

By Senator Siplin

30-00176-12

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1 A bill to be entitled

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

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

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

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

29 WHEREAS, Detective Jeffrey Clarke and Sergeant Jones, who

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

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

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

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

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

54 WHEREAS, Lawrence Femminella appeared at the scheduled
55 meeting expecting to meet Negrych, who failed to appear.
56 Instead, Farr met with Femminella claiming that Negrych was
57 unable to attend. The meeting was monitored and recorded by the
58 Palm Beach County Sheriff's Office, and there were no

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59 discussions about narcotics at the meeting. Femminella and
60 Negrych discussed only the landscaping business, and

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

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

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

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

87 WHEREAS, on September 10, 2003, two undercover agents

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

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

108 WHEREAS, on the evening of September 11, 2003, Lawrence
109 Femminella and his wife Gayle Femminella were arrested at their
110 home in the presence of their children, taken in handcuffs to
111 jail, and held in a jail cell at the Palm Beach County jail
112 where they were interviewed. When the detectives confronted
113 Gayle Femminella about tape recordings that appeared to
114 incriminate her, Mrs. Femminella asked to hear the tapes. When
115 the detectives played the tapes, it became readily apparent that
116 the female's voice on the tape was not the voice of Gayle

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117 Femminella, and

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

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

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

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

139 WHEREAS, the case of Lawrence Femminella was tried before a
140 jury, and on February 6, 2006, the jury returned a verdict in
141 favor of Lawrence Femminella. A final judgment in favor of
142 Lawrence Femminella in the sum of \$816,200 was entered against
143 the Palm Beach County Sheriff's Office on February 8, 2006, and

144 WHEREAS, Lawrence Femminella has been paid \$100,000 by the
145 Palm Beach County Sheriff's Office, and he seeks satisfaction in

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146 the amount of \$716,200, the balance of the final judgment, NOW,
147 THEREFORE,

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

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

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

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

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