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1 A bill to be entitled
2 An act for the relief of Lawrence Femminella by the Palm
3 Beach County Sheriff's Office; providing for an
4 appropriation to compensate Lawrence Femminella for loss
5 of consortium, false arrest, and the negligent training
6 and hiring of deputy sheriffs by the Palm Beach County
7 Sheriff's Office; providing a limitation on the payment of
8 fees and costs; providing an effective date.

9
10 WHEREAS, Lawrence Femminella was employed by the Palm Beach
11 County Sherriff's Office as a correctional officer and deputy
12 sheriff and resided in Palm Beach County, and

13 WHEREAS, in March, 2003, Willoughby Farr was confined to
14 the Palm Beach County jail awaiting sentencing on various felony
15 charges for which he was facing a long prison term. In an effort
16 to avoid a lengthy prison term and to garner favors from law
17 enforcement officers, Farr concocted a story in which he claimed
18 that several correctional officers were smuggling drugs into the
19 Palm Beach County jail, and

20 WHEREAS, to further his scheme, Farr enrolled the
21 assistance of Danny Negrych, who was a former correctional
22 officer from the Palm Beach County Sheriff's Office. Together
23 Farr and Negrych fabricated a story in which Negrych claimed to
24 be a member of a ring of correctional officers who regularly
25 smuggled narcotic drugs into the jail. Farr then contacted the
26 Organized Crime Bureau of the Palm Beach County Sheriff's Office
27 and told his fabricated story, and

28 WHEREAS, Detective Jeffrey Clarke and Sergeant Jones, who

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29 | were assigned to investigate Farr's drug smuggling allegations,
30 | used Farr as a confidential informant. Deputy Clarke did not
31 | have any prior training in investigating narcotics cases even
32 | though he was designated as the lead detective in the
33 | investigation, and

34 | WHEREAS, Farr and the detectives agreed that if Farr
35 | provided evidence of the drug smuggling activities involving the
36 | correctional officers, the detectives would testify at Farr's
37 | sentencing in order to get Farr a more lenient sentence, and

38 | WHEREAS, on three separate occasions Negrych and Farr
39 | arranged for cocaine and other illicit drugs to be delivered to
40 | the jail, but Lawrence Femminella was not involved in any of the
41 | deliveries, and

42 | WHEREAS, in late June 2003, Farr was released on bond with
43 | the help of the detectives. The purpose of the release was to
44 | facilitate the criminal investigation regarding the alleged drug
45 | smuggling activities that involved certain correctional
46 | officers, and

47 | WHEREAS, after his release, Farr claimed he could meet with
48 | Lawrence Femminella to discuss drugs. Farr had Negrych contact
49 | Femminella to arrange a meeting. The purpose of the meeting, as
50 | stated by Negrych to Femminella, was to interest Lawrence
51 | Femminella in starting a landscaping business. A meeting was
52 | arranged for July 8, 2003, at a local restaurant, and

53 | WHEREAS, Lawrence Femminella appeared at the scheduled
54 | meeting expecting to meet Negrych, who failed to appear.
55 | Instead, Farr met with Femminella claiming that Negrych was
56 | unable to attend. The meeting was monitored and recorded by the

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57 | Palm Beach County Sheriff's Office and there were no discussions
58 | about narcotics at the meeting. Femminella and Negrych discussed
59 | only the landscaping business, and

60 | WHEREAS, in late July 2003, Farr was arrested again for
61 | violating the terms of his bond. After his arrest, Farr
62 | continued his role as an informant for the Palm Beach County
63 | Sheriff's Office and placed telephone calls to Negrych regarding
64 | the delivery of narcotics into the jail, and

65 | WHEREAS, during this period Farr also placed several calls
66 | to Lawrence Femminella's cellular telephone and on each occasion
67 | left a message asking Lawrence Femminella to return the call. In
68 | response to Farr's several messages, Lawrence Femminella
69 | returned the call on a single occasion and left a message for
70 | Farr to quit contacting him. Afterward, Femminella changed his
71 | cellular telephone number in order to avoid Farr's calls, and

72 | WHEREAS, in early September 2003, Farr also made several
73 | telephone calls to a woman who identified herself as Lawrence
74 | Femminella's wife Gayle, and they discussed the smuggling of
75 | drugs into the jail. It was these telephone calls that led to
76 | the arrest of Gayle Femminella, along with her husband Lawrence
77 | Femminella. It was later determined that the woman was not Gayle
78 | Femminella but an imposter hired by Farr and Negrych to further
79 | their scheme, and

