

MARJORY STONEMAN DOUGLAS HIGH SCHOOL
PUBLIC SAFETY COMMISSION

VOLUME V of V
(Pages 616 through 779)

PUBLIC SAFETY COMMISSION
MEETING

DATE: December 13, 2018
TIME: 8:41 a.m. - 4:46 p.m.
LOCATION: Donald L. Tucker Civic Center
Tallahassee, Florida

Reported by:

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P R E S E N T

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2 CHAIR, BOB GUALTIERI; JASON JONES, GENERAL COUNSEL;
3 CHRIS NELSON; BRUCE BARTLETT; RICK SWEARINGEN; MAX
4 SCHACHTER; LARRY ASHLEY; MELISSA LARKIN-SKINNER; JUSTIN
5 SENIOR; TIMOTHY NIERMANN; MIKE CARROL; JAMES HARPRING;
6 GRADY JUDD; DOUGLAS DODD; LAUREN BOOK; RYAN PETTY;
7 MARSHA POWERS; VICE CHAIR, KEVIN LYSTAD; CHRISTINA
8 LINTON; REBECCA KAPUSTA

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P R O C E E D I N G S

(Proceedings Continued from Volume IV.)

SHERIFF GUALTIERI: We'll get started again. If you would, go to slide 107.

We're going to talk about this section of the report now that is a summary of Cruz's life and his contacts prior to February 14th, 2018. So we're going to begin on slide 108. That begins on page 249. So this section begins on 216, but the findings begin on 249 in the version you all have.

No. 1 is, The majority of Cruz's contacts with the sheriff's office before the shooting did not involve criminal activity and most were initiated by Linda Cruz because Nikolas and his brother were misbehaving or had run away.

That's based on, if you recall, is we provided you all with a list. That's reprinted in the report. We went through this of all those BSO contacts. They're like 43 of them, and most of them had to do with what's reflected here.

Most of the contact with Cruz and his family prior to the shooting did not warrant additional action other than what was taken in

1 response to the call at the time.

2 Does anybody have any issues or concerns
3 with that?

4 It doesn't say all. It says most.

5 SHERIFF ASHLEY: Sheriff, just because we
6 know so much more than Broward would have known
7 at that time maybe "knowingly involved criminal
8 activity" would be the better. I believe there
9 is a lot of criminal activity, but the Broward
10 Sheriff's Office didn't knowingly have
11 information on that. The contacts would be
12 Broward County Sheriff's Office before the
13 shooting did not -- they just didn't know it
14 was criminal activity or didn't know all the
15 criminal activity that was involved.

16 SHERIFF GUALTIERI: Yes. I don't care.

17 (Perusing.)

18 That'll work. I mean, I just want to make
19 sure it worked.

20 Does anybody know what all that noise is?

21 (Brief interruption.)

22 SHERIFF GUALTIERI: So the majority of
23 Cruz's contact with BSO before the shooting did
24 not knowingly involve criminal activity --

25 Okay. So we'll just add that in,

1 knowingly:

2 SECRETARY CARROL: A comment about that
3 because there were a couple of instances like
4 the shooting of the chickens and that type
5 stuff.

6 SHERIFF GUALTIERI: Right.

7 SECRETARY CARROL: So the few instances
8 that did involve criminal activity it seemed to
9 be minimized because of their familiarity with
10 the family and their deference to what they
11 thought was his diagnosis, i.e. autism, because
12 they reference that. Do we want to put that
13 here or do we want to -- because there were
14 instances where there was criminal activity and
15 it was -- I think it was all part of a pattern
16 where they understood that he had a mental
17 health issue. They mistakenly thought he was
18 autistic, and so I don't think that they were
19 reacting in bad faith per se. But they took
20 action to minimize it. I don't know. Either
21 way it doesn't --

22 SHERIFF GUALTIERI: So much of it wasn't
23 -- and the point -- when you look at it and you
24 do the breakdown on it -- and we can water it
25 down some if you feel more comfortable with

1 that. As opposed to saying "majority" we can
2 say "many." We can take it down some.

3 But when you look at it it is the majority
4 where because of domestic issues, not domestic
5 violence issues, but she was calling the cops
6 every two minutes because she couldn't control
7 the kids and because they were running away and
8 those things. So when you look at the
9 breakdown of those, the majority of them were
10 noncriminal events.

11 SECRETARY CARROL: I think the
12 overwhelming majority of them were noncriminal
13 offenses.

14 SHERIFF GUALTIERI: Right.

15 SECRETARY CARROL: I think the criminal
16 offenses there were a couple of instances that
17 could be deemed that way. And even then I
18 don't know that they knew all the information
19 that we knew at the time. Anyway, I don't
20 disagree with this comment here.

21 MR. SCHACHTER: Sheriff, how much
22 credence, or is there anything that we can
23 say -- and I think Sheriff Judd mentioned this
24 once. If as a law enforcement officer you get
25 called out to a house multiple times, somebody

1 is getting arrested. And here it just --

2 SHERIFF GUALTIERI: It depends. If she's
3 calling them out because she can't control her
4 kids, somebody ain't getting arrested. Nothing
5 to arrest them for. You get called out because
6 the kids are running away, nobody's getting
7 arrested. There's nothing to arrest them for.
8 You get where he's, you know, juvenile stuff
9 and he's throwing rocks at a neighbor kid, that
10 -- you know, it depends on the circumstances.
11 I don't think that is all the time going to
12 happen.

13 We all have frequent fliers. You go into
14 agency's records management system and you can
15 find locations that we repeatedly go out to.

16 Is there anything we want to do with that,
17 or just leave it? We'll just leave it. All
18 right.

19 Next one, at least 30 people had knowledge
20 of Cruz's troubling behavior before the
21 shooting that they did not report or it was not
22 acted on by people to whom they reported their
23 concerns.

24 Now, that is captured here in the report.
25 And that is based on the presentation that

1 Detective Lyons did at the last meeting where
2 it laid out all of those prior contacts and all
3 of those people from the bank teller at Wells
4 Fargo to the people at the gun shop to the
5 people at school, et cetera. So it was all
6 this leakage, if you will, to some degree and
7 some of it to a significant degree, but that
8 people didn't do anything with. So that's what
9 that statement goes to.

10 Does anybody have any concerns with that
11 one?

12 Over on slide 109. At least six people
13 who stated that they brought concerns about
14 Cruz and his behavior, including discussions
15 about Cruz being a school shooter to Morford,
16 Morford denies everyone of these reports or
17 claims he does not recall the reports and/or
18 discussions. Morford's veracity in denying the
19 knowledge or recollection of these incidents is
20 questionable.

21 Anybody have anything on that one?

22 MR. SCHACHTER: Are we also -- I think we
23 also mention that reports were given to Ty
24 Thompson or one report.

25 SHERIFF GUALTIERI: Well, you know, I'm

1 taking the position and I take the position and
2 I think the evidence shows that that report was
3 not given to Ty Thompson. The one kid who
4 claims that he reported it to Thompson didn't
5 report it to Thompson. It was really reported
6 to Morford.

7 MR. SCHACHTER: Didn't the mother speak
8 to --

9 SHERIFF GUALTIERI: I think she's wrong.
10 The evidence shows that that is not the case.
11 The evidence shows is is that it was Morford
12 that they were dealing with and not Thompson.

13 MR. SCHACHTER: There was a comment, "If
14 you don't like it, you can take your kid and
15 put him in a different school."

16 SHERIFF GUALTIERI: And that's right. But
17 I believe -- and it's all laid out in here.

18 MR. SCHACHTER: Wasn't that Thompson?

19 SHERIFF GUALTIERI: No, it was Morford.
20 Thompson denies it. I think the consensus of
21 the investigators -- I know the consensus of
22 the investigators is is that it was not
23 Thompson. It was Morford.

24 MR. SCHACHTER: That said, "If you don't
25 like it, you can put him in a different

1 school."

2 SHERIFF GUALTIERI: Correct. That was
3 Morford, not Thompson. She's just mistaken
4 about that. I can tell you that's a very
5 unequivocal belief by all of the investigators.
6 The evidence points to that. Just from the
7 locations of offices and the statements that
8 were made everything is consistent with Morford
9 on that. Not consistent with Thompson.

10 The FBI failed to appropriately and
11 process and respond to the information it
12 received regarding Cruz. The FBI has taken
13 remedial measures to rectify the flaws in its
14 processes and system that allowed the failure
15 to occur.

16 Anything on that one?

17 MR. SCHACHTER: I think it's important to
18 mention that the FBI had two tips and the
19 second tip the woman stated that the individual
20 was suicidal, was homicidal, was going to be a
21 school shooter, she was concerned about it, was
22 killing animals, had lost his mother.

23 SHERIFF GUALTIERI: Right here. That's a
24 finding. We're not going to restate everything
25 that's in here in the findings.

1 MR. SCHACHTER: And I haven't asked that.

2 SHERIFF GUALTIERI: Are you asking for a
3 finding in this or are you just stating that?

4 MR. SCHACHTER: I don't know what the
5 right thing to do in here is, but I'm just
6 stating that I think it needs to be stronger.

7 SHERIFF GUALTIERI: Well, the conclusion
8 is the FBI failed to appropriately process and
9 respond to the information it received
10 regarding Cruz. The information it received is
11 detailed in the report and they failed to act
12 appropriately. The FBI has taken remedial
13 measures to rectify it.

14 Those are facts and conclusions and
15 findings that reflect what's in the report.

16 Go ahead, Secretary Senior.

17 SECRETARY SENIOR: Do we know what the FBI
18 has done exactly?

19 SHERIFF GUALTIERI: Well, they -- you have
20 a copy of the letter that they sent. What I
21 know and we know, I guess, officially, I think
22 there are others that have some greater insight
23 on that. But what they have conveyed to us is
24 what you received in that letter.

25 SECRETARY SENIOR: Do we want to say that

1 the FBI has stated that is has taken and just
2 leave it at that? I don't know.

3 SHERIFF GUALTIERI: I think they have from
4 everything that I know unless there is a
5 question about whether they've actually done it
6 or not. Is their any concern anybody has about
7 whether the FBI has actually done what they
8 said that they did?

9 MR. PETTY: We met with Deputy Director
10 Bowdich last Saturday. He walked us through
11 the extensive changes that they've made which
12 if they would have followed -- obviously,
13 hindsight is 20/20. But if they would have had
14 these processes in place, this wouldn't have
15 been missed by the FBI.

16 SECRETARY SENIOR: Are you satisfied?

17 MR. PETTY: I'm never going to be
18 satisfied because they missed an opportunity to
19 intervene here, and it was very specific and
20 very actionable. And in the Deputy Director's
21 own words, "any investigator worth his salt
22 would have recognized that." So I'm never
23 going to satisfied. But I'm pleased with the
24 changes they've made and I think it would
25 prevent what happened here.

1 SHERIFF GUALTIERI: Are you satisfied that
2 they actually have implemented what they've
3 said they implemented? I think that's what he
4 was getting at.

5 SECRETARY SENIOR: That's correct.

6 MR. PETTY: I believe they've implemented
7 the changes that they've said.

8 SHERIFF GUALTIERI: Okay.

9 MR. SCHACHTER: But I would like there to
10 be at least -- can we specify that there were
11 two tips that they inappropriately processed
12 and responded?

13 SECRETARY CARROL: Just a note. On page
14 229 and 230 of this report it goes into detail
15 on the first tip and the second tip, and it
16 also provides some information on some of the
17 changes that they stated they've made, so.

18 SHERIFF GUALTIERI: And in the appendixes,
19 and it's appendix "D", we've got a copy of the
20 letter that lays everything out in appendix
21 "D." So we're laying out exactly what
22 happened. We've got a copy of the letter with
23 the remedial changes.

24 SECRETARY CARROL: And the finding is they
25 failed.

1 SHERIFF GUALTIERI: Right. That's the
2 finding. That's what the purpose of the
3 findings are.

4 No. 5, The Broward County Sheriff's Office
5 failed to appropriately process and respond to
6 the information it received regarding Cruz in
7 November 2017 and disciplined the deputy for
8 not properly investigating the incident.

9 So again that's laid out in here, and
10 we've included here in the appendix very
11 extensive information on the internal affairs
12 investigation that resulted in that. So there
13 is an abundance of information contained in the
14 report that spells that out. The finding is is
15 the deputy failed to do it and that they
16 disciplined the deputy for it.

17 Anything on that?

18 Cruz's social media posts raised concern
19 about his behavior. Like so many other
20 situations there were missed indicators of
21 targeted violence by Cruz in these posts.

22 Cruz had a widely known fascination with
23 guns and the military and a history of animal
24 abuse, which are all primary indicators of
25 future violent behavior.

1 Anything on that one, change, concern?

2 Okay.

3 No. 7, Whether school behavior, behavior
4 at home or acts toward his mother that were
5 mostly unreported. There were several missed
6 opportunities to engage Cruz in the judicial
7 system through arrest for various offenses.
8 The offenses were mostly minor, but they were
9 plentiful and by not arresting Cruz the
10 judicial system did not have an opportunity to
11 identify and address his systemic and troubling
12 behavior.

13 Anybody on that one?

14 Okay. So we're into Chapter 9
15 recommendations. The first recommendation,
16 which begins on page 250 of the report.

17 The Broward County public school should
18 conduct an internal investigation regarding
19 Morford to determine whether information was
20 known and/or reported to him regarding Cruz
21 that he should have acted on. And if he had
22 that knowledge, whether he violated any
23 district policies. And the district should
24 take appropriate action it deems necessary as a
25 result of that investigation.

