

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
31

1 from a year 2000 computer date calculation
2 failure; providing an effective date.

3
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) The Legislature finds that the state and units of
24 local government have taken due care to prepare for the date
25 change that will accompany the year 2000. Beginning early in
26 the 1990s, the state alerted its departments and agencies of
27 the potential computer problems that may accompany the year
28 2000 date change. In 1997, the state hired a consultant
29 experienced in planning for and addressing the changes
30 necessitated by the year 2000. The state also established an
31 office in the Governor's Office of Planning and Budgeting to

1 coordinate the efforts of the consultant, state agencies, and
2 local entities in identifying and finding solutions for
3 potential year 2000 computer system problems. It is estimated
4 that state agencies will spend between \$75 and \$90 million in
5 remediation costs to prevent computer failures and date
6 miscalculations. The efforts of the state are ongoing with
7 respect to year 2000 remediation. The state has acted with
8 diligence in addressing the year 2000 issue and in providing
9 remedies when problems are identified. All of these actions
10 have been taken in an effort to ensure the continuity of state
11 services to the citizens of Florida as the 20th century nears
12 an end.

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

19 (b) As used in this section, "state agencies or
20 instrumentalities" includes the executive branch; the
21 legislative branch; the judicial branch; any school of
22 medicine which is part of a public or private university
23 supported in whole or in part by state funds and which has an
24 affiliation with a local government or state instrumentality
25 under which the medical school's computer system or systems,
26 or diagnostic or therapeutic equipment dependent upon data
27 logic, is utilized in, among other things, providing clinical
28 patient care service to the public; and the independent
29 establishments of the state.

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