

Bill No. CS/HB 3619, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senator Kirkpatrick moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 14.025, Florida Statutes, is		
18	created to read:		
19	<u>14.025 Executive powers for year 2000 computer</u>		
20	<u>remediation.--</u>		
21	<u>(1) In the event the Governor believes that a computer</u>		
22	<u>system may fail related to the impending date change</u>		
23	<u>necessitated by the year 2000, or in the event of a computer</u>		
24	<u>system failure related to the date change necessitated by the</u>		
25	<u>year 2000, the Governor may reassign resources, including</u>		
26	<u>personnel, from one or more agencies or departments to the</u>		
27	<u>agency with the projected or actual computer system failure.</u>		
28	<u>If this agency is under the control of the Governor, and the</u>		
29	<u>agencies affected by the reassignment of resources also are</u>		
30	<u>under the control of the Governor, the actions and decisions</u>		
31	<u>of the Governor with respect to the reassignment of resources</u>		

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 are final. If the transfer is from an agency under the control
2 of the Governor to an agency under the control of the Governor
3 and Cabinet or the transfer is from an agency under the
4 control of the Governor and Cabinet to an agency under the
5 control of the Governor, the recommendation by the Governor
6 shall be forwarded to the Administration Commission for
7 approval.

8 (2) If a year 2000 computer system failure occurs, or
9 is predicted to occur, in an agency under the control of the
10 Governor and Cabinet, and the Governor recommends the
11 reassignment of resources, including personnel, from an agency
12 under the control of the Governor and Cabinet, such
13 recommendation by the Governor shall be forwarded to the
14 Administration Commission for approval.

15 (3) If a year 2000 computer system failure occurs, or
16 is predicted to occur, in an agency under the control of a
17 Cabinet officer, and the Governor recommends the reassignment
18 of resources, including personnel, from an agency under the
19 control of a Cabinet officer, such recommendation by the
20 Governor shall be forwarded to the Administration Commission
21 for approval.

22 (4) Notwithstanding ss. 216.292 and 216.351, or any
23 other law to the contrary, moneys reassigned related to a
24 predicted or actual year 2000 computer system failure must be
25 transferred as specified by s. 216.177. The Governor shall
26 follow the process in part II of chapter 112 in transferring
27 personnel among affected agencies. The transfer of personnel
28 or moneys for more than 90 days must have the concurrence of
29 the President of the Senate, the Speaker of the House of
30 Representatives, and a majority of the members of each of the
31 House and Senate fiscal committees.

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 (5) The Legislature may, by concurrent resolution,
 2 terminate the reassignment of state resources made pursuant to
 3 this section.

4 (6) This section is repealed July 1, 2000.

5 Section 2. Section 112.24, Florida Statutes, is
 6 amended to read:

7 112.24 Intergovernmental transfer and interchange of
 8 public employees.--To encourage economical and effective
 9 utilization of public employees in this state, the temporary
 10 assignment of employees among agencies of government, both
 11 state and local, and including school districts and public
 12 institutions of higher education is authorized under terms and
 13 conditions set forth in this section. State agencies,
 14 municipalities, and political subdivisions are authorized to
 15 enter into employee interchange agreements with other state
 16 agencies,the Federal Government, ~~with~~ another state, a ~~with~~
 17 ~~another~~ municipality,or a political subdivision including a
 18 school district, or with a public institution of higher
 19 education. State agencies are also authorized to enter into
 20 employee interchange agreements with private institutions of
 21 higher education and other nonprofit organizations under the
 22 terms and conditions provided in this section. In addition,
 23 the Governor or the Governor and Cabinet may enter into
 24 employee interchange agreements with a state agency,the
 25 Federal Government, ~~with~~ another state, ~~with~~ a municipality,
 26 or a political subdivision including a school district, or
 27 with a public institution of higher learning to fill, subject
 28 to the requirements of chapter 20, appointive offices which
 29 are within the executive branch of government and which are
 30 filled by appointment by the Governor or the Governor and
 31 Cabinet. Under no circumstances shall employee interchange

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 agreements be utilized for the purpose of assigning
2 individuals to participate in political campaigns. Duties and
3 responsibilities of interchange employees shall be limited to
4 the mission and goals of the agencies of government.

5 (1) Details of an employee interchange program shall
6 be the subject of an agreement, which may be extended or
7 modified, between a sending party and a receiving party.
8 State agencies shall report such agreements and any extensions
9 or modifications thereto to the Department of Management
10 Services.