1 So I can tell you that in the letter that
2 Superintendent Runcie sent, for those of you
3 who haven't had a chance to review it, he's
4 indicated in that letter to us that he's
5 already begun the process of engaging an
6 outside entity to conduct that investigation.
7 It doesn't effect this recommendation. We
8 should still recommend it and leave it here.
9 But does anybody have anything on that?

10 Slide 114. Schools should be required to
11 notify students of Fortify Florida and promote
12 its use by advertising the app on campus and in
13 school publications. Education about and
14 publication of reporting platforms must be
15 continuous and ongoing by the schools.

16 MR. SCHACHTER: I think that we should
17 recommend enhancing Fortify Florida by adding
18 two-way dialogue which is a, No. 1, best
19 practice. And No. 2, that legislation should
20 be enacted to protect the anonymity of the
21 tipster, which will increase the reliability
22 and the number of tips received. It's
23 extremely important.

24 SHERIFF GUALTIERI: In 7026 there is a
25 separate public records bill. And I think that

1 they're already anonymous in that. Pretty sure
2 that that already exists. There is a separate
3 public records bill in addition to 7026. I
4 think it already protects that. I'll check
5 that and see. And I don't think it's necessary
6 because I think it already exists.

7 MR. SCHACHTER: All right. What about the
8 first part that there should be two-way live
9 dialogue for Fortify Florida, which does not
10 exist currently?

11 SHERIFF GUALTIERI: You can add in that in
12 the last sentence is is that the State is
13 encouraged to add two-way dialogue capability
14 to the Fortify Florida app.

15 MR. SCHACHTER: Live dialogue. So that
16 when the tipster reports in, they're able to --
17 the call center is able to dialogue with them
18 and say, I need the screen name.

19 SHERIFF GUALTIERI: Right. Well, that's
20 the other problem, Mr. Schachter, is is that
21 right now the way that system and the workflow
22 is set up, there is no call center.

23 MR. SCHACHTER: And I'm aware of that.
24 But this is the No. 1 best practice and we
25 should strive towards accomplishing that.

1 MR. BARTLETT: Did we cover two-way
2 dialogue?

3 SHERIFF GUALTIERI: No.

4 MR. BARTLETT: I don't recall that. I
5 wouldn't feel comfortable.

6 SHERIFF GUALTIERI: I think we're taking
7 this to a different place. This is about
8 taking what's existing to -- because right now
9 in this section we're talking about Cruz's
10 prior contacts people had. This is about
11 closing that -- this isn't getting into the
12 Fortify Florida app. That's not the right
13 place for this.

14 MR. SCHACHTER: Maybe this is not, but in
15 my view this is the No. 1 best practice of
16 these reporting apps is making sure that these
17 tips are actionable. And if you get a tip and
18 you don't know what the screen name is because
19 you don't have somebody on the other end able
20 to communicate with the tipster and say, Hey, I
21 need the screen name and then for the tipster
22 to say, Well, if I take a picture he's going to
23 know that I did it. I can't do that. And the
24 tipster would respond and say, That's fine.
25 Take a picture with another device. And it's

1 that the two-way live dialogue --

2 SHERIFF GUALTIERI: I think because -- and
3 Commissioner Bartlett is correct. We did not
4 explore this. We have not had presentations on
5 it extensively. We haven't explored this. I
6 think that it would be appropriate to add that
7 to the list that we begin in our future
8 meetings. We can fully vet this and then the
9 Commission as a whole can be educated on what
10 those best practices are or are not. And we
11 can revisit that for future work.

12 Secretary Carrol.

13 SECRETARY CARROL: To Commission
14 Schachter's concern, I'm not in a place to
15 support the two-way communication thing. But I
16 would like to see the deployment and the
17 utilization of this evaluated to see whether
18 it's working or not because I get the sense
19 that it has been pushed out in some places and
20 not so much other places.

21 SHERIFF GUALTIERI: Fortify Florida app?

22 SECRETARY CARROL: Yes. And so I would
23 like to see that there be some evaluation at
24 some point of how effective it's been and how
25 they can make it more user-friendly.

1 SHERIFF GUALTIERI: We'll add that to the
2 list to get an update on the Fortify Florida
3 app for one of our first things under the next
4 meeting. I can tell you from what I know it's
5 consistent with what you're saying. My view is
6 that it is being underutilized from what I
7 expected it would be. The last time number
8 that I heard was something around 200.
9 Somewhere in there. Frankly, I could tell you
10 in Pinellas County I think since it's started I
11 believe we've had one on it. And that way
12 under exceeded what I thought was going to
13 happen with it.

14 So part of that is and goes to, I think,
15 one of the points Mr. Schachter has made
16 repeatedly is that there's not the awareness of
17 it. It's not being promoted enough. And
18 that's what this goes to is is promoting it.
19 So we'll get updated numbers and have somebody
20 come back and report and make this a topic on
21 the reporting along the lines of what
22 Mr. Schachter's talking about. We'll kind of
23 package it all together as an agenda item for a
24 future meeting.

25 MR. SCHACHTER: And that way we can have

1 an SME come and talk to us and educate the
2 Commission.

3 SHERIFF GUALTIERI: Correct. Exactly.
4 Commissioner Dodd, go ahead.

5 COMMISSIONER DODD: So just as a
6 recommendation if we're going to want its use
7 to be promoted by advertising the app on campus
8 and in school publications, I think we should
9 also -- we can put a comment and say "and by
10 installing the app on all student issued
11 computer devices." I mean, that does not take
12 a lot of time. I mean, when we have apps on
13 our -- want initiatives on computer devices, I
14 mean, we've done that in our county. And so
15 that could be a recommendation that counties
16 look at the devices that are paid for by the
17 district and issued to students that that app
18 could be installed, like I said, on all student
19 issued computer devices.

20 SHERIFF GUALTIERI: Everybody good with
21 that?

22 Okay. So we'll add that in there.

23 Next one is, Every school district should
24 implement a policy that requires its personnel
25 to report all indicators of suspicious student

1 behavior to and administrator. The
2 administrator should be required to document
3 the report at his/her disposition of the
4 information whether it was referred to a Threat
5 Assessment Team or unsubstantiated or whatever
6 that might be.

7 The policy should require that the
8 disposition of all threats of school violence
9 be reviewed at least by the school's principal;
10 if not, higher authority.

11 Because that's certainly a problem we saw
12 at Stoneman Douglas.

13 MS. POWERS: So I don't disagree with this
14 in the short-term, but I do believe, and I
15 think we discussed this when we talked about
16 it, is that this become a mandatory reporting
17 requirement that has consequences for not
18 reporting very similar to child abuse. As it
19 happens our teachers and administrator are
20 mandatory reporters. If they don't report it,
21 then their license is in jeopardy. I feel like
22 this should be a mandatory reporting
23 requirement and a change moving forward.

24 SHERIFF ASHLEY: This doesn't mention
25 reporting to -- or at least this particular

1 recommendation doesn't mention reporting to law
2 enforcement.

3 SHERIFF GUALTIERI: Right. See, this is
4 -- the reason why I think this is a little bit
5 hard is is that because when you get into --
6 when we get into the chapter on threat
7 assessments, and I think what we know from the
8 presentations that we've heard, is is that the
9 most important part of identifying people of
10 concern is not identifying threats, but
11 identifying individual behaviors that may be in
12 the aggregate, they may be isolated, that are
13 things that should be looked at. And any one
14 of those things may or may not be something
15 that should be reported.

16 When you're talking about child abuse and
17 child neglect and those mandatory reporting
18 items, you pretty much you see it. You know
19 you should report it. If we're creating
20 mandatory reporting on the behavioral
21 indicators, that's going to be a whole, whole
22 broad area of a whole bunch of stuff that
23 probably should be evaluated before it becomes
24 something that is a mandatory report level I
25 think, but because -- so suspicious activity,

1 how are you going to define for mandatory
2 reporting? Every school district should
3 implement a policy that requires its personnel
4 report all indicators of suspicious student
5 behavior. How do you define that?

6 SHERIFF ASHLEY: I think you limit it with
7 the disposition of all threats of school
8 violence. I mean, that's pretty specific.

9 SHERIFF GUALTIERI: Well, now that's a
10 different one. If you want to recommend that
11 they be mandatory to report, that's a different
12 thing. That's a different topic. But to say
13 that we're going to have a mandatory reporting
14 of all suspicious student behavior, I don't
15 know how you do that and how you define it.
16 But certainly you can say that if any staff
17 member became aware of --

18 SHERIFF ASHLEY: Threats of school
19 violence.

20 SHERIFF GUALTIERI: -- threats of school
21 violence, that might be.

22 Commissioner Swearingen, go ahead.

23 COMMISSIONER SWEARINGEN: I just want to
24 point out if it's a threat of school violence,
25 that's got to be reported to the Threat

1 Assessment Team. And law enforcement is on
2 that team and they will be reporting to law
3 enforcement.

4 MS. POWERS: Sorry. That's already a
5 requirement.

6 SHERIFF GUALTIERI: Right.

7 So what do you all want to do with that.

8 MS. POWERS: I think we should look at
9 this further maybe as an issue that we explore.

10 SHERIFF ASHLEY: For the purpose of this
11 particular recommendation I think that last
12 sentence, The policy should require that the
13 disposition of all threats of school violence
14 be reviewed at least by the school's principal,
15 if not a higher authority, and reported to law
16 enforcement. Because you're saying
17 specifically threats of school violence.

18 SHERIFF GUALTIERI: Anybody have a problem
19 with that?

20 Okay. So we'll add in there "and report
21 it to law enforcement."

22 COMMISSIONER STEWART: Sorry. If I could
23 go back to what Commissioner Swearingen said.
24 I'm not sure how that is different from what
25 already exists.

1 SHERIFF GUALTIERI: It's probably not.
2 But it's just reinforcing it is what I would
3 say. It's probably one of those things that it
4 may not be necessary, but it doesn't hurt.

5 COMMISSIONER STEWART: All right.

6 SHERIFF GUALTIERI: So we're going to move
7 on now to Chapter 10, Mental Health Services.
8 I would suggest to us that this is an area that
9 we covered, but is an under covered area by the
10 Commission. We did a lot in the last eight
11 months and there is a tremendous amount here.
12 And this is one of those areas that is ripe for
13 and warrants further Commission work on, and
14 that as we crafted -- we'll go through some of
15 these findings, we get into the
16 recommendations -- they're very narrow because
17 this is such a broad area that requires so much
18 analysis and work and consideration that to say
19 that we probably touched the tip of the iceberg
20 with it is probably an understatement.

21 So let's look at it, but this is something
22 that I think is really ripe for future
23 consideration and we don't get too far into
24 this.

25 So in Chapter 10 page 258 has the first

1 findings. And the first finding slide 116 is
2 is that, Cruz had several different public and
3 private mental health providers. We know that.

4 One of the things I want to say here as we
5 begin this, this is one of the chapters that
6 were also very challenged in putting together
7 because of the privacy concerns and the
8 statutory privacy concerns surrounding mental
9 health. So the other thing I want to just
10 mention to you as we go through some of this
11 here and we talk about some of this here, just
12 be careful in your comments or questions that
13 we're not getting into things that you know
14 because of information you received in
15 confidential sessions. So just be careful of
16 that as we discuss this. And we have taken
17 great care and caution as we worded these
18 findings and recommendations to be purposefully
19 vague and purposefully generic with some of it.
20 So as you may suggest we should be more
21 specific, we're being general here for a reason
22 because we want to stay within the requirements
23 of the law.

24 Secretary Senior.

25 SECRETARY SENIOR: I definitely appreciate

1 that. There is one area where I think we
2 should be a little bit more specific even
3 before we make the findings or in the findings.
4 Cruz fit into the mosaic. In terms of health
5 care it's very confusing. Lots of different
6 systems side by side, private insurance and
7 you've got the DCF system as well. Just to be
8 very specific about the fact that what
9 Henderson Behavioral Health was in terms of a
10 managing entity, and that it serves
11 underinsured or uninsured individuals in the
12 community. I think if we could state that a
13 little more clearly. Our agency runs the
14 Medicaid program. Those kids are generally by
15 and large -- we don't get to say whether or not
16 someone is enrolled in Medicaid, but it would
17 be rare for somebody to be enrolled in Medicaid
18 and served by a managing entity. Let's just
19 say that. Because they're not underinsured or
20 uninsured. And that actually has implications
21 here for care coordination. Right. That has
22 implications for care coordination between
23 providers that don't necessarily exist in other
24 systems. So we've got to be very specific to
25 lay the ground work for next year for what we

1 think the cracks are in the system that he was
2 in, or if there are any other cracks that would
3 affect children in other ways that might be a
4 little different. But I think that it's
5 important to set that stage that Henderson is a
6 managing entity under contract that would serve
7 the uninsured or underinsured in the community
8 with respect to mental health and behavioral
9 health services.

10 Would you agree with that, Secretary
11 Kapusta?

12 SECRETARY KAPUSTA: Henderson's not a
13 managing entity. They're contracted with the
14 managing entity.

15 SHERIFF GUALTIERI: Right.

16 SECRETARY SENIOR: They're contracted with
17 the managing entity, okay.

18 So just to specify where they fit into the
19 system. Because he had private insurance, but
20 he must have had a -- which I think is not a --
21 that's a known thing. And he had a private --

22 SHERIFF GUALTIERI: I dont' know that he
23 had private insurance, but he had private
24 providers.

25 SECRETARY SENIOR: Correct. Correct. And

1 so there was a lack of coordination between the
2 two apparently, and I think that's important.

