

By Senator Clary

7-104-98

1                                   A bill to be entitled  
2           An act relating to the Department of Management  
3           Services; providing for the relief of Dale R.  
4           Cowie; providing an appropriation to reimburse  
5           him for expenses incurred in the completion of  
6           a state contract; providing an effective date.  
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8           WHEREAS, in 1991, Fire Control, Inc., a company which  
9           designed and installed fire sprinkler systems, installed  
10          sprinkler systems in two single-cell housing units at the  
11          Jackson Correctional Institution, state project #DC-89013100,  
12          and  
13          WHEREAS, because the contract drawings prepared by the  
14          architectural firm on the project were erroneous, Fire  
15          Control, Inc., incurred an additional expense of \$15,401.77 to  
16          properly install the system, for which they were never  
17          reimbursed, and  
18          WHEREAS, Fire Control, Inc., was a subcontractor to J.  
19          Kinson Cook, Inc., the general contractor for the Jackson  
20          Correctional Institution project, and  
21          WHEREAS, J. Kinson Cook's contract was held and  
22          administered by the Department of Management Services,  
23          formerly the Department of General Services, which was the  
24          contracting agency for the project, and  
25          WHEREAS, on September 30, 1993, J. Kinson Cook, Inc.,  
26          signed a release acknowledging final payment by the state and  
27          releasing the Department of Corrections and the Department of  
28          Management Services from all claims under the construction  
29          contract and any subcontracts for the project, and  
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1           WHEREAS, no claim for additional compensation for  
2 completion of state project #DC-89013100 was filed against the  
3 state by the general contractor, and

4           WHEREAS, though a payment bond was issued by a surety  
5 company to cover payments to subcontractors in the event the  
6 general contractor failed to pay all expenses owed, the  
7 statute of limitations has expired for suits against a surety  
8 company on a bond for a public project and for suits against  
9 the contractor, and

10           WHEREAS, since 1991, Dale R. Cowie, formerly the  
11 president of Fire Control, Inc., has attempted to obtain  
12 reimbursement for his company's expenses, and

13           WHEREAS, in September 1995, Fire Control, Inc., ceased  
14 operations due to financial difficulties which stemmed in  
15 great part from the loss incurred in the performance of this  
16 subcontract, and

17           WHEREAS, Dale R. Cowie seeks reimbursement from the  
18 Department of Management Services in the amount of \$15,401.77,  
19 NOW, THEREFORE,

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

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23           Section 1. The facts stated in the preamble to this  
24 act are found and declared to be true.

25           Section 2. The Executive Office of the Governor is  
26 directed to transfer existing spending authority or establish  
27 spending authority from unappropriated trust fund balances in  
28 the Department of Management Services in the amount of  
29 \$15,401.77 to a new category titled "Relief - Dale R. Cowie"  
30 as relief for costs incurred in the performance of a state  
31 contract.

1           Section 3. The Comptroller is directed to draw his  
2 warrant in favor of Dale R. Cowie in the sum of \$15,401.77  
3 upon funds of the Department of Management Services in the  
4 State Treasury and the State Treasurer is directed to pay the  
5 same out of such funds in the State Treasury.

6           Section 4. This act shall take effect July 1, 1998.

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9           HOUSE SUMMARY

10          Provides an appropriation of \$15,401.77 from funds of the  
11 Department of Management Services to Dale R. Cowie as  
12 reimbursement for expenses incurred in the performance of  
13 a state contract.

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