11 (2) The period of an individual's assignment or detail
12 under an employee interchange program shall not exceed 2
13 years. Upon agreement of the sending party and the receiving
14 party and under the same or modified terms, an assignment or
15 detail of 2 years may be extended by 3 months. However,
16 agreements relating to faculty members of the State University
17 System may be extended biennially upon approval by the
18 Department of Management Services. If the appointing agency is
19 the Governor or the Governor and Cabinet, the period of an
20 individual's assignment or detail under an employee
21 interchange program shall not exceed 2 years plus an extension
22 of 3 months or the number of years left in the term of office
23 of the Governor, whichever is less.

24 (3) Salary, leave, travel and transportation, and
25 reimbursements for an employee of a sending party that is
26 participating in an interchange program shall be handled as
27 follows:

28 (a) An employee of a sending party who is
29 participating in an interchange agreement may be considered as
30 on detail to regular work assignments of the sending party or
31 in a leave status from the sending party except that the

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 receiving agency shall pay the salary and benefits of such
2 employee during the time, in excess of 1 week, that the
3 employee is working for the receiving agency. However, an
4 employee of a sending party who is participating in an
5 interchange agreement pursuant to s. 10, chapter 91-429, Laws
6 of Florida, shall be considered as on detail to regular work
7 assignments of the sending party, and the sending party shall
8 reimburse the receiving agency for the salary and benefits and
9 expenses of such employee and any other direct costs of
10 conducting the inspections during the time the employee is
11 working for the receiving agency.

12 1. If on detail, an employee shall receive the same
13 salary and benefits as if he or she were not on detail and
14 shall remain the employee of the sending party for all
15 purposes except that supervision during the period of detail
16 may be governed by the interchange agreement.

17 2. If on leave, an employee shall have the same
18 rights, benefits, and obligations as other employees in a
19 leave status subject to exceptions provided in rules for state
20 employees issued by the department or the rules or other
21 decisions of the governing body of the municipality or
22 political subdivision.

23 (b) The assignment of an employee of a state agency
24 either on detail or on leave of absence may be made without
25 reimbursement by the receiving party for the travel and
26 transportation expenses to or from the place of the assignment
27 or for the pay and benefits, or a part thereof, of the
28 employee during the assignment.

29 (c) If the rate of pay for an employee of an agency of
30 the state on temporary assignment or on leave of absence is
31 less than the rate of pay he or she would have received had

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 the employee continued in his or her regular position, such
2 employee is entitled to receive supplemental pay from the
3 sending party in an amount equal to such difference.

4 (d) Any employee who participates in an exchange under
5 the terms of this section who suffers disability or death as a
6 result of personal injury arising out of and in the course of
7 an exchange, or sustained in performance of duties in
8 connection therewith, shall be treated, for the purposes of
9 the sending party's employee compensation program, as an
10 employee who sustained injury in the performance of duty, but
11 shall not receive benefits under such program for any period
12 for which the employee is entitled to, and elects to receive,
13 similar benefits under the receiving party's employee
14 compensation program.

15 (e) A sending party in this state may, in accordance
16 with the travel regulations of such party, pay the travel
17 expenses of an employee who is assigned to a receiving party
18 on either detail or leave basis, but shall not pay the travel
19 expenses of such an employee incurred in connection with work
20 assignments at the receiving party. If the assignment or
21 detail will exceed 8 months, travel expenses may include
22 expenses to transport immediate family, household goods, and
23 personal effects to and from the location of the receiving
24 party. If the period of assignment is 3 months or less, the
25 sending party may pay a per diem allowance to the employee on
26 assignment or detail.

27 (4)(a) When any agency, municipality, or political
28 subdivision of this state acts as a receiving party, an
29 employee of the sending party who is assigned under authority
30 of this section may be given appointments by the receiving
31 party covering the periods of such assignments, with

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 compensation to be paid from the receiving party's funds, or
2 without compensation, or be considered to be on detail to the
3 receiving party.

4 (b) Appointments of persons so assigned may be made
5 without regard to the laws or regulations governing the
6 selection of employees of the receiving party.