3 SHERIFF GUALTIERI: Yes, there was some.

4 Go ahead, Secretary Carrol.

5 SECRETARY CARROL: The important
6 distinction is Henderson is a community mental
7 health provider. And while they do contract
8 with a managed entity, much of the services
9 that were provided through this contract were
10 actually provide through funds that were
11 provided through county. Not state dollars. I
12 wouldn't get into the weeds of all that.

13 I kind of understand the bullet as it's
14 written in that they did have several public,
15 because it's a -- I guess, public -- I would
16 change that to they had several community
17 mental health and private mental health
18 providers. And definitely there was some care
19 coordination because there was some
20 collaboration, communication and talk back and
21 forth. But nobody knew everything about the
22 case. And I think that's the point of that
23 bullet.

24 SHERIFF GUALTIERI: Right. So one of the
25 things is, as an example, is in writing these

1 is we tried to write these in lay terms so it
2 could be commonly understood.

3 So give you an example. When we were
4 writing out the whole communications piece
5 throughout it we were using terminology like
6 PSAP, and we were using terminology like call
7 takers versus dispatchers. That's all inside
8 baseball and it's all nuance. And to the
9 average person who's not in that world, they
10 don't know anything about it. So I'd suggest
11 to you, but we can do it, the same thing here
12 is that to you there's a big difference between
13 a public and a community based, but to the --

14 SECRETARY CARROL: No difference to me on
15 that.

16 SHERIFF GUALTIERI: Right. But the whole
17 purpose of saying that is is to denote the
18 difference really between publically funded
19 versus private.

20 SECRETARY SENIOR: I'm actually not
21 suggesting or moving for a change in the
22 findings. I'm actually asking for a little bit
23 more information in the text preceding it just
24 on what Henderson was and how that piece fit
25 in. A little bit more information on

1 Henderson. Maybe just a paragraph. That's it.

2 SECRETARY CARROL: I'm fine. The way the
3 finding is written.

4 SHERIFF GUALTIERI: Okay. I'll make a
5 note on it. We'll see if we can beef that up a
6 little bit and do that.

7 All right. So we're good with No. 1 then?

8 MS. LARKIN-SKINNER: I do have one thought
9 about the family issues piece. My recollection
10 in reviewing his records plus all the
11 information that we have here is that no one
12 knew the family issues. It actually was not
13 unique to the providers here, but it was
14 because they weren't telling anybody. Like,
15 the lady at the bank knew more about the family
16 issues than it seemed anyone else did. So it
17 was less about the communication between the
18 providers and more about the family not
19 communicating all of the issues that were
20 occurring. Does that make sense?

21 SHERIFF GUALTIERI: So no one health
22 professional or entity had the entire
23 "story/picture" regarding Cruz's mental health
24 and family issue. Is that not right?

25 MS. LARKIN-SKINNER: The way that I read

1 it it implies that it's because of the lack of
2 communication between the different entities
3 that they didn't have a full picture of those
4 things. When in reality no one had a full
5 picture of the family issues because the family
6 wasn't sharing the full picture.

7 SECRETARY CARROL: I think if you added a
8 sentence and said "this was due in part" and
9 you can talk about communication issues between
10 providers, and in part due to a lack of
11 disclosure from the family. Because the family
12 wasn't always forthright with the providers
13 that they were dealing with. Particularly the
14 mother.

15 SHERIFF ASHLEY: You can just add that,
16 the lack of disclosure.

17 SECRETARY CARROL: Yes, I would add that
18 as a sentence because what you have there is
19 accurate. I would just add the sentence.

20 SHERIFF GUALTIERI: This was due in part
21 to provider communication issues.

22 SECRETARY CARROL: Yes, between providers,
23 and in part due to a lack of disclosure from
24 the family.

25 SHERIFF GUALTIERI: Okay. I got it. We

1 will -- we'll make that change.

2 So Cruz received extensive mental and
3 behavioral health services until he turned 18
4 and decided himself to stop treatment.

5 It's pretty straightforward.

6 By his own choice and because of his
7 decision to stop treating Cruz was not under
8 the care of a mental health provider at the
9 time of the shooting. His last contact with
10 Henderson was 14 months before the shooting and
11 his last known appointment with a psychiatrist
12 was six months before the shooting.

13 Anything on that?

14 We're on slide 117 regarding the Baker
15 Act. There is no evidence that Cruz ever met
16 the criteria for involuntary examination under
17 the Baker Act and an evaluation --

18 SECRETARY CARROL: Can I ask a quick
19 question, Sheriff?

20 SHERIFF GUALTIERI: Yes.

21 SECRETARY CARROL: What you just read
22 isn't what's in this part. Is what you just
23 read on that slide going to catch up to this?
24 Because I like that sentence better where it
25 said that they weren't seen in 14 months, nor

1 six months by the psychiatrist. But that's not
2 what's in the actual new report. I don't see
3 that in the report.

4 (An off-the-record discussion was held.)

5 SHERIFF GUALTIERI: Go back to -- what is
6 the slide?

7 SECRETARY CARROL: The slide has more
8 where it says he wasn't seen in 14 months
9 before the shooting and his last known
10 appointment with the psychiatrist is six months
11 before the shooting. I like that level of
12 detail that's in the slide. That level of
13 detail isn't in the finding that's in the book.
14 I just want to make sure that they're the same.

15 GENERAL COUNSEL JONES: That was part of
16 our trying to edit out and take out some of the
17 specifics, and it just got missed on the slide
18 is.

19 SHERIFF GUALTIERI: But I think the book
20 does says more than a year.

21 SECRETARY CARROL: Okay. It does. I
22 understand why.

23 SHERIFF GUALTIERI: We're trying to walk a
24 tight rope here a little bit.

25 SECRETARY CARROL: I hear you.

1 SHERIFF GUALTIERI: So it does say --
2 though in the book it does say more than a
3 year. So that gives us context. It's just not
4 that specific.

5 SECRETARY CARROL: Okay. Got it.

6 SHERIFF GUALTIERI: So we go over here to
7 the Baker Act. There is no evidence that Cruz
8 ever met the criteria for involuntary
9 examination under the Baker Act.

10 There's a typo there. And an evaluation
11 was not performed. Because there was.

12 SHERIFF ASHLEY: I just have a question
13 about that, Sheriff.

14 SHERIFF GUALTIERI: Go ahead.

15 SHERIFF ASHLEY: We did have one incident,
16 or at least it was reported that he may have --
17 I guess the part where -- I don't know what I
18 can say -- the gasoline.

19 SHERIFF GUALTIERI: Right. So he was --
20 there was a Baker Act evaluation done once and
21 that was on September 28th, 2016. So there was
22 an evaluation done and it was determined not to
23 Baker Act him, that he didn't meet the
24 criteria. And that was done by BSO and by one
25 of the mental health professionals.

1 So there is no evidence that Cruz ever met
2 the criteria for involuntary examination under
3 the Baker Act.

4 I think there should be a period there.
5 Examination under the Baker Act period. Take
6 out and an evaluation was not performed.

7 And then it goes on. There was no
8 evidence that the Baker Act evaluation
9 conducted on September 28th reached an improper
10 determination that Cruz did not meet the
11 criteria that day for involuntary examination.

12 It's factually accurate. Anybody have
13 anything on that? It's pretty straightforward.

14 If Cruz was Baker Acted for an involuntary
15 examination it would never have disqualified
16 him from gun purchase, gun possession or
17 ownership rights under then existing law or
18 current law.

19 SHERIFF ASHLEY: I'm just not sure the
20 protection order portion of 7026 that a Baker
21 Act threat to himself or others if you couldn't
22 prevent him from under current law from
23 accessing a firearm.

24 SHERIFF GUALTIERI: Well, we could be more
25 clear with that, Sheriff.

1 It says, if Cruz was Baker Acted for an
2 involuntary examination it would never have
3 disqualified him under the Baker Act from gun
4 purchase, possession or ownership rights.

5 So we could be more specific with that and
6 add that in, "Under the Baker Act."

7 SHERIFF ASHLEY: I just think that the
8 current law --

9 SHERIFF GUALTIERI: But still under
10 current law Baker Act is not going to
11 disqualify you. Somebody would have to seek an
12 RPO, which is separate. So to be very clear
13 with it and to your point to be precise it
14 probably would be good idea to be clear to say
15 that, if Cruz was Baker Acted for an
16 involuntary exam, it would never have
17 disqualified him under the Baker Act.

18 SHERIFF ASHLEY: Or under current law
19 without an additional request for risk
20 protection order.

21 SHERIFF GUALTIERI: Under the Baker Act
22 from gun purchase, possession or ownership
23 rights under then existing or current Baker Act
24 law.

25 The whole point there is -- and we can add

1 something in there that does say that under
2 current law, you know, something about the risk
3 protection orders. But I do believe it's
4 important because there was so much confusion
5 and misunderstanding. It's like one of those
6 off the charts understandings that people think
7 that a Baker Act disqualifies somebody. So I
8 think we need to message that out to everybody
9 and be clear about it. But we can add
10 something in about RPO.

11 SHERIFF ASHLEY: I just think a line three
12 keeping it separate. However, under current
13 law additional steps can be --

14 SHERIFF GUALTIERI: Yes, we'll add
15 something in. We'll include something that
16 makes it clear while Baker Act doesn't preclude
17 under 7026's implementation of the RPO process.
18 We'll add something in there that covers that.

19 SHERIFF ASHLEY: Thank you.

20 SHERIFF GUALTIERI: So now we're in
21 recommendations. Slide 119. This is something
22 we talked about and you all suggested.

23 The legislature should amend and require
24 that mental health providers release a clinical
25 record and require that they warn others of

1 threat and harm by a patient. The current duty
2 to warn is permissive and warning is not
3 required. The law should require that the
4 provider notify law enforcement and law
5 enforcement warn the person threatened as
6 necessary to protect their safety.

7 MS. LARKIN-SKINNER: I have a question
8 regarding the release of the clinical record.
9 I think that might be too extensive. If what
10 we're trying to get at is that we warn the
11 person who could be harmed, we warn law
12 enforcement, there maybe information in the
13 record to release, but not -- this kind of
14 implies the whole clinical record to me, and I
15 don't know that that would even be valuable.

16 SHERIFF GUALTIERI: So do you have a
17 suggestion there?

18 SHERIFF ASHLEY: Applicable records? I
19 mean, you've got to build probable cause.

20 MS. LARKIN-SKINNER: I would say maybe
21 pertinent clinical information.

22 SECRETARY CARROL: Related to the threat.

23 MS. LARKIN-SKINNER: Related to the
24 threat.

25 SHERIFF GUALTIERI: Pertinent clinical

1 info related to the threat.

2 MS. LARKIN-SKINNER: We just had one of
3 these actually in my organization where we
4 notified law enforcement.

5 SHERIFF GUALTIERI: So we would change
6 this to the legislature would require amending
7 the law and require that mental health
8 providers release pertinent clinical
9 information related to the threat and require
10 that they warn others, et cetera.

11 Does that work?

12 Okay. So we'll make that change.

13 MS. LARKIN-SKINNER: It should be they
14 warn law enforcement or notify law enforcement
15 of the threat.

16 SHERIFF GUALTIERI: It says, The law
17 should require that the provider notify law
18 enforcement and law enforcement warn the person
19 threaten.

20 MS. LARKIN-SKINNER: Okay. I was just
21 looking at the one above it. It says, warn
22 others.

23 SHERIFF GUALTIERI: All right. We can
24 change that. Yes, it says others and it tells
25 you about how to do it. I think it's clear

1 enough about what the intended process is to be
2 unless you all don't.

3 We'll leave it because it specifically
4 says how they should do it.

5 All right. School-based services to the
6 extent permitted by law, including exceptions
7 that generally prohibit the release of
8 protected health information, private providers
9 should share information with school-based
10 providers and coordinate care.

11 Any concerns there?

12 Continuing on. The sharing of information
13 should be mandated when there is a threat of
14 harm to school personnel or students, and
15 schools should be required as permitted to
16 share student mental health information with
17 community-based providers.

18 Anything there?

19 MS. LARKIN-SKINNER: Is this one different
20 than the duty to warn really? I mean, if there
21 is already a duty to warn, there's a threat of
22 harm to school personnel or students, the duty
23 was to warn law enforcement and then law
24 enforcement to take it from there.

25 SHERIFF GUALTIERI: I think it is

1 different because it's talking about school
2 should be required as permitted to share
3 student mental health with community based
4 providers.

5 SECRETARY CARROL: I think this is the
6 clinically sharing of information with the
7 providers who are sitting around a table trying
8 to come up with the plan for a kid moving
9 forward. And FERPA and HIPAA and all the rest
10 should not interfere with that process once
11 this child was deemed to be a threat.

12 MS. LARKIN-SKINNER: Okay. So then in
13 theory the one above it is it's permitted, but
14 not mandated. And then the next line is this
15 instance where it's mandated.

16 SHERIFF GUALTIERI: Yes, the sharing of
17 information should be mandated when there is a
18 threat of harm to school personnel and/or
19 students.

20 SECRETARY CARROL: I think we could reword
21 this because I think all clinicians that happen
22 to be working with a child who has been deemed
23 a threat shall share information, blah, blah,
24 blah, blah.

