

By the Committee on Governmental Operations and  
Representatives Culp, Effman, Trovillion, Gay and Posey

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. However, if the recommended reassignment of  
22 resources involves an agency under the control of the Governor  
23 and Cabinet, or under the control of a Cabinet officer, prior  
24 to the reassignment of any such resources, the recommendation  
25 by the Governor must first be approved by the Administration  
26 Commission, pursuant to s. 14.202.

27 (2) Notwithstanding ss. 216.292 and 216.351, or any  
28 other law to the contrary, moneys reassigned related to a  
29 predicted or actual year 2000 computer system failure must be  
30 transferred as specified by s. 216.177. The Governor shall  
31 follow the process in part II of chapter 112 in transferring

1 personnel among affected agencies. The transfer of personnel  
2 or moneys for more than 90 days must have the concurrence of  
3 the President of the Senate, the Speaker of the House of  
4 Representatives, and a majority of the members of each of the  
5 House and Senate fiscal committees.

6 (3) The Legislature may, by concurrent resolution,  
7 terminate the reassignment of state resources made pursuant to  
8 this section.

9 (4) This section is repealed July 1, 2003.

10 Section 2. The introductory paragraph of section  
11 112.24, Florida Statutes, is amended to read:

12 112.24 Intergovernmental transfer and interchange of  
13 public employees.--To encourage economical and effective  
14 utilization of public employees in this state, the temporary  
15 assignment of employees among agencies of government, both  
16 state and local, and including school districts and public  
17 institutions of higher education is authorized under terms and  
18 conditions set forth in this section. State agencies,  
19 municipalities, and political subdivisions are authorized to  
20 enter into employee interchange agreements with other state  
21 agencies,the Federal Government, ~~with~~ another state, a with  
22 ~~another~~ municipality,or a political subdivision including a  
23 school district, or with a public institution of higher  
24 education. State agencies are also authorized to enter into  
25 employee interchange agreements with private institutions of  
26 higher education and other nonprofit organizations under the  
27 terms and conditions provided in this section. In addition,  
28 the Governor or the Governor and Cabinet may enter into  
29 employee interchange agreements with a state agency,the  
30 Federal Government, ~~with~~ another state, ~~with~~ a municipality,  
31 or a political subdivision including a school district, or

1 with a public institution of higher learning to fill, subject  
2 to the requirements of chapter 20, appointive offices which  
3 are within the executive branch of government and which are  
4 filled by appointment by the Governor or the Governor and  
5 Cabinet. Under no circumstances shall employee interchange  
6 agreements be utilized for the purpose of assigning  
7 individuals to participate in political campaigns. Duties and  
8 responsibilities of interchange employees shall be limited to  
9 the mission and goals of the agencies of government.

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

12 112.27 Authority to interchange employees.--

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

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

20 282.4045 Immunity for state agencies and units of  
21 local government for year 2000 computer date calculation  
22 failures.--

23 (1) For the purposes of this section, the state's  
24 agencies or instrumentalities shall be deemed to include any  
25 school of medicine which is part of a public or private  
26 university supported in whole or in part by state funds and  
27 which has an affiliation with a local government or state  
28 instrumentality under which the medical school's computer  
29 system or systems, or diagnostic or therapeutic equipment  
30 dependent upon data logic, is utilized in, among other things,  
31 providing clinical patient care service to the public. The

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

21 (2)(a) There shall be no cause of action at law, nor  
22 administrative actions maintained, against the state, its  
23 agencies or instrumentalities, or any unit of local government  
24 for actions or inactions that are attributable to a year 2000  
25 computer date calculation failure, and there shall be no  
26 waiver of sovereign immunity with respect to the same.

27 (b) As used in this section, "state agencies or  
28 instrumentalities" includes the executive branch, the  
29 legislative branch, the judicial branch, and the independent  
30 establishments of the state.

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