7 (c) During the period of an assignment, the employee
8 who is detailed to the receiving party shall not by virtue of
9 such detail be considered an employee of the receiving party,
10 except as provided in paragraph (d), nor shall the employee be
11 paid a wage or salary by the receiving party. The supervision
12 of an employee during the period of the detail may be governed
13 by agreement between the sending party and the receiving
14 party. A detail of an employee to a state agency may be made
15 with or without reimbursement to the sending party by the
16 receiving party for the pay and benefits, or a part thereof,
17 of the employee during the period of the detail.

18 (d) If the sending party of an employee assigned to an
19 agency, municipality, or political subdivision of this state
20 fails to continue making the employer's contribution to the
21 retirement, life insurance, and health benefit plans for that
22 employee, the receiving party of this state may make the
23 employer's contribution covering the period of the assignment
24 or any part thereof.

25 (e) Any employee of a sending party assigned in this
26 state who suffers disability or death as a result of personal
27 injury arising out of and in the course of such assignment, or
28 sustained in the performance of duties in connection
29 therewith, shall be treated for the purpose of the receiving
30 party's employee compensation program, as an employee who has
31 sustained injury in the performance of duty, but shall not

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 receive benefits under such program for any period for which
2 he or she elects to receive similar benefits as an employee
3 under the sending party's employee compensation program.

4 (f) A receiving party in this state may, in accordance
5 with the travel regulations of such party, pay travel expenses
6 of persons assigned thereto during the period of such
7 assignments on the same basis as if they were regular
8 employees of the receiving party.

9 (5) An agency may enter into agreements with private
10 institutions of higher education in this state as the sending
11 or receiving party as specified in subsections (3) and (4).

12 Section 3. Subsection (1) of section 112.27, Florida
13 Statutes, is amended to read:

14 112.27 Authority to interchange employees.--

15 (1) Any department, agency, or instrumentality of the
16 state is authorized to participate in a program of interchange
17 of employees with departments, agencies, or instrumentalities
18 of the state, the federal government, or another state, as a
19 sending or receiving agency.

20 Section 4. Section 282.4045, Florida Statutes, is
21 created to read:

22 282.4045 Immunity for state agencies and units of
23 local government for year 2000 computer date calculation
24 failures.--The State of Florida, its agencies, and any unit of
25 local government shall be immune from damages consistent with
26 s. 768.28. For purposes of this section, the state's agencies
27 or instrumentalities shall be deemed to include any public or
28 private university school of medicine that is part of a public
29 or private university supported in whole or in part by state
30 funds and that has an affiliation with a local government or
31 state instrumentality under which the medical school's

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 computer system or systems, or diagnostic or therapeutic
2 equipment dependent upon date logic, are used to provide
3 clinical patient care services to the public.

4 Section 5. No new information technology projects
5 shall be established with funding releases unless the agency
6 plan for year 2000 work is on schedule or ahead of schedule
7 for the two most recent reporting periods of the Agency Year
8 2000 Progress Report. Such status shall be certified by the
9 year 2000 project officer.

10 Section 6. This act shall take effect upon becoming a
11 law.

12
13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete everything before the enacting clause

17

18 and insert:

19

A bill to be entitled

20

An act relating to computers; creating s.

21

14.025, F.S., relating to the Governor;

22

recognizing the potential computer problems

23

that may occur in state agencies due to the

24

date change necessitated by the year 2000;

25

authorizing the Governor to reassign resources

26

in the event of a likely computer failure;

27

authorizing the Administration Commission to

28

reassign resources if an agency headed by the

29

Governor and Cabinet or a Cabinet officer is

30

likely to experience a computer failure;

31

requiring the reassignment of resources to

Bill No. CS/HB 3619, 1st Eng.

Amendment No. ____

1 conform with the law governing budget
2 amendments; requiring the reassignment of
3 personnel to conform with the law governing
4 employee interchanges; requiring legislative
5 approval if a reassignment of resources is
6 necessary for more than 90 days; authorizing
7 legislative veto of the reassignment of state
8 resources; providing for repeal of the powers
9 granted to the Governor; amending ss. 112.24
10 and 112.27, F.S., relating to employee
11 interchange programs; clarifying that state
12 agencies may exchange employees; creating s.
13 282.4045, F.S.; providing legislative findings
14 relating to the adequacy of the state's actions
15 to prevent year 2000 computer failures;
16 protecting the state and units of local
17 government against legal actions that result
18 from a year 2000 computer date calculation
19 failure; providing an effective date.

20
21
22
23
24
25
26
27
28
29
30
31