25 SHERIFF GUALTIERI: Let me ask you this

1 because you guys know better than I do, is is
2 that in 394.4615 it says, Require that mental
3 health providers. It currently is permissive
4 for mental health providers and we're
5 suggesting that it be mandated. But are those
6 people covered by 394.4615 different than the
7 school-based providers like counselors, et
8 cetera? Are we getting at two different groups
9 here? That's what I thought we were doing.

10 SECRETARY CARROL: Yes.

11 SHERIFF GUALTIERI: So when we're talking
12 about in the school-based services and it says
13 the sharing of information should be mandated
14 when there's a threat, it's not talking about
15 the people who are covered by the above
16 statute. It's talking about a different group.

17 SECRETARY CARROL: Right. It's forcing
18 the issue of having all of the people that are
19 present around that table to be able to share
20 information.

21 SHERIFF GUALTIERI: Which could be
22 counselors, teachers, whatever that team is in
23 the school.

24 SECRETARY CARROL: Right.

25 SHERIFF GUALTIERI: So I read it as not

1 being duplicative. I read it as being in
2 addition to.

3 SECRETARY CARROL: I don't think it's
4 duplicative. I just think I would -- if you
5 were -- I don't know that the folks who need to
6 get this information would know -- I know what
7 you're trying to say, but I don't know that
8 they would know exactly what you were trying to
9 get them to do.

10 SHERIFF GUALTIERI: So you've got any
11 ideas about how to --

12 SECRETARY CARROL: Instead of in passive
13 voice I would just change it to active voice
14 and put in there exactly what you want to
15 happen. So it's all mental health providers
16 and school-based personnel and others who are
17 serving this child shall share information
18 including clinical information pertinent to any
19 threat. I would just be very concrete with
20 what it is you expect to happen with that.

21 SHERIFF ASHLEY: Counselors, behavior
22 specialists.

23 SHERIFF GUALTIERI: Go ahead, Senator
24 Swearingen.

25 COMMISSIONER SWEARINGEN: I just have a

1 question. I want to clarify on this. So
2 threat assessment teams it's mandatory they
3 have certain people on there and then they can
4 pull in others as necessary. So would these
5 not be people that they would pull in and if
6 they're sitting around that table doesn't 7026
7 already mandate that they share that
8 information, so --

9 SHERIFF GUALTIERI: Right.

10 MS. LARKIN-SKINNER: I think this could be
11 before that though. Because if there hasn't
12 been anything to trigger the threat assessment
13 to already be involved, this sharing of
14 information will trigger that. There needs to
15 be a mechanism to even trigger it. So you want
16 school personnel or mental health counselors,
17 whoever is aware of this threat, to be mandated
18 to share it with the rest of the folks. And
19 then that will trigger the Threat Assessment
20 Team. I'm afraid this wouldn't happen and then
21 the Threat Assessment Team would never even be
22 triggered to do what they need to do.

23 SECRETARY CARROL: Teachers may know stuff
24 that the school doesn't know that would trigger
25 the Threat Assessment Team.

1 MS. LARKIN-SKINNER: So just in the
2 example of Assistant Principal Morford, this
3 would make it mandatory for him to notify this
4 team and then trigger that threat assessment.
5 And there may be already something mandatory
6 for him to trigger that, but it could apply to
7 a guidance counselor, a social worker, a
8 teacher.

9 SHERIFF GUALTIERI: So as you are
10 suggesting, this needs to be reworded.

11 MS. LARKIN-SKINNER: It needs to be clear
12 and concrete.

13 SHERIFF GUALTIERI: So will one of the two
14 of you, because you can't do it together
15 obviously, because this sounds like something
16 really you two have the most expertise. Will
17 one of the two of you volunteer to write
18 something and email it to Heather that reworks
19 this and then we'll include it in there?
20 Everybody's in agreement on the concept,
21 correct? Do any Commissioners have any concern
22 about the concept? It's about getting the
23 wording right. I think as opposed to us
24 sitting here right now trying to figure it out
25 you all know exactly what it should say the

1 best. Will one of the two of you do something
2 and e-mail it to Heather? Mike, will you do
3 it?

4 SECRETARY CARROL: Yes.

5 SHERIFF GUALTIERI: So take care of that.
6 Just get it to her. I think it will be more
7 effective than us sitting here trying to figure
8 it out.

9 MR. HARPRING: The only question, Sheriff,
10 I have is the information sharing mandate only
11 narrowly would apply to school personnel and/or
12 students. Should it be that narrow? Should
13 the mandate for sharing information be
14 constricted by who we're identifying as the
15 only people that are threatened.

16 SHERIFF GUALTIERI: Which one are you in?

17 MR. HARPRING: School-based services,
18 slide 120, first bullet point.

19 The sharing of information should be
20 mandated when there is a threat of harm to
21 school personnel and/or students. I'm just
22 wondering whether we're limiting ourselves in
23 terms of someone saying, well, I didn't share
24 that information because it wasn't a student,
25 it wasn't school personnel.

1 SHERIFF GUALTIERI: Okay. Secretary
2 Carrol would you just consider that when you're
3 making a recommendation on that?

4 SHERIFF ASHLEY: Threat of harm to anyone.

5 SHERIFF GUALTIERI: Right. I see your
6 point.

7 So the next one is, School mental health
8 and counseling records should be included in
9 each student's school record and that record
10 should accompany the student to each school
11 they attend within the district as well as
12 follow the student if they switch districts.

13 That was something that you all
14 recommended and I don't know from a practical
15 standpoint. I have no idea whether that under
16 the current system is feasible. It may well
17 be. I don't know. So if you get a kid that's
18 in the Broward County schools and the kid then
19 moves to Jacksonville, can all of that follow
20 him as part of a student record from Broward to
21 Duval County?

22 COMMISSIONER STEWART: There are certain
23 records that do and certain records that stay
24 at the school. So it's laid out in the statute
25 what things become part of what we would call

1 their permanent record and would then travel
2 with them. And there could be things that
3 would stay within that school and never leave
4 and go to another school.

5 SHERIFF GUALTIERI: What about mental
6 health and counseling records, do you know
7 where they fall?

8 COMMISSIONER STEWART: It would depend on
9 the mental health services and who the provider
10 is. But if it is within the school system and
11 it is part of that record, then it would go.

12 SHERIFF GUALTIERI: So it is a feasible
13 recommendation? Because it would require
14 legislative action the way it sounds.

15 SENATOR BOOK: Mr. Chair, I just want to
16 make sure we're also talking about, and
17 particularly with this piece, that threat
18 assessment needs to go. The threat assessment
19 that currently resides in a folder in that
20 principal's office would not go, that's what
21 needs to go.

22 SHERIFF GUALTIERI: We've got a section on
23 that. I agree, and hopefully we'll get some
24 type of a statewide system. But on this
25 particular issue of student mental health and

1 counseling records in this recommendation here
2 should we leave it, should we tweak it or
3 should we get rid of it?

4 COMMISSIONER STEWART: I think there's a
5 potential for it to be tweaked, but let me look
6 a little bit more into which things would
7 normally stay that we would then require be
8 sent.

9 SHERIFF GUALTIERI: Okay. Would you on
10 that one do something and send it to Heather to
11 get that where it needs to be?

12 COMMISSIONER STEWART: I will.

13 SHERIFF GUALTIERI: Anybody else have
14 anything?

15 Go ahead.

16 COMMISSIONER DODD: If we're really
17 interested in the best interest of the child, I
18 mean, what one school district does as far as
19 counseling and helping, a mental health issue
20 should be shared with another district so that
21 we can help the child. So I hope we can come
22 up with something that will improve that
23 communication.

24 SHERIFF GUALTIERI: So what did you want
25 to do? Sorry.

1 COMMISSIONER DODD: I just encourage that
2 we have a process that would include more
3 record of counseling and help for a child if a
4 child moves from district to district that
5 there could be a way for another district to
6 continue with what's already been done to help
7 the child.

8 And Commissioner Stewart just kind of
9 nodded that she was going to look at that.

10 COMMISSIONER STEWART: Correct.

11 SHERIFF GUALTIERI: Okay. Again, this
12 whole area is very ripe for a lot of further
13 discussion, so I think we're at the real
14 beginning stages of considering all of this.

15 SHERIFF GUALTIERI: So we go over to slide
16 121, screening and referral. The legislature
17 should require by statute that any student
18 referred for developmental delay and/or
19 behavioral issue testing and screening be
20 tested within 90 days of the referral and that
21 the student be provided a referral for
22 resources or services within 30 days of the
23 testing and screening as needed.

24 So again, this is something that you all
25 came up with. We included it. I'm not

1 familiar. Is there now not a timetable for it?
2 I'm guessing that this is going to a timetable.
3 Does whoever wrote this or are familiar with it
4 know? Is this a good recommendation, a
5 realistic recommendation, a needed
6 recommendation? Anybody know?

7 SENATOR BOOK: I'm not sure about the
8 language itself or the mechanism. We do know
9 from -- and I'm careful because I sometimes all
10 of it blends in.

11 SHERIFF GUALTIERI: Sure.

12 SENATOR BOOK: So we know that there were
13 some challenges early on. And so when you're
14 able to catch those as early as possible and
15 mitigate them, I think that that's --

16 SHERIFF GUALTIERI: So is this going to --
17 this might be going to the issue -- and it's
18 fine. I mean, I think we can say it. At one
19 point after he left Stoneman Douglas, the adult
20 learning center, he asked to come back in and
21 they didn't test him for it. So we're looking
22 to close that issue or that gap where if a
23 student asks, they have to be tested within a
24 certain amount of time. I think that's where
25 that goes to and goes to that issue. Is that

1 a -- is this proposal reasonable? It seems to
2 me that they have to be tested within 90 days
3 of the referral. It seems like a long time to
4 me, and it doesn't seem like it would be
5 honourous on the schools to do that, but I don't
6 know.

7 COMMISSIONER STEWART: I think we have a
8 requirement currently on the books to test
9 within 90 days. I'd like to work on this one,
10 too, because there's a lot of language around
11 developmentally delayed and a student can only
12 carry that label for a certain length of time
13 currently and then they either have to exit or
14 they have to have an actual label. So let me
15 work on that.

16 SHERIFF GUALTIERI: So with that one, too,
17 if it is something that this is on the right
18 track and it is something that either the
19 language is okay or can be tweaked, then do it.
20 If not, let us know. And this is one of those
21 things we can put aside and bring back for
22 further consideration when we've had a chance
23 vet it. So don't try at all costs to get it
24 there. If we have to put it aside, just let us
25 know to take it out and get with Heather and

1 we'll just remove it and then consider it down
2 the road.

3 Case management. Implement Targeted Case
4 Management for children and young adults 13 to
5 25 who are high utilizers of mental health
6 services or receiving school and community
7 based mental health services and/or who have
8 been identified as a potential threat in the
9 school environment to improve information
10 sharing and ensure coordination of services.

11 Second part of that is is they use blended
12 funding for SEDNET. Using school and
13 community-based behavioral health services to
14 facilitate cost sharing and improve information
15 sharing and care coordination of school and
16 community based intervention services.

17 Secretary Carrol, I think this was one of
18 your recommendations. Did anybody have any
19 comments, thoughts on that?

20 MR. HARPRING: Honestly, I'm not sure I
21 understand the first bullet point.

22 SHERIFF GUALTIERI: I'm sure Commissioner
23 Carrol will explain it.

24 MR. HARPRING: I'm not the only one.

25 SECRETARY CARROL: The first bullet point

1 goes back to that first finding that talked
2 about no one had all the information. And the
3 reason that I made it up to 25 is it's either
4 current or former students. So this kid
5 happened to age out and was 19, but clearly
6 still had issues. Or even when somebody is
7 Baker Acted and they come out of a Baker Act
8 facility, if there is not a coordinated
9 approach to maintaining that person in
10 treatment, what typically would happen is that
11 person has a choice and a lot of times they
12 decide they don't want services, and we end up
13 on this hamster wheel. So Targeted Case
14 Management would allow you to grow -- to have a
15 case manager who'd be responsible for that
16 particular individual to help them coordinate
17 and navigate through services.

18 MR. HARPRING: Of course, once they're 18
19 like in Cruz's case, they can just tell you to
20 --

21 SECRETARY CARROL: They could, but -- and
22 this is why I think it's important to have
23 Targeted Case Management is most people who's
24 opted out, and it was an intentional thing on
25 his part, most folks opt out because they just

1 fall off the radar screen and there's not
2 active engagement with them. So they just kind
3 of fall off the wayside. And so it's not
4 foolproof. I mean, people are going to retain
5 their ability to say yes or no to services when
6 they turn 18. But if you're engaging them,
7 you've got a better chance of getting them to
8 agree to services than you do if you just say
9 okay and walk away.

10 MR. HARPRING: And what entity is
11 responsible for that?

12 SECRETARY CARROL: Well, I did not specify
13 that here. I think my suggestion would be that
14 it be done through community mental health
15 environment, you know, where -- but I don't
16 have a say in who actually does the Targeted
17 Case Management, but I think it should an
18 independent Targeted Case Management. There's
19 many agencies out there that do Targeted Case
20 Management now. The kid should have access and
21 young adults should have access to the service.

22 MS. LARKIN-SKINNER: The challenge with
23 this is that Medicaid is the only funder that
24 pays for Targeted Case Management.

25 SECRETARY CARROL: That is true.

1 MS. LARKIN-SKINNER: So only -- first of
2 all, you'd have to have a Medicaid provider and
3 the child would have to have Medicaid to be
4 eligible for this service. And then there are
5 other requirements like diagnosis and they have
6 to be certified to be eligible and things like
7 that. So we need a new funding stream.

