

By Representatives Culp, Effman, Trovillion and Gay

1 A bill to be entitled
2 An act relating to computers; creating s.
3 14.025, F.S., relating to the Governor;
4 recognizing the potential computer problems
5 that may occur in state agencies due to the
6 date change necessitated by the year 2000;
7 authorizing the Governor to reassign resources
8 in the event of a likely computer failure;
9 authorizing the Administration Commission to
10 reassign resources if an agency headed by the
11 Governor and Cabinet or a Cabinet officer is
12 likely to experience a computer failure;
13 requiring the reassignment of resources to
14 conform with the law governing budget
15 amendments; requiring the reassignment of
16 personnel to conform with the law governing
17 employee interchanges; requiring legislative
18 approval if a reassignment of resources is
19 necessary for more than 90 days; authorizing
20 legislative veto of the reassignment of state
21 resources; providing for repeal of the powers
22 granted to the Governor; amending ss. 112.24
23 and 112.27, F.S., relating to employee
24 interchange programs; clarifying that state
25 agencies may exchange employees; creating s.
26 282.4045, F.S.; providing legislative findings
27 relating to the adequacy of the state's actions
28 to prevent year 2000 computer failures;
29 protecting the state and units of local
30 government against legal actions that result
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1 from a year 2000 computer date calculation
2 failure; providing an effective date.

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

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6 Section 1. Section 14.025, Florida Statutes, is
7 created to read:

8 14.025 Executive powers for year 2000 computer
9 remediation.--

10 (1) In the event the Governor believes that a computer
11 system may fail related to the impending date change
12 necessitated by the year 2000, or in the event of a computer
13 system failure related to the date change necessitated by the
14 year 2000, the Governor may reassign resources, including
15 personnel, from one or more agencies or departments to the
16 agency with the projected or actual computer system failure.
17 If this agency is under the control of the Governor, and the
18 agencies affected by the reassignment of resources also are
19 under the control of the Governor, the actions and decisions
20 of the Governor with respect to the reassignment of resources
21 are final. If the transfer is from an agency under the control
22 of the Governor to an agency under the control of the Governor
23 and Cabinet or the transfer is from an agency under the
24 control of the Governor and Cabinet to an agency under the
25 control of the Governor, the recommendation by the Governor
26 shall be forwarded to the Administration Commission for
27 approval.

28 (2) If a year 2000 computer system failure occurs, or
29 is predicted to occur, in an agency under the control of the
30 Governor and Cabinet, and the Governor recommends the
31 reassignment of resources, including personnel, from an agency

1 under the control of the Governor and Cabinet, such
2 recommendation by the Governor shall be forwarded to the
3 Administration Commission for approval.

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

11 (4) Notwithstanding ss. 216.292 and 216.351, or any
12 other law to the contrary, moneys reassigned related to a
13 predicted or actual year 2000 computer system failure must be
14 transferred as specified by s. 216.177. The Governor shall
15 follow the process in part II of chapter 112 in transferring
16 personnel among affected agencies. The transfer of personnel
17 or moneys for more than 90 days must have the concurrence of
18 the President of the Senate, the Speaker of the House of
19 Representatives, and a majority of the members of each of the
20 House and Senate fiscal committees.

21 (5) The Legislature may, by concurrent resolution,
22 terminate the reassignment of state resources made pursuant to
23 this section.

24 (6) This section is repealed July 1, 2003.

25 Section 2. The introductory paragraph of section
26 112.24, Florida Statutes, is amended to read:

27 112.24 Intergovernmental transfer and interchange of
28 public employees.--To encourage economical and effective
29 utilization of public employees in this state, the temporary
30 assignment of employees among agencies of government, both
31 state and local, and including school districts and public

1 institutions of higher education is authorized under terms and
2 conditions set forth in this section. State agencies,
3 municipalities, and political subdivisions are authorized to
4 enter into employee interchange agreements with other state
5 agencies, the Federal Government, ~~with~~ another state, a ~~with~~
6 ~~another~~ municipality, or a political subdivision including a
7 school district, or with a public institution of higher
8 education. State agencies are also authorized to enter into
9 employee interchange agreements with private institutions of
10 higher education and other nonprofit organizations under the
11 terms and conditions provided in this section. In addition,
12 the Governor or the Governor and Cabinet may enter into
13 employee interchange agreements with a state agency, the
14 Federal Government, ~~with~~ another state, ~~with~~ a municipality,
15 or a political subdivision including a school district, or
16 with a public institution of higher learning to fill, subject
17 to the requirements of chapter 20, appointive offices which
18 are within the executive branch of government and which are
19 filled by appointment by the Governor or the Governor and
20 Cabinet. Under no circumstances shall employee interchange
21 agreements be utilized for the purpose of assigning
22 individuals to participate in political campaigns. Duties and
23 responsibilities of interchange employees shall be limited to
24 the mission and goals of the agencies of government.

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

27 112.27 Authority to interchange employees.--

28 (1) Any department, agency, or instrumentality of the
29 state is authorized to participate in a program of interchange
30 of employees with departments, agencies, or instrumentalities

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1 of the state, the federal government, or another state, as a
2 sending or receiving agency.

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

5 282.4045 Immunity for state agencies and units of
6 local government for year 2000 computer date calculation
7 failures.--

8 (1) The Legislature finds that the state and units of
9 local government have taken due care to prepare for the date
10 change that will accompany the year 2000. Beginning early in
11 the 1990s, the state alerted its departments and agencies of
12 the potential computer problems that may accompany the year
13 2000 date change. In 1997, the state hired a consultant
14 experienced in planning for and addressing the changes
15 necessitated by the year 2000. The state also established an
16 office in the Governor's Office of Planning and Budgeting to
17 coordinate the efforts of the consultant, state agencies, and
18 local entities in identifying and finding solutions for
19 potential year 2000 computer system problems. It is estimated
20 that state agencies will spend between \$75 and \$90 million in
21 remediation costs to prevent computer failures and date
22 miscalculations. The efforts of the state are ongoing with
23 respect to year 2000 remediation. The state has acted with
24 diligence in addressing the year 2000 issue and in providing
25 remedies when problems are identified. All of these actions
26 have been taken in an effort to ensure the continuity of state
27 services to the citizens of Florida as the 20th century nears
28 an end.

29 (2) There shall be no cause of action at law, nor
30 administrative actions maintained, against the state, its
31 agencies or instrumentalities, or any unit of local government

1 for actions or inactions that are attributable to a year 2000
2 computer date calculation failure, and there shall be no
3 waiver of sovereign immunity with respect to the same.

4 Section 5. This act shall take effect upon becoming a
5 law.

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8 HOUSE SUMMARY

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10 Authorizes the Governor to transfer resources between
11 agencies in the event of a computer failure that may
12 occur in state agencies due to the date change
13 necessitated by the year 2000. Authorizes the
14 Administration Commission to reassign resources if an
15 agency headed by the Governor and Cabinet or a Cabinet
16 officer is likely to experience a computer failure.
17 Provides procedures with respect to such transfers.
18 Provides that there shall be no cause of action at law,
19 nor administrative actions maintained, against the state,
20 its agencies or instrumentalities, or any unit of local
21 government for actions or inactions that are attributable
22 to a year 2000 computer date calculation failure, and
23 there shall be no waiver of sovereign immunity with respect
24 to the same. See bill for details.
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