitator for state business  
632 and higher education communities to share cybersecurity  
633 knowledge, resources, and training.

634 (d) Seek out research and development agreements and other  
635 partnerships with major military installations and affiliated  
636 contractors to assist, when possible, in homeland cybersecurity  
637 defense initiatives.

638 (e) Attract cybersecurity companies and jobs to the state  
639 with an emphasis on defense, finance, health care,  
640 transportation, and utility sectors.

641 (f) Conduct, fund, and facilitate research and applied  
642 science that leads to the creation of new technologies and  
643 software packages that have military and civilian applications  
644 and which can be transferred for military and homeland defense  
645 purposes or for sale or use in the private sector.

646 (3) Upon receiving a request for assistance from the  
647 Department of Management Services, the Florida Digital Service,  
648 or another state agency, the center is authorized, but may not  
649 be compelled by the agency, to conduct, consult on, or otherwise  
650 assist any state-funded initiatives related to:

CS/CS/HB 1555

2024

651 (a) Cybersecurity training, professional development, and  
652 education for state and local government employees, including  
653 school districts and the judicial branch.

654 (b) Increasing the cybersecurity effectiveness of the  
655 state's and local governments' technology platforms and  
656 infrastructure, including school districts and the judicial  
657 branch.

658 Section 7. This act shall take effect July 1, 2024.