8 SECRETARY CARROL: The Targeted Case
9 Management was used because it has an
10 identified funding stream. If you take the
11 word targeted out and you put case management
12 then it opens it up because then you can have
13 multiple funding streams. But it also means
14 that it would fall more on to general revenue,
15 which is a tougher fight.

16 MS. LARKIN-SKINNER: So the secondary
17 thing to that is, I agree, taking out targeted
18 is the first step. The second step is adequate
19 funding to make sure that providers can provide
20 these services to all the kids who may need
21 them. So we might need to ask for adequate
22 funding.

23 SECRETARY CARROL: Yes. I think this is
24 one that should begin with the words "consider
25 implementing" because it is going to require

1 funding. I have no doubt of that.

2 MS. LARKIN-SKINNER: That works for me.

3 SHERIFF GUALTIERI: Okay. So consider
4 implementing Targeted Case Management and then
5 just leave the rest in there.

6 SECRETARY CARROL: Just take out the word
7 targeted.

8 SHERIFF GUALTIERI: Consider implementing
9 case management for children. And then, of
10 course, that will be lower case "c" and lower
11 case "m" too because we're talking about
12 general.

13 Okay. What about the second bullet?
14 Anyone have on the second bullet?

15 SECRETARY CARROL: Just a little history
16 behind that is most of these kids, and even in
17 this case, you have what goes on in the school
18 and then what goes on in the community. And a
19 pet peeve of mine has always been unless those
20 two systems are married up it doesn't work
21 because the kid is only in school during school
22 time. He's not there on weekends. He's not
23 there on vacation time. He's not there in the
24 summertime. In fact every summer time vacation
25 -- well, I can't get into confidential stuff,

1 but his adherence to treatment was different
2 depending on what environment he was in for
3 sure. And so what I would like to see is if
4 you begin to blend funding streams, you force
5 that collaboration at a different level. We
6 have made a significant investment this past
7 year in school funding around behavioral health
8 services and that's beginning to unfold. But
9 if we continue to let these things unfold in a
10 vacuum and don't hook them to what happens in
11 the community, then we're just reinforcing the
12 silos. So this is really about can we please
13 breakdown the silo, begin jointly funding this
14 so that we bring the community mental health
15 providers together with the school system and
16 that we plan one behavioral health system
17 intervention for kids rather than have people
18 doing it separately.

19 SECRETARY SENIOR: I agree with that.
20 Again, Medicaid has a little bit of a different
21 structure. We're going to pay for school-based
22 services and we have some insight into what's
23 happening in the school as well as what's
24 happening in the community, and there's care
25 coordination across the two. But when you're

1 talking about uninsured and underinsured kids
2 using the community mental health system and
3 school-based services and then leaving school
4 for the summer, you've got a very strange
5 situation and the information sharing situation
6 is very different.

7 MS. LARKIN-SKINNER: I want to mention the
8 legislature did a very good thing by putting
9 forward the mechanism for school-based therapy
10 this year and the funding. I think that
11 similar to the Guardian Program if you just
12 allow anybody to do the training, it has
13 somewhat of a same effect here. Some school
14 districts decided to contract with
15 community-based providers. Like my district
16 did that. Other school districts decided to
17 hire therapists in-house, so all the
18 therapists, the counselors work for the school
19 district. So what you've got is a hodgepodge
20 across the state of all different kinds of
21 things. But if we do do some sort of
22 recommendation that really brings those
23 community behavioral health providers into the
24 schools so that there can be that coordination,
25 it will continue through the summer. But once

1 the school's not there if people are employed
2 by the schools, the kids aren't going to get
3 anything over the summer. It's going to be
4 back out to the mental health provider in the
5 community and then back in when the school
6 starts again.

7 I strongly recommend that school districts
8 be encouraged to collaborate with the community
9 mental health providers for that very reason,
10 and I would like to see a recommendation about
11 that.

12 SHERIFF GUALTIERI: So to revise the
13 current recommendation or in addition to it?

14 MS. LARKIN-SKINNER: It would be in
15 addition to it.

16 SECRETARY CARROL: One of the issues with
17 this is we spend a lot of time on a lot of the
18 other sections. And when I first read this
19 section, I think there was only one
20 recommendation on mental health, and so I asked
21 if I could rewrite the one that was there. And
22 then I said, While I'm rewriting the other one
23 I'm going to send in the another one, too. But
24 we haven't had a chance to publically talk
25 about this, so it's a little bit different than

1 the other ones.

2 SHERIFF GUALTIERI: No. That's why I
3 prefaced the opening to the section the way I
4 did. I really think that we are -- we haven't
5 really adequately covered this to develop it
6 enough to come up with the number of
7 recommendations that are probably ripe in this
8 area. And it's something we probably should
9 not sit here and try and go further in at this
10 point because we're not prepared to do it, and
11 that we put this high on the agenda for what
12 we're going to begin to talk about next year.

13 MS. LARKIN-SKINNER: I actually just want
14 to point out that I submitted seven
15 recommendations in this area. None of which
16 made it in. So I'm not really sure what
17 happened. I do have them listed. But I agree
18 with both of you. We don't really have enough
19 time.

20 SHERIFF GUALTIERI: And I think that's why
21 we didn't include them. Because I don't think
22 that they weren't fully developed enough that
23 there wasn't enough of an understanding to be
24 able to get understanding --

25 MS. LARKIN-SKINNER: You mean education.

1 SHERIFF GUALTIERI: And consensus.

2 Because in order for people to support
3 something or make a decision whether they
4 support it, they need to be fully informed on
5 it. As you know we spent a tremendous amount
6 over the last eight months trying to gain a
7 collective knowledge on a bunch of topics that
8 weren't within our individual areas of
9 expertise. And this is one that is so complex
10 that we didn't have enough time to fully do
11 that. So I really think that we're doing
12 ourselves a disservice by trying to go too far
13 in until we have an opportunity to focus on
14 that education and knowledge.

15 SECRETARY CARROL: I do want to make one
16 suggestion because I do agree with you that if
17 we're going to get to very specific
18 recommendations around mental health, we should
19 probably defer that. However, because we're
20 going to be giving a report one of the
21 recommendations I think we know enough about is
22 that you do need a higher level of
23 collaboration, communication and continuity or
24 care coordination between what goes on in the
25 school and what goes on between community

1 providers. And because the schools are working
2 on those plans as we speak, I think we at least
3 ought to make a recommendation that speaks to
4 that cooperation, collaboration and partnership
5 piece because I think that's one that we can
6 come to consensus on that we would strongly
7 encourage the schools and community mental
8 health system and others who are working in
9 this arena to work collaboratively. Because as
10 we're going to be working next year, they're
11 already working on their plans. And some of
12 them are doing it in a vacuum.

13 SENATOR BOOK: I know that we talked to
14 Judge Leifman for just a short amount of time
15 about expansion of the Baker Act with things we
16 wanted to discuss. And so I just would ask
17 that whatever we put in or if we omit just that
18 we within the chapter say that we intend on
19 doing a very deep dive and perhaps set a time
20 for ourselves within this report so that we're
21 disciplined. Not that we're not because I know
22 that we are. But I want to be able when the
23 Governor and the Speaker and the President and
24 both bodies are going to have a full
25 understanding of all of these parts that they

1 know that this will be coming soon.

2 SHERIFF GUALTIERI: We'll add just a
3 caveat as to where we are. On coordination and
4 enhancing coordination, I mean, from a
5 commonsense standpoint I think that makes
6 sense.

7 So Commissioner Larkin-Skinner, do you
8 want to draft something on that and we can add
9 it? And just send it to -- because that's not
10 specific. It's more of a conceptual thing in
11 encouraging and sharing information. Unless
12 any other commissioners feel differently, I
13 think that that is something we could easily
14 include, and I don't see a problem with it. So
15 if you want to send something to Heather on
16 that by Monday that would be good.

17 MS. LARKIN-SKINNER: Sure.

18 SHERIFF GUALTIERI: So we can leave those,
19 unless anybody feels otherwise, with the
20 revisions that Secretary Carrol mentioned.
21 There's no harm in it.

22 SECRETARY CARROL: Just a clarification.
23 If we're going to hold off on the other
24 recommendations that means I don't have to send
25 my edit, correct? Because we're going to hold

1 these other recommendations until a later date
2 and just based on the collaboration and the
3 coordination of care recommendation or are we
4 going to --

5 SHERIFF GUALTIERI: Well, no. I was under
6 the impression that what is here we would
7 leave.

8 SECRETARY CARROL: Okay.

9 SHERIFF GUALTIERI: And that we would
10 leave the ones that are here, but not try and
11 get any further on this.

12 SECRETARY CARROL: Okay.

13 SHERIFF GUALTIERI: So as we talk about
14 Chapter 11, Cruz's school discipline and
15 juvenile diversion, unless the majority of you
16 want to do otherwise, my intention is is to
17 pass over this and go to Chapter 12 because
18 everything that is here we have already voted
19 on as a Commission and approved at a prior
20 meeting when we started to go a different way
21 about dealing with some of these
22 recommendations. Remember the Promise thing
23 and juvenile diversion is something that we
24 dealt with very early on. And we had spent
25 sometime at one of the meetings trying to craft

1 some findings and recommendations, and we did
2 that as it relates to the Promise Program and
3 we put this to rest several months ago.

4 Go ahead, Mr. Schachter.

5 MR. SCHACHTER: I would like to make a
6 statement on this and make a recommendation if
7 that is okay fair.

8 SHERIFF GUALTIERI: Go ahead.

9 Okay. You said you want to make a
10 statement on the topic of the Promise Program
11 or --

12 MR. SCHACHTER: On the disciplinary
13 matrix.

14 SHERIFF GUALTIERI: So the question is is
15 -- again, this is something as far as I'm
16 concern is closed because we as a body went
17 through this and voted on it. And we have
18 already approved this as findings and
19 recommendations. So are we going to sit here
20 today and reopen all of this and go through
21 each one of these again after they've already
22 been approved by the Commission, or are we
23 going to let stand what has already been voted
24 on is the question.

25 MR. SCHACHTER: Well, I think those

1 decisions were made prior to our full knowledge
2 of -- we made that early on or you made that
3 determination early on, and I feel that there
4 is a culture to not arrest in this county, it
5 is this culture that I feel contributed to the
6 murderer never being arrested. Children know
7 there is zero accountability and consequences.
8 And I feel that we have a duty to make
9 recommendations to fix the problems that our
10 investigation as uncovered.

11 SHERIFF GUALTIERI: Well, as far as I'm
12 concerned it's closed. So if somebody wants to
13 make a motion and second it. We'll take a vote
14 on whether we reopen this. But this has
15 already been voted on by the Commission. It's
16 already been decided as the Commission's
17 finding and recommendation. So if somebody
18 wants to make a motion and second, we can vote.

19 MR. SCHACHTER: I would like to make a
20 motion to reopen the discussion on the
21 discipline matrix. I want to point out that
22 the Federal Commission on School Safety just
23 made major recommendations on this issue, and I
24 you made those determinations and I feel that
25 it deserves some attention today.

1 SHERIFF GUALTIERI: You've got here --
2 we've got here that were previously approved by
3 the Commission, we've got what is contained in
4 slides 123, 124, 125, and then recommendations
5 in slides 127 and 128. So what's your motion;
6 to reopen all of that and have further
7 discussion and a revote on all of that? Tell
8 me what the motion is.

9 MR. SCHACHTER: I hold here e-mails from
10 stakeholders that were not presented and not
11 spoken to this Commission. These are the
12 teachers of Broward County public schools and I
13 think they need to be heard concerning the
14 discipline matrix and the lack thereof.

15 SHERIFF GUALTIERI: So tell me what your
16 motion is, Mr. Schachter.

17 MR. SCHACHTER: My motion is to have a
18 conversation and make recommendations on the
19 discipline matrix of Broward County.

20 SHERIFF GUALTIERI: Which one of these are
21 you talking about, or all of them? Because
22 this has to do with the Promise Program and
23 juvenile diversion generally. I think that
24 this is not that section.

25 Didn't we already talk --

1 MR. PETTY: Mr. Chair?

2 SHERIFF GUALTIERI: Yes, go ahead.

3 MR. PETTY: Can I ask Mr. Schachter a
4 question? So you mention you've got statements
5 from teachers at Broward County. I thought I
6 heard you say these are teachers that the
7 Commission has not talked to. Is that the
8 investigators?

9 MR. SCHACHTER: I don't know that to be
10 the case. And when the Commission did speak to
11 them and FDLE, they did not ask them about the
12 discipline matrix. That was not part of the
13 investigation. It was all pertaining to
14 February 14th. We're going to be making
15 recommendations on the discipline program and
16 we haven't heard from the exact stakeholders
17 that deal with this on a daily basis. And I
18 think there's several important information
19 pertaining to our recommendations that we did
20 not have the knowledge of when we made those
21 determinations.

22 SHERIFF GUALTIERI: Well, we can go back.
23 Again, if you want to -- if there's something
24 about the discipline system that needs to be
25 further investigated that warrants that, we can

1 consider doing that as part of what we do
2 moving forward. If there are people that you
3 have information from that we haven't
4 interviewed about that then we could consider
5 interviewing them. But we don't have their
6 information before us today and they haven't
7 been interviewed by Commission investigators.