80 | WHEREAS, during the telephone call between Farr and the
81 | female impersonator posing as Gayle Femminella, the two would
82 | discuss having Lawrence Femminella deliver drugs to Farr in
83 | jail. The female impersonator then requested the moneys for the
84 | drugs to be delivered to the Femminella's home and for

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85 Femminella to deliver the narcotics to Farr, and

86 WHEREAS, on September 10, 2003, two undercover agents
87 wearing recording devices attempted to deliver moneys to the
88 Femminella's home. Gayle Femminella answered the door and the
89 agents told Mrs. Femminella that they were delivering money for
90 Farr. Not only did Gayle Femminella refuse to accept the money,
91 she was described by police as being confused as to why the
92 police were at her house. She immediately called her husband who
93 was at work at the jail and reported the incident to him. The
94 agents' encounter with Gayle Femminella was recorded by
95 detectives from the Palm Beach County Sheriff's Office. The
96 detectives realized that the voice of Gayle Femminella was
97 completely different from the voice recording of the female
98 impersonator, and

99 WHEREAS, alarmed by the unusual events, including the
100 messages from Farr, the visit to his home by unknown persons
101 offering money from Farr, and the July 8th meeting with Farr,
102 Lawrence Femminella immediately wrote a letter to his supervisor
103 at the Palm Beach County Sheriff's Office which explained the
104 events involving the meeting on July 8, 2003, the unsolicited
105 phone calls, and the visits to his home with the offer of money,
106 and

107 WHEREAS, on the evening of September 11, 2003, Lawrence
108 Femminella and his wife Gayle Femminella were arrested at their
109 home in the presence of their children, taken in handcuffs to
110 jail, and held in a jail cell at the Palm Beach County jail
111 where they were interviewed. When the detectives confronted
112 Gayle Femminella about tape recordings that appeared to

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113 | incriminated her, Mrs. Femminella asked to hear the tapes. When
114 | the detectives played the tapes, it became readily apparent that
115 | the female's voice on the tape was not the voice of Gayle
116 | Femminella, and

117 | WHEREAS, on September 12, 2003, the detectives interviewed
118 | Farr and confronted him with the fabricated evidence against
119 | Gayle Femminella. According to the detectives, Farr admitted
120 | that he had fabricated much of the evidence in order to get a
121 | more lenient sentence, and

122 | WHEREAS, Deputy Clarke commenced the criminal investigation
123 | of Farr's allegations of the smuggling of illicit drugs into the
124 | Palm Beach County jail in May of 2003, which terminated in
125 | November 2004. At the conclusion of the investigation, the
126 | Femminellas were completely exonerated and received a personal
127 | apology from the Sheriff, and

128 | WHEREAS, at the conclusion of the criminal investigation,
129 | the Palm Beach County Sheriff's Office conducted an internal
130 | affairs investigation. The internal affairs investigation
131 | concluded that Deputy Clarke was guilty of neglect of duty and
132 | that the accusations against the Femminellas were totally
133 | unfounded and without merit, and

134 | WHEREAS, on May 11, 2005, Lawrence Femminella filed an
135 | Amended Complaint against the Palm Beach County Sheriff's Office
136 | for false arrest, negligent training and hiring of its deputies,
137 | and loss of consortium, and

138 | WHEREAS, the case of Lawrence Femminella was tried before a
139 | jury, and on February 6, 2006, the jury returned a verdict in
140 | favor of Lawrence Femminella, and a final judgment in favor of

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141 Lawrence Femminella in the sum of \$816,200 was entered against
 142 the Palm Beach County Sheriff's Office on February 8, 2006, and

143 WHEREAS, Lawrence Femminella has been paid \$100,000 by the
 144 Palm Beach County Sheriff's Office, and he seeks satisfaction in
 145 the amount of \$716,200, the balance of the final judgment, NOW,
 146 THEREFORE,

147

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

149

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

152 Section 2. Palm Beach County Sheriff's Office is
 153 authorized and directed to appropriate from funds of the county
 154 not otherwise appropriated and to draw a warrant in the sum of
 155 \$716,200, payable to Lawrence Femminella, as compensation for
 156 loss of consortium, false arrest, and the negligent training and
 157 hiring of deputy sheriffs by the Palm Beach County Sheriff's
 158 Office.

159 Section 3. The amount paid by the Palm Beach County
 160 Sheriff's Office and the amount awarded under this act are
 161 intended to provide the sole compensation for all present and
 162 future claims arising out of the factual situation described in
 163 this act regarding Lawrence Femminella. The total amount paid
 164 for attorney's fees, lobbying fees, costs, and other similar
 165 expenses relating to this claim may not exceed 25 percent of the
 166 amount awarded under this act.

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