

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, 2000.

25 Section 2. Section 112.24, Florida Statutes, is
26 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 (1) Details of an employee interchange program shall
26 be the subject of an agreement, which may be extended or
27 modified, between a sending party and a receiving party.
28 State agencies shall report such agreements and any extensions
29 or modifications thereto to the Department of Management
30 Services.

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

14 (3) Salary, leave, travel and transportation, and
15 reimbursements for an employee of a sending party that is
16 participating in an interchange program shall be handled as
17 follows:

18 (a) An employee of a sending party who is
19 participating in an interchange agreement may be considered as
20 on detail to regular work assignments of the sending party or
21 in a leave status from the sending party except that the
22 receiving agency shall pay the salary and benefits of such
23 employee during the time, in excess of 1 week, that the
24 employee is working for the receiving agency. However, an
25 employee of a sending party who is participating in an
26 interchange agreement pursuant to s. 10, chapter 91-429, Laws
27 of Florida, shall be considered as on detail to regular work
28 assignments of the sending party, and the sending party shall
29 reimburse the receiving agency for the salary and benefits and
30 expenses of such employee and any other direct costs of
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1 conducting the inspections during the time the employee is
2 working for the receiving agency.

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

8 2. If on leave, an employee shall have the same
9 rights, benefits, and obligations as other employees in a
10 leave status subject to exceptions provided in rules for state
11 employees issued by the department or the rules or other
12 decisions of the governing body of the municipality or
13 political subdivision.

14 (b) The assignment of an employee of a state agency
15 either on detail or on leave of absence may be made without
16 reimbursement by the receiving party for the travel and
17 transportation expenses to or from the place of the assignment
18 or for the pay and benefits, or a part thereof, of the
19 employee during the assignment.

20 (c) If the rate of pay for an employee of an agency of
21 the state on temporary assignment or on leave of absence is
22 less than the rate of pay he or she would have received had
23 the employee continued in his or her regular position, such
24 employee is entitled to receive supplemental pay from the
25 sending party in an amount equal to such difference.

26 (d) Any employee who participates in an exchange under
27 the terms of this section who suffers disability or death as a
28 result of personal injury arising out of and in the course of
29 an exchange, or sustained in performance of duties in
30 connection therewith, shall be treated, for the purposes of
31 the sending party's employee compensation program, as an

1 employee who sustained injury in the performance of duty, but
2 shall not receive benefits under such program for any period
3 for which the employee is entitled to, and elects to receive,
4 similar benefits under the receiving party's employee
5 compensation program.

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

18 (4)(a) When any agency, municipality, or political
19 subdivision of this state acts as a receiving party, an
20 employee of the sending party who is assigned under authority
21 of this section may be given appointments by the receiving
22 party covering the periods of such assignments, with
23 compensation to be paid from the receiving party's funds, or
24 without compensation, or be considered to be on detail to the
25 receiving party.

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

29 (c) During the period of an assignment, the employee
30 who is detailed to the receiving party shall not by virtue of
31 such detail be considered an employee of the receiving party,

1 except as provided in paragraph (d), nor shall the employee be
2 paid a wage or salary by the receiving party. The supervision
3 of an employee during the period of the detail may be governed
4 by agreement between the sending party and the receiving
5 party. A detail of an employee to a state agency may be made
6 with or without reimbursement to the sending party by the
7 receiving party for the pay and benefits, or a part thereof,
8 of the employee during the period of the detail.

9 (d) If the sending party of an employee assigned to an
10 agency, municipality, or political subdivision of this state
11 fails to continue making the employer's contribution to the
12 retirement, life insurance, and health benefit plans for that
13 employee, the receiving party of this state may make the
14 employer's contribution covering the period of the assignment
15 or any part thereof.

16 (e) Any employee of a sending party assigned in this
17 state who suffers disability or death as a result of personal
18 injury arising out of and in the course of such assignment, or
19 sustained in the performance of duties in connection
20 therewith, shall be treated for the purpose of the receiving
21 party's employee compensation program, as an employee who has
22 sustained injury in the performance of duty, but shall not
23 receive benefits under such program for any period for which
24 he or she elects to receive similar benefits as an employee
25 under the sending party's employee compensation program.

26 (f) A receiving party in this state may, in accordance
27 with the travel regulations of such party, pay travel expenses
28 of persons assigned thereto during the period of such
29 assignments on the same basis as if they were regular
30 employees of the receiving party.

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

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

6 112.27 Authority to interchange employees.--

7 (1) Any department, agency, or instrumentality of the
8 state is authorized to participate in a program of interchange
9 of employees with departments, agencies, or instrumentalities
10 of the state, the federal government, or another state, as a
11 sending or receiving agency.

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

14 282.4045 Immunity for state agencies and units of
15 local government for year 2000 computer date calculation
16 failures.--The State of Florida, its agencies, and any unit of
17 local government shall be immune from damages consistent with
18 s. 768.28. For purposes of this section, the state's agencies
19 or instrumentalities shall be deemed to include any public or
20 private university school of medicine that is part of a public
21 or private university supported in whole or in part by state
22 funds and that has an affiliation with a local government or
23 state instrumentality under which the medical school's
24 computer system or systems, or diagnostic or therapeutic
25 equipment dependent upon date logic, are used to provide
26 clinical patient care services to the public.

27 Section 5. No new information technology projects
28 shall be established with funding releases unless the agency
29 plan for year 2000 work is on schedule or ahead of schedule
30 for the two most recent reporting periods of the Agency Year
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1 2000 Progress Report. Such status shall be certified by the
2 year 2000 project officer.

3 Section 6. This act shall take effect upon becoming a
4 law.

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