8 MR. SCHACHTER: It's -- they're not
9 specific circumstances of actions. It's a
10 general lack of accountability that we've
11 spoken about in this Commission and a culture
12 to not arrest in this district that I think has
13 contributed to a lot of problems.

14 SHERIFF GUALTIERI: I don't think we
15 should make findings and/or recommendations
16 that are anecdotal based upon some emails you
17 have from some people. If there's some things
18 we need to consider, then we should thoroughly
19 investigate it and let the investigators do
20 interviews and do an investigation.

21 Sheriff Ashley, go ahead.

22 SHERIFF ASHLEY: I hear you, Commissioner.
23 And I would recommend for all of us as a
24 Commission that school-based discipline and the
25 standards and the wide variety of standards and

1 no standardization, civil citations,
2 non-arrest, the lack of accountability, that we
3 can deal with in upcoming Commission business
4 beginning in February or March, whenever we
5 start again. But that is similar to mental
6 health. It's a very broad subject, and I don't
7 know that we're going to cover it in the rest
8 of today's meeting.

9 MR. PETTY: So Sheriff, would the Chair
10 entertain a motion from Mr. Schachter stating
11 that we take a look at this in March and
12 interview these teachers and get more of an on
13 the ground view of the discipline programs in
14 Broward County based on the views of the
15 teacher?

16 SHERIFF GUALTIERI: Yes.

17 MR. SCHACHTER: Thank you.

18 SHERIFF GUALTIERI: So we'll look at this
19 in the next topics that we consider.

20 MR. SCHACHTER: Okay. Thank you.

21 SHERIFF GUALTIERI: So with that I'm going
22 to -- unless anybody has anything that they
23 want to make a motion, we're going to move on
24 to Chapter 12 since we've already approved
25 everything in Chapter 11.

1 So Chapter 12 is Behavioral Threat
2 Assessments. In Chapter 12 for behavioral
3 threat assessments, so, again, this is another
4 one of these areas that you need to be a little
5 bit careful about. Not as much as the mental
6 health area. But you've got to be careful
7 because you do have the confidential
8 information that is in the appendix in the book
9 and we did talk about some of the things that
10 are in the record. And it's more school record
11 FERPA than it is anything else. Things that
12 were told to us through our interviews, et
13 cetera, is different. But, again, we just have
14 to be a little bit careful here.

15 So the first thing is on slide 130 is
16 that, The 2016 threat assessment of Cruz was
17 mishandled by Morford. Morford was not
18 familiar with the threat assessment process and
19 was incompetent in leading the Threat
20 Assessment Team. Further, Morford's statement
21 that he does not recall the Cruz threat
22 assessment in 2016 and cannot answer detailed
23 question about what occurred is not credible.

24 Anybody have any concerns with that?

25 SENATOR BOOK: Yes, I have a lot of

1 concerns. It's very concerning.

2 SHERIFF GUALTIERI: Yes, and you should
3 have concerns about it, Senator. It's very
4 concerning. But as far what's written there
5 and as far as the finding, any comments,
6 suggestions, revisions about the finding
7 itself? The finding is pretty astonishing
8 quite frankly.

9 The second thing is is that Principal Ty
10 Thompson was disengaged from the threat
11 assessment process at Stoneman Douglas, and he
12 failed to establish reporting procedures that
13 would ensure that he was knowledgeable about
14 threat assessments on campus.

15 MR. SCHACHTER: As far as Morford how is
16 that even possible that someone that is doing
17 threat assessments, No. 1, has not done them in
18 a long time? I just am baffled.

19 SHERIFF GUALTIERI: Well, he said that he
20 had not done -- in his 31 years as an educator
21 this was the first behavioral threat assessment
22 that he did, and he did in 2016. He was not
23 familiar with the process. And then when he's
24 asked about it -- and this is the only one he
25 did in 31 years -- when he's asked about it, he

1 can recall nothing about it, and it was two
2 years ago involving Nikolas Cruz.

3 MR. SCHACHTER: Why is Ty Thompson having
4 him do the threat assessment?

5 SHERIFF GUALTIERI: Well, Ty Thompson said
6 that he really had no knowledge of the threat
7 assessments occurring at Stoneman Douglas.
8 When he was asked about the number of threat
9 assessments, he really had no idea. He had to
10 take a wild guess. And Thompson said that even
11 when -- and this in there -- but even when
12 somebody made a threat against the school is
13 that he didn't necessarily expect that that
14 would even be brought to his attention, and it
15 wasn't brought to his attention. So there is a
16 lot of problems there with this. And
17 Superintendent Runcie is aware of this. And I
18 know this is something that they're going to be
19 looking into. And it needs to be looked into.
20 There's some real serious concerns with all of
21 that.

22 MR. SCHACHTER: I mean, the No. 1 job of
23 the principal of that school should be the
24 safety and security of their children and for
25 him to be disinterested, disassociated and have

1 no knowledge it just begs the question as to
2 why he's leader of that school.

3 SHERIFF GUALTIERI: So No. 2, and then we
4 go over to No. 3.

5 No. 3 is that, The threat assessment
6 process is comprehensive and has the necessary
7 components, but its implementation is flawed at
8 least at Stoneman Douglas. School
9 administrators lack adequate training on and
10 knowledge of the threat assessment process and
11 how to conduct effective behavioral threat
12 assessments.

13 Mr. Petty.

14 MR. PETTY: I have a problem with this
15 one, Mr. Chair. I struggle with the word
16 comprehensive and has the necessary components
17 if it -- if it lacks the training of an
18 assistant principal that's responsible for
19 doing threat assessments. He wasn't trained.
20 He wasn't aware or familiar with the process.
21 So I'm struggling with the word comprehensive
22 here and necessary components. The
23 implementation is certainly flawed, but there
24 is no oversight at the district level. So I'm
25 struggling with that first clause.

1 threat assessment process is purely reactive.

2 SHERIFF ASHLEY: Solely reactive.

3 SHERIFF GUALTIERI: Solely, that's fine.

4 MR. SCHACHTER: What about acknowledging
5 the fact that there's no accountability to make
6 sure the proper personnel is performing threat
7 assessment?

8 SHERIFF GUALTIERI: Didn't we already say
9 that?

10 MR. PETTY: Yes. If we captured that in
11 3, that there is no oversight. At the district
12 level there is no oversight that it is actually
13 occurring at a school.

14 SHERIFF GUALTIERI: We can expand this a
15 little bit here, but it does talk about that in
16 the chapter. And when we talk about
17 decentralized, that's what it's going towards.
18 It may not go far enough, and we can expand
19 that here a little bit. But that's certainly
20 what we're talking about because there is no
21 district oversight. There is no principal
22 oversight at Stoneman Douglas. And there's
23 certainly no district oversight. When you get
24 into -- just jump ahead for a second.

25 SECRETARY CARROL: Can we just add in at

1 the end of that sentence because you've added
2 in the reactive, decentralized, at the end
3 where it says teams at each school and then
4 comma with little to no oversight or
5 supervision. Because in this case there is no
6 oversight in the district and in this
7 particular case there is no oversight even at a
8 principal level. So there is little to no
9 oversight that we can see.

10 MR. SCHACHTER: Are there any district
11 policies that would make sure that that
12 principal is aware that rest to the school.

13 SHERIFF GUALTIERI: No, not that I know
14 of. I mean, they've been training, but with a
15 lot of things is is that they did training on
16 it, but there wasn't the follow through to make
17 sure the principals were actually implementing
18 what they did training on.

19 So we're going to edit at the end of that.
20 The Broward County public schools threat
21 assessment process is solely reactive,
22 decentralized, school-based and focused around
23 behavioral threat assessment teams at each
24 school, with little or no oversight or
25 accountability.

1 Okay. We got that.

2 Go ahead.

3 SENATOR BOOK: I'd just like to say,
4 Mr. Chair, and you know, I think about a
5 comment that Commissioner Schachter said
6 yesterday about some of the provisions that we
7 were voting on later in the day that that was
8 all people were going to be talking about. And
9 what I hope from this is that this is what
10 people are talking about. The fact that the
11 principal in this school had no knowledge of
12 what was going on, that the district no
13 oversight whatsoever. We're talking about
14 threats against children, other children
15 themselves. In this piece of the universe this
16 to me blows my mind. It hasn't changed. It's
17 still the same today as it was ten months ago,
18 almost 11 months ago, 11 months on Saturday.
19 These are the things that, like you said the
20 other day too, make me physically ill. And you
21 all know I'm never at a shortage for words. I
22 can barely speak. It is so frustrating. We
23 talk about the lack of urgency. We talk about
24 the districts. This is something that should
25 be standardized across the state. Digitized so

1 those records can live in a different space.
2 Don't want to get too much into the weeds on
3 that part of it. But this is really serious
4 business.

5 SHERIFF GUALTIERI: Well, I think we all
6 agree. I know I do. I think I've said this is
7 that probably two of the greatest areas of
8 opportunities are what we covered in Chapter 4
9 for immediate reaction with code red,
10 communication, hard corners, safe areas, those
11 things and identifying all of these indicators
12 and doing something about it. Those are the
13 two things that could have the greatest and
14 most immediate impact and are very doable if
15 they're done the right way. But you can't when
16 you have people that don't know the process.
17 If you all didn't get a chance to read some of
18 this and it's in there and the statements of
19 Denise Reid, the reason why Denise Reid -- Cruz
20 was not under her. Cruz was under Morford.
21 But Denise Reid began the threat assessment
22 process and did the interview because I think
23 she called Morford something to the effect of
24 some good old boy from the midwest.

25 SECRETARY SENIOR: Old school.

1 SHERIFF GUALTIERI: Old school. And he
2 couldn't do it and wasn't capable of doing it,
3 and he said to her he didn't even know where
4 the forms were. So he has no familiarity with
5 the process.

6 Then we raised the questions about how it
7 morphed from a Level 1 to a Level 2. He didn't
8 even know what a Level 1 or a Level 2 were. He
9 was clueless in what he was doing in this. And
10 you try to make sense of something that you
11 can't make sense of because it's all over the
12 board.

13 MR. SCHACHTER: Who was doing the last
14 threat assessments, the previous ones with
15 other threats that occurred on the campus?

16 SHERIFF GUALTIERI: Who says they did any?
17 Nobody knows. When we asked Thompson how many
18 threat assessments were done in the last year
19 on campus, he had absolutely no clue and he
20 just picked a number out of the air and guessed
21 at 10. He doesn't know. They don't know. He
22 said this is the only one he's done in 31
23 years.

24 SENATOR BOOK: That's insanity.

25 MR. SCHACHTER: I'm just trying to wrap my

1 head around that. So the threats that occurred
2 at this campus, because this obviously not the
3 first threat that's ever happened at Marjory
4 Stoneman Douglas I would assume, nobody was
5 doing threat assessments?

6 SHERIFF GUALTIERI: I don't know. The
7 principal didn't know if they were.

8 MR. SCHACHTER: I think that's something
9 that needs to be further investigated.

10 SHERIFF GUALTIERI: We'll look at it.
11 That's why that specific issue and all the
12 transcripts and all the information as --
13 that's a very, very discrete, if you will,
14 discrete meeting, narrow and tailored that's
15 been presented to the superintendent. And that
16 is something that he has assured us that they
17 will conduct an investigation.

18 MR. SCHACHTER: Has the FDLE requested
19 other threat assessments from let's say 2018?

20 SHERIFF GUALTIERI: No, we haven't gone
21 that far. We haven't had time.

22 All right. So let's get into the
23 recommendations on this now. I think the
24 recommendations will address a lot of things
25 that we're discussing.

1 The first thing is is that the Broward
2 County public schools -- on slide 133. The
3 Broward County public schools should
4 investigate Morford's conduct surrounding the
5 Cruz threat assessment and take action it deems
6 appropriate based on the investigation and
7 should also investigate whether Thompson's
8 disengagement from the threat assessment
9 process and failure to ensure he was
10 knowledgeable about threats on campus violated
11 district policy.

12 COMMISSIONER STEWART: Could we add to
13 that that if it doesn't violate district
14 policy, that they change district policy?
15 Because if this behavior was acceptable then it
16 needs to not be acceptable.

17 SHERIFF GUALTIERI: Sure. Okay.

18 The next one is is that the Broward County
19 public schools should immediately evaluate the
20 implementation of its threat assessment process
21 and training and determine if there is a
22 districtwide problem with how the threat
23 assessments are conducted or whether the
24 problem is isolated at Stoneman Douglas.
25 Immediate remedial action is necessary.

1 Broward County public schools threat
2 assessment process is reactive and it needs to
3 be proactive so that the threat assessment
4 teams obtain information about concerning
5 behavior before they manifest into actual
6 threats. The Threat Assessment Team should
7 seek out information and not merely wait for
8 reports from staff or students and this applies
9 to the threat assessment teams across all
10 Florida schools.

11 MR. SCHACHTER: This is what I was trying
12 to get at earlier is that that culture of not
13 reporting and doing nothing when you have the
14 threats is obviously evident that they didn't
15 care about security on that campus.

16 SHERIFF GUALTIERI: The next one on 134
17 is, The guiding principal for the threat
18 assessment process should be behavior and not
19 an actual threat. The traditional reactive
20 threat assessment process is one that focuses
21 on actual threats as opposed to identifying
22 concerning behaviors and intervening early.
23 The most successful process is proactive and
24 requires tying together desperate behavior so
25 that they may be evaluated in the aggregate,

1 viewed wholistically and acted upon at the
2 earliest possible time.

