



Procurement (Chapter 35) Ordinance 2025 Proposed Updates

Cybersecurity, Security, and Firesafety

September 2025

Agenda

- **Background and Overview**
- **State Law and Impact on Local Policies**
- **What Are PSL Comparable & Other Cities Doing?**
- **PSL Staff Recommendations**
- **Questions & Additional Discussion**

Background

- ❑ **Purpose:** To discuss the need of updating our local procurement ordinance to include an exemption for cybersecurity, security and firesafety information.
- ❑ **State Law:** Effective July 1, 2022
 - ❑ Cybersecurity information is EXEMPT from Public Records.
 - ❑ There is also a similar exemption for security and firesafety information.
 - ❑ The law protects sensitive information and enhances our security and safety positions.

Impact on Local Policies

❑ **Purchasing**

- ❑ Current procurement processes require transparency, which can inadvertently expose sensitive cybersecurity, security and/or firesafety details.
- ❑ Exemption will allow secure handling of the above-related procurements.

❑ **Budget**

- ❑ Ensures that budget allocations for cybersecurity, security and/or firesafety are protected and used effectively without compromising security.

❑ **Information Technology**

- ❑ Aligns local IT policies with state requirements.
- ❑ Enhances the security of our IT infrastructure by safeguarding sensitive information.

Impact on Local Policies cont.

❑ Public Records

- ❑ Exemption ensures that cybersecurity, security and/or firesafety details are not disclosed in public records, reducing the risk of cyber, security and safety threats.

❑ Council Agenda

- ❑ Updates to the ordinance will streamline board agenda processes by clearly defining exemptions.
- ❑ Ensures compliance with state law while maintaining transparency in other areas.

What Are PSL Comparable & Other Cities Doing?

| City | Rule / Policy (Ordinance, Resolution, etc.) | Notes |
|----------------------------------|---|---|
| Cape Coral (Primary) | Not really | Has an exemption for “purchase of items critical to the security of city facilities.” |
| Tallahassee (Primary) | No | Explored the possibility, but thought an exemption was too extreme. |
| Gainesville (Primary) | No | No plan, but may consider in the future. |
| Lakeland (Primary) | No | They have several internal cybersecurity policies governing cybersecurity training, mobile device security and incident response to cybersecurity events, but none directly related to the City’s procurement process. Departments, in conjunction with the City Attorney’s Office, do try to ensure that any cybersecurity type purchases/agreements are protected and mainly rely on the exemptions contained in the Florida Public Records Act and other applicable statutes to do so. |
| Tampa (Secondary) | No | They require NDA’s, but the way their charter is set up, they would need a charter amendment to add an exemption. |

What Are PSL Comparable & Other Cities Doing? Cont.

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| City | Rule / Policy (Ordinance, Resolution, etc.) | Notes |
|-------------------------------|---|--|
| Miami (Secondary) | No | Said that they generally know what they want, so purchase via sole source or piggyback. Then, subsequent agreements and upgrades are exempted per their 18-82(b)(15). |
| Hialeah (Secondary) | Not really | Sec. 2-817. - Exceptions to bid. In addition to the monetary threshold provided in section 2-812, competitive bidding is excepted for . . . maintenance and/or licensing agreements and/or upgrades to support continued, on-going use of proprietary software." |
| Ft. Lauderdale (Secondary) | No | Confirmed that they do not have any ordinance/resolution/policy on this issue. |

What Are PSL Comparable & Other Cities Doing? Cont.

| City | Rule / Policy (Ordinance, Resolution, etc.) | Notes |
|-------------------------------|---|--|
| Coral Springs | Yes. | Coral Springs has an Ordinance that encompasses many important aspects. |
| Palm Beach Gardens | No. | PBG does not have an ordinance or resolution, but have made exceptions in their purchasing, based on their particular procurement ordinance. |
| Miami Beach | Yes. | Miami Beach has a resolution, waiving formal bidding if purchase is under \$500k. |
| *Pasco County | Yes. | Pasco County has an Ordinance, and has shared some of the internal forms they use for approvals. |

Summary

- Updating the ordinance is a necessary step to comply with state law and protect our city's cybersecurity, security and/or firesafety.
- Benefits include enhanced security, compliance, and efficient procurement processes.

Staff Recommendations

R1. Amend “Procurement Ordinance”: Title III - “Administration,” Chapter 35. Finance; Purchasing.

Section 35.08(a)(10) and (23) *[adding two exceptions]:*

(10) Cybersecurity.

- a) Procurements of commodities and/or services constituting agency cybersecurity information, as set forth in section 119.0725, Florida Statutes, as may be amended, may be made without formal bidding, if engaging in competitive solicitation would create a danger to, damage, or continue to damage critical information technology or physical infrastructure.
- b) Procurements of commodities and/or services may be made without formal bidding if engaging in competitive solicitation is impractical due to a cybersecurity incident.
- c) If the City Manager authorizes a purchase made pursuant to this exception for any non-construction related purchase amounting to \$100,000.00 or more, or construction related purchase amounting to \$200,000.00 or more, then he or she shall follow the procedure in section 35.22.

Staff Recommendations cont.

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R2. Amend “Procurement Ordinance”: Title III - “Administration,” Chapter 35. Finance; Purchasing.

(23) Security and Firesafety.

- a) Procurements of commodities and/or services for security and/or firesafety, as defined in section 119.071(3), Florida Statutes, as may be amended, may be made without formal bidding, if engaging in competitive solicitation would create a danger to, damage, or continue to damage the City’s security and/or firesafety infrastructure.
- b) If the City Manager authorizes a purchase made pursuant to this exception for any non-construction related purchase amounting to \$100,000.00 or more, or construction related purchase amounting to \$200,000.00 or more, then he or she shall follow the procedure in section 35.22.

Staff Recommendations cont.

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R3. Amend “Procurement Ordinance”: Title III - “Administration,” Chapter 35. Finance; Purchasing.

Section 35.22 [creating a new section]:

(a) Notwithstanding any other provision in this Chapter 35, the City Manager shall have the limited authority to execute any agreement for the procurement of commodities and/or services, the cumulative value of which shall not exceed \$500,000, subject to all the following conditions:

- 1) The Chief Information Officer, Procurement Director, and City Attorney endorse that, in their professional judgement, the purchase of the commodities and/or services are for: (1) agency cybersecurity information, as defined by section 119.0725, Florida Statutes, as may be amended; and/or (2) security or firesafety, as defined by section 119.071(3), Florida Statutes, as may be amended.
- 2) The City department requesting the purchase of said commodities and/or services endeavors to obtain at least two competitive quotes, the procedure for which may be further defined in the City’s policies and procedures.
- 3) The item was budgeted/appropriated by City Council.

(b) For any agreements executed by the City Manager under this section, the City Manager, or his or her designee, shall promptly notify City Council orally and in writing of the purchase.

Next Steps

- ❑ September: 8th and 22nd City Council Readings and Public Hearings
- ❑ August/September: Update City Departments
- ❑ October 1, 2025: Effective Date

QUESTIONS / DISCUSSION