3 Anything on that one?

4 So this is one that we might want to have
5 a little discussion on.

6 The Threat Assessment Team should have
7 permanent members. Rotating threat assessment
8 members does not allow for consistency and
9 personnel do not gain the necessary experience
10 when rotated on and off the threat assessment
11 teams.

12 I think there, from what I understand, is
13 is that there are some differing views on that
14 and some reasons why they do. But this is what
15 we put in here for at least for discussion for
16 the recommendation. So do you all agree with
17 that or do you want to have discussion about
18 it?

19 MR. PETTY: I agree with it. And in
20 talking with the National Threat Assessment
21 Center and Secret Service about this concept,
22 it's important to have some continuity on that
23 team. There are folks that can be invited in
24 that have specific information about a threat
25 or a student that can be temporary members of

1 that threat assessment. But you have to have
2 people that are dedicated to that team over
3 time so you can get the picture of the threat
4 as it's progressing or going away. And if you
5 have new teammates every month, that
6 information doesn't flow.

7 COMMISSIONER STEWART: I would be careful
8 about the word permanent. I think things
9 change. Especially at schools in a district.
10 And so what if there were something along the
11 lines of staggered terms so that you would have
12 some continuity, but as personnel changes
13 you've --

14 SHERIFF GUALTIERI: Okay. So point is
15 that I don't know if it's strong enough, but
16 dedicated members?

17 COMMISSIONER STEWART: I think that's
18 good.

19 SHERIFF GUALTIERI: Because you're going
20 to have teachers that transfer from school to
21 school within a year, right? So you've got a
22 teacher that is at maybe in one school and then
23 they go to another high school or something.
24 But the whole point is they shouldn't rotate.
25 They should be permanent at the school. And I

1 think that's what we're trying to get at. But
2 maybe dedicated more accurately and provide
3 some flexibility.

4 COMMISSIONER STEWART: Correct.

5 MS. POWERS: I think that if in my mind if
6 they're implementing the Threat Assessment Team
7 appropriately it will be maybe the guidance
8 counselor that is serving that child, the
9 school psychologist that has met with that
10 child, and there may be multiple -- you know,
11 so those things if we make it too strict then
12 it's going to prohibit the people that have the
13 most information from --

14 SHERIFF GUALTIERI: And we've talked about
15 this in the past is is that you have a team
16 with dedicated members that don't rotate that
17 are consistent, but also have at large or open
18 positions because you want to have the people
19 that are familiar with the threat assessment
20 process, best practices, how it should work.
21 But you also want to have people that are most
22 familiar with that individual student. So
23 you've got whatever, ten seats, seven of them
24 are dedicated people and three at large that
25 are selected as it relates to that assessment

1 for that student. And I think we've talked
2 about that.

3 MR. SCHACHTER: And I think that's
4 consistent.

5 MR. PETTY: The Secret Service uses the
6 term static, but dedicated. They mean the same
7 thing. I think the one area where I want to
8 make sure we're clear or we have a discussion
9 and we're clear as a Commission is that the
10 Threat Assessment Team should include that SRO
11 on that campus, and they should not be excluded
12 from that threat assessment.

13 SHERIFF GUALTIERI: It has to now by law.
14 It's in law, so it's -- that's what the law
15 says. Florida law defines the minimum members
16 and it is a law enforcement has to be on
17 everyone.

18 So there should be district oversight of
19 the threat assessment process at the district
20 level and the district level review of all
21 Level 2 assessments. The principal should be
22 required to be informed of every threat
23 assessment and principal should approve the
24 disposition of every assessment.

25 Everybody good with that?

1 Over to 135. The Department of Education
2 should develop a statewide behavioral threat
3 assessment instrument and create a statewide
4 threat assessment database that is accessible
5 to all districts and appropriate stakeholders.
6 Florida should consider the model used by the
7 State of Virginia, which is widely recognized
8 as the leader in school-based behavioral threat
9 assessment.

10 COMMISSIONER SWEARINGEN: Maybe this goes
11 in here. Maybe it goes somewhere else.
12 Everything related to this needs to be
13 standardized. So the tool, the members, the
14 training, which is also critical, all of that.
15 And whether that's done through DOE or who
16 picks that up, all of this needs to be
17 standardized statewide. It should not be left
18 to individual schools or districts to decide
19 any of this. It should all be standardized so
20 we know everybody is getting the same training,
21 the teams are made up of the same -- which we
22 know is required by law. All of this should be
23 standardized.

24 COMMISSIONER STEWART: If I may, I don't
25 disagree with that. The only thing I would

1 caveat that with is that there are some
2 positions that are standard in every school,
3 and those should be included as being
4 standardized. But we don't want to limit a
5 district from including others who would have
6 good information that another school doesn't
7 have.

8 COMMISSIONER SWEARINGEN: I agree with the
9 bringing in of additional folks. There should
10 be a core group and then you bring in the
11 necessary experts or SMEs.

12 SHERIFF GUALTIERI: So should we -- I
13 don't know. The first bullet on 135, The
14 Florida DOE should develop a statewide --
15 should develop a mandated statewide behavioral
16 threat assessment instrument and create a -- by
17 adding mandated in there does that take it in
18 the direction you're looking for or not enough?

19 COMMISSIONER SWEARINGEN: I just want to
20 make sure that it's understood that it should
21 apply to everything related. So the training,
22 all of it, the whole process should be
23 standardized.

24 MR. PETTY: I have a proposal for a
25 sentence. DOE should be required to establish

1 and maintain oversight for how the threat
2 assessment process is designed and implemented
3 across all Florida school districts. This
4 includes, but is not limited to establishing
5 standards for training, membership on threat
6 assessment teams, investigative procedures and
7 reporting requirements. Does that cover?

8 SHERIFF GUALTIERI: You got it. Okay.

9 MR. PETTY: The thing that was left out of
10 that is the threat assessment instrument. We
11 need to add that.

12 SHERIFF GUALTIERI: All right. Okay. So
13 we're good with that.

14 Next one is, The Legislature should pass a
15 bill requiring this process be implemented by
16 the DOE by a date certain. DOE should be
17 provided oversight authority for the threat
18 assessment process.

19 That probably goes hand in hand somewhat
20 with your recommendation. What do you all want
21 to do with that? Leave it? Okay.

22 All threat assessments should be comprised
23 of a specific -- and this gets to that word --
24 static members with at large positions for each
25 case -- as we talked about -- knowledgeable,

1 and the Threat Assessment Team should be
2 required to meet at least monthly and be
3 proactive, not just reactive, and should
4 receive regular training on threat assessments.

5 We're kind of getting there with what you
6 all are talking about. It just kind of comes
7 together I think. You all good with that one?
8 Okay.

9 The next one is on 136. The team should
10 be required to convene within 24 hours of
11 receiving a referral. If school is not in
12 session, the team must refer the matter to law
13 enforcement for evaluation and the team must
14 meet on the first day school is back in session
15 to consider the matter and ensure it is
16 resolved.

17 I was trying to get into breaks and stuff
18 in there.

19 COMMISSIONER STEWART: I'm okay with that,
20 and I'm okay with the deadline. I'd worry
21 about the first day of school. Everybody that
22 would be on a Threat Assessment Team is going
23 to be very occupied on the first day of school.
24 So either days leading up to the first day of
25 school or within the first week of school.

1 SHERIFF GUALTIERI: Okay. So just change
2 it. The Threat Assessment Team must meet
3 within the first week.

4 COMMISSIONER STEWART: Yes.

5 SHERIFF GUALTIERI: You all okay with
6 that? Okay.

7 MR. PETTY: I liked your idea though,
8 Sheriff. Could it be, Secretary, the days
9 leading up to the first day of school, or no
10 later than --

11 COMMISSIONER STEWART: No later than the
12 end of the first week of school or something
13 like that.

14 SECRETARY CARROL: This referred to
15 breaks, too. And I understand your point with
16 the first day of school. But you know you're
17 out on a week vacation, something comes in. I
18 don't know that that shouldn't be convened on
19 the first day because it's critical and, that's
20 not the same as the first day of school, so --

21 SHERIFF GUALTIERI: It's not that it's not
22 going to be addressed because it says if the
23 school is not in session and something comes
24 in, it gets referred to law enforcement for
25 evaluation. Then the law enforcement would

1 evaluate it themselves and deal with it. But
2 this is for the team then to become aware of it
3 and doing something more. Because law
4 enforcement is going to address the immediacy
5 of it if it's there. But this would be if
6 there's something less than immediacy and maybe
7 referral to services or those kinds of things.
8 So to me, since it's going to be immediately
9 referred and addressed by law enforcement, any
10 immediacy is going to be addressed. This is
11 kind of a bigger picture that is saying no
12 later than the first week of school to me seems
13 like it would be okay because it's not that
14 it's not being addressed and it's being
15 ignored. Law enforcement is going to handle
16 the initial assessment of it.

17 You all okay with that? All right.

18 So then we got into, All personnel should
19 receive mandated training of behavioral
20 indicators that should be referred to the team.
21 Reporting observed behaviors should be
22 mandatory and there should be sanctions for not
23 reporting.

24 SHERIFF ASHLEY: I just have a question.
25 Since it's not developed yet, what kind of

1 training?

2 SHERIFF GUALTIERI: That's why we can't
3 really get into that. We've just got to say
4 that there should be training.

5 And then, There must be adequate resources
6 to which the Threat Assessment Team can refer a
7 child because the Threat Assessment Team is a
8 problem identified. Not a problem solver.

9 You've got to keep in mind what the role
10 of the Threat Assessment Team is. They are not
11 a service provider. It's to assess it and
12 refer it. It's like anything else. You've got
13 to have something to refer it to.

14 MR. PETTY: On the last recommendation the
15 training's not developed, but, again, I think
16 we could look to the State of Virginia, who has
17 already created that as a reference point and
18 ask the Office of Safe Schools to take a look
19 at that. That would probably be a good first
20 draft.

21 SENATOR BOOK: Mr. Chair, I would like it
22 if we could add a recommendation requesting an
23 Auditor General Report Investigation look at
24 how many threat assessments have been done,
25 what did that look like. Because unless we

1 have a real idea of what's happening, how can
2 we --

3 SHERIFF GUALTIERI: You mean across
4 Florida?

5 SENATOR BOOK: Yes. I mean the district
6 asks schools how many have you done. And the
7 fact that they can't tell us, should be -- I
8 mean, I think that this is a really serious
9 problem. These are kids who are threatening to
10 harm themselves or harm others, and I think
11 that people need to realize that we actually
12 have no clue. No clue. I think that we need
13 to recognize that there are real serious wholes
14 and gaps. And it's creating very unsafe
15 situations. I know we talked about this in
16 terms of the data also. I know Commissioner
17 Swearingen talked a lot about making sure those
18 things are reported. The Department has no
19 ability to hold districts or schools
20 accountable. As we've pointed out before, I'm
21 sure when former Secretary Carrol, Secretary
22 Senior when he goes and has to go deal with
23 plans or hospitals, they say, No. It's not
24 like okay, or we're not going to check in. I
25 know you're doing the right thing. It doesn't

1 work like that. I don't know why it's worked
2 like this up until this point, but it shouldn't
3 be. It shouldn't be.

4 SHERIFF GUALTIERI: We're going to get
5 there on that in one of the chapters here in a
6 minute.

7 COMMISSIONER SWEARINGEN: Sheriff, could
8 that be an item included? If they're revamping
9 the FSSAT tool, could that be a question that's
10 asked so they mandatory report that, the number
11 of assessments every year?

12 SHERIFF GUALTIERI: Sure.

13 MS. POWERS: I think that's great.

14 SHERIFF GUALTIERI: If the legislature
15 does do this and DOE does do this, it creates a
16 statewide database. The idea is, I mean, all
17 that data would be accessible to DOE because
18 that way you have no silos. You have a
19 standard risk assessment instrument, a standard
20 risk assessment process, and it is all in one
21 database that is available to everybody. So
22 that way if you have that situation where the
23 kid is in Escambia County and moves to Monroe
24 County, anybody can see it who has authorized
25 access to it. Especially in major metropolitan

1 areas where you've got a kid that lives on the
2 border of, let's say, Palm Beach County and
3 Broward County. That way it can all be seen.
4 So the idea is is that if you have a
5 centralized system that's going to take care of
6 a lot of this. But it has to be develop and
7 somebody's got to pay for it, and it's got to
8 be rolled out.

9 COMMISSIONER SWEARINGEN: And I think it's
10 important in that database would be the ones
11 that an actual threat assessment was done on.
12 I think it's also important to know how many
13 did they adjudicate that wasn't necessary that
14 somebody alleged.

15 SHERIFF GUALTIERI: Yes, I agree. I would
16 envision that it's a threat assessment -- not
17 only is it a tool, but it's a threat assessment
18 management tool as well. So that you get one
19 and what you do with it, whether it's an
20 initial intake and it's unsubstantiated, or
21 it's an initial intake and it gets the
22 equivalent of Level 1, whether it goes to a
23 Level 2. So the whole process would be managed
24 by that. I think that's what that
25 contemplates.

1 SENATOR BOOK: I think, Mr. Chair, if we
2 asked anybody here how many reports have been
3 called in to Fortify Florida, you could look it
4 up and tell me right now. You could tell me
5 how many times you went, what happened, what
6 was the process.

7 SHERIFF GUALTIERI: Right.

8 SENATOR BOOK: And yet no one can tell us
9 what's going on in schools.

10 MS. POWERS: I like Commissioner
11 Swearingen's idea in the short-term because I
12 think the Office of Safe Schools could use that
13 as a tool to seize the red flags. That might
14 be there have been zero threat assessments at
15 this school. That's a red flag. Or there
16 maybe 50 at another school. That might be a
17 red flag. So I think in the short-term while
18 this is taking -- we're getting funding for
19 these bigger projects this is a good start with
20 some questions to follow on the FSSAT on at
21 least an annual basis.

22 COMMISSIONER STEWART: If I may. I'm not
23 positive when is the right time to say this,
24 but I don't want this to go by without my
25 saying this. Every single individual that's in

1 law enforcement in Florida and in school
2 districts in Florida are going to be asked to
3 do more than they've ever been asked to do
4 before. And I think that sitting here with 25
5 more days in my role, I'm the perfect person to
6 say this because it's not about me. There is a
7 lot that is going to be put on the Department.
8 In last session we were given two positions to
9 do every bit of 7026, which everyone here would
10 recognize is completely impossible. So we
11 cobbled together and came up with more staff on
12 that. So really and truly either in DOE, as I
13 exit, we will have to drop some things off of
14 what is currently done so that we can cover all
15 this, or they will have to provide some
16 resources.

17 SHERIFF GUALTIERI: Okay.

18 All right. So we're at 136, and I think
19 we're at the end of Chapter 12 unless anybody
20 has anything else. So why don't we take a
21 quick break, ten minutes, so we can try to get
22 out of here on time. We've still got Chapter
23 13, 14 and 15 to cover and then talking about
24 where we go from here. I think we can get it
25 done. Let's just try to keep it to ten

1 minutes. Take a quick break. We'll come right
2 back and we'll finish up.

3 (Whereupon, a recess was taken.)

4 SHERIFF GUALTIERI: We're going to get
5 started here. The next chapter we need to talk
6 about is Chapter 13 and Cruz's educational
7 services. This is very short. This is one
8 that we did get a fair amount of information
9 about, but that we really haven't delved into
10 deeply.

11 So if you begin with slide 138 we know
12 that the district engaged CEN, Collaborative
13 Education Network, to conduct that review. If
14 you recall, CEN published a report and the
15 report that they published, some of it was made
16 public in redacted fashion. This is that
17 report then that the full report was published
18 by the media and it evaluated the district and
19 its compliance with the ESE requirements and
20 how it handled Cruz and the ESE process.

21 So we say here in the first one is is that
22 CEN is a subject matter expert. We talk about
23 the production of the report and that the CEN
24 report concluded that the district "mostly
25 adhered to the procedural and substantive

1 requirements when implementing Cruz's
2 exceptional education.

3 Then we go into No. 2 and we say, However,
4 where the district failed was when it
5 erroneously told Cruz that he could not remain
6 at Stoneman Douglas and receive ESE services
7 and that his only options were to withdraw from
8 ESE or go back to the ESE Center at Cross
9 Creek.

10 And go up to 139.

11 And that that wasn't true because the
12 ownness at that point because he had turned 18
13 was on the district to seek a court
14 determination if it wanted to force Cruz to
15 attend Cross Creek and it misstated Cruz's
16 options to him that caused Cruz to withdraw
17 from ESE and all services.

18 We know that he stayed at Stoneman Douglas
19 until 2017. In February he transferred to an
20 adult learning center. He sought to return to
21 high school and reengage, but the district
22 failed to implement the necessary processes
23 that would return him to high school. He
24 remained in the adult learning center
25 environment without ESE services.

1 So that is the sum of it. This is
2 something we can look at more in the future. I
3 think we've talked about this and what the
4 problem was at the time that they met with him
5 in November of 2016 and misstated his options
6 to him and he withdrew from services.

7 And I think we know this as well, and we
8 said it before, is is that he had received so
9 many services all along and then as this
10 happened and he stopped getting community-based
11 and private mental health services and then
12 with his mom dieing on November 1st of 2017,
13 everything that surrounded him fell apart and
14 now we got what we are dealing with.

15 So with any of that and I suggest with
16 this is is that there is just not much here
17 other than what you see because this is one of
18 those areas that we probably need to explore
19 further, but we just haven't had time to do.
20 So does anybody have any concerns or comments
21 or questions or anything you want to change
22 with slides 138 and 139?

23 Going over to 140, one of the things that
24 we are recommending here, because we certainly
25 can't do it and the Florida legislature can't

1 do it, is that there should be some type of a
2 work group established to determine necessary
3 changes to federal law regarding ESE and then
4 coordinate with the Florida Congressional
5 Delegation to request they identify changes.
6 State law changes can follow if federal law is
7 revised.

8 One of the first questions -- you know, we
9 put something like that together and we've
10 talked about that. And one of the first
11 questions is going to be what would be your
12 recommendations for the Congressional
13 Delegation. It's kind of cart before the horse
14 because based upon what I just said, and I
15 think we all concur with, we probably need to
16 do some more work on this first before we can
17 come up with what we want to recommend to the
18 delegation. You can probably leave that there
19 if you want. I don't think there is any harm
20 in that, but it's not something that can be
21 done immediately because we need to develop
22 what it is first.

23 School personnel must be properly trained
24 in their ESE obligations under federal and
25 state law so that the requirements are not over

1 or under applied. The threat assessment teams
2 and IEP committees must coordinate information
3 and courses of action regarding ESE students,
4 and students with IEPs that involve severe
5 behavioral issues should be referred to and
6 evaluated by threat assessment teams.

7 Does anyone have anything on those
8 recommendations?

9 COMMISSIONER STEWART: I only have one
10 thing and that has to do with that last bullet
11 on that slide is saying it exactly
12 appropriately. We aren't talking about all
13 exceptionalities. And I think those first
14 three bullets we also are meaning those with
15 behavioral issues are the ones that we need to
16 look at what federal laws need to change.

17 I don't think we want to open up the whole
18 ESE world, but those with behavioral issues.

19 SHERIFF GUALTIERI: Right. And I think we
20 saw this, too. Is that because of his ESE
21 status, there was and there seemed to be this,
22 maybe a lack of familiarity, there seemed to be
23 this hands off. This oh my god, we can't touch
24 him.

25 Mr. Schachter, go ahead.

1 MR. SCHACHTER: Yes. Along those lines,
2 and I know we're not going to really address it
3 right now, but there needs to be some sort of
4 recommendation that those exact children that
5 we're talking about that are violent and are
6 untouchable, and I referenced those emails from
7 the teachers and all of them consistently
8 talked about this, that are not disciplined,
9 have a bubble of protection around them. And
10 even though the child has a disability his
11 rights to a free and fair education do not
12 supercede the rights of the larger student
13 body.

14 SHERIFF GUALTIERI: So anybody have
15 anything else? Again, this is a very high
16 level findings and recommendations and we'll
17 talk more about it. So unless anybody has
18 anything else we'll move onto Chapter 14.

19 So in Chapter 14 we talk about the safe
20 school assessment tool. It begins -- the
21 findings begin on page 276.

22 The first one is is that when we look at
23 the districtwide FSSAT submitted between 2015
24 and 2017, it appears that FSSAT submitted in
25 2015 that there were lengthy reports. Many

1 over 100 pages. I think we saw that. There
2 was no Stoneman Douglas specific assessment
3 submitted during that period.

4 Remember during that period is that the
5 school specific reports were not mandatory.
6 They were recommended, but there is no
7 requirement. But Broward was not and certainly
8 a Stoneman Douglas report was not submitted.

9 In '16 and '17 the districts across
10 Florida appear to have submitted perfunctory
11 responses most in the 25-page range that
12 contained simple self-serving yes responses to
13 questions.

14 I think that's all consistent. We talked
15 about that quite a bit. I think that reflects
16 what the Commission discussion was and what we
17 learned.

18 Does anybody have anything with 1, 2 or 3?

19 So in '15, No. 4, four districts did not
20 submit FSSATs. In '16 five did not. In '17
21 seven districts did not submit them. And in
22 '18 the reports were due on October 31st, but
23 several districts still did not submit reports.

24 Regarding the school specific ones in No.
25 5, The first year of the automated FSSAT out of

1 about 3,900 schools only 116 were shown
2 completed. And the number declined with only
3 16 assessments in 2017. So that's 16 out of
4 3,900 in the year before the Stoneman Douglas
5 shooting. There were no consequences for
6 noncompliance with the FSSAT process.

7 Anything on 4, 5 or 6 that anybody wants
8 to bring up?

9 No. 7 on slide 145, DOE did not and still
10 does not have regulatory authority over the
11 districts. DOE is the entity that the
12 districts report the data to, but DOE does not
13 oversee the districts' submission or lack
14 thereof. DOE did provide training to the
15 districts on completing the FSSAT.

16 Anything on that one?

17 So there are numerous concerns with the
18 FSSAT. In addition to the lack of submission
19 accountability and perfunctory responses, the
20 instrument itself is problematic in that it
21 asks questions that are mostly long narratives
22 for which the call of the question is a
23 self-serving yes or no response. There is
24 minimal call for a substantive narrative
25 response in the current document.

1 No. 9 is that, In addition to the overall
2 deficiencies the districtwide and MSD specific
3 FSSAT submitted by Broward County contained
4 inconsistent statements and lacked the
5 necessary information to effectively assess
6 physical site security within the Broward
7 County School District or at Stoneman Douglas.

8 So before I move onto recommendations
9 anybody have anything on any of those?

10 If we're getting over to recommendations,
11 the first one is on slide 148. The legislature
12 should require that the FSSAT be the primary
13 instrument used by school districts to assess
14 physical site security.

15 Now, one of the things that we heard in
16 response to some reasons why the instruments
17 were not done, that they weren't thoroughly
18 done, done with perfunctory responses and that
19 the individual school ones were not done is is
20 that there was some information in some places
21 they might have been using some other process
22 or some other instrument. And that's why the
23 FSSAT was not viewed as important. So we have
24 here that it should be required that the FSSAT
25 be the primary instrument used. That way again

1 accountability consistency, accuracy in what it
2 is and there is some knowledge as to progress
3 that is being made toward accomplishing site
4 hardening.

5 So everybody good with that one?

6 The legislature should provide DOE with
7 compliance authority over the districts to
8 ensure that each district and each school
9 submit FSSATs. DOE should be tasked with and
10 funded for providing each district with
11 training on how to assess physical site
12 security and how to properly complete the
13 instrument. And each site assessment should
14 required to be conducted in conjunction with
15 law enforcement.

16 Then we go over to 149. The annual FSSAT,
17 which is districtwide, should specifically set
18 forth the site security priorities for the
19 district in descending order of priority and
20 that the document should also explain what
21 progress was made in implementing the previous
22 year's priorities.

23 So right now the way it's set up is is
24 that it's just isolated year to year. And you
25 could have identified a whole bunch of

1 priorities and a whole bunch vulnerabilities.
2 And then next year you have no idea by reading
3 the next year's what was done with it or
4 whether there's any progress made. So it
5 should be a living document that is ongoing
6 that talks about what progress made and where
7 you're going. It should also be required that
8 any significant deficiency identified that
9 adversely effect safety and security must be
10 timely reported to the school board and a
11 remedial plan approved by the board.

12 What do you all think about that? Is
13 everybody okay with that?

14 The legislature should provide statutory
15 sanctions for noncompliance with the annual
16 FSSAT submission requirement.

17 The next one on 150, the legislature
18 should require that the school specific
19 document be approved by the superintendent or
20 his or her designee before submission to the
21 Department. The designee must be a deputy or
22 assistant superintendent or the district's
23 school safety specialist.

24 As we know, in Broward is is that the
25 highest level person that was signing off on

1 these was the principal and -- well, if it's
2 anything like what was done in the threat
3 assessment process -- anyway.

4 So, again, providing some accountability
5 in making sure that they're signed off on and
6 somebody owns it and is responsible for it.

7 And then the last one here is that the
8 current school specific document should be
9 revised with stakeholder input especially from
10 law enforcement and industry security experts.

11 So I think we have in place, Commissioner
12 Stewart, I believe that the consultant that the
13 department is using has a report that's due.
14 But I think that we have ample opportunity now
15 in discussions that we've all had collectively
16 that they're going to hold off on submitting
17 that until we have an opportunity hopefully as
18 a body to provide input and have discussion. I
19 think we would like them, that consultant,
20 maybe to come to us. We can have discussion
21 with them.

22 Unfortunately, we can't form small working
23 groups really to do that because of Sunshine
24 Law requirements. But I think that there's a
25 lot of ideas and thoughts that have been

1 developed here through our work that will help
2 them in what we would like to see in that
3 document.

4 COMMISSIONER STEWART: Yes, I think I've
5 been given the nod that that can be delayed.
6 What they want to be sure is is that we have
7 something ready before session.

8 SHERIFF GUALTIERI: Right. How accessible
9 is the consultant to us?

10 COMMISSIONER STEWART: We can arrange
11 that. They are local.

12 SHERIFF GUALTIERI: In Florida?

13 COMMISSIONER STEWART: They're actually
14 mostly local here in Tallahassee.

15 SHERIFF GUALTIERI: Okay. We'll make a
16 note of that. We need to figure out how we're
17 going to do that.

18 COMMISSIONER DODD: So one of the dilemmas
19 that school boards have is approving the safe
20 school assessment tools and what is available
21 to be shared with the public. So what kind of
22 details. Of course, we don't want to get into
23 deficiencies, but yet I strongly believe that
24 there should be -- I don't know if we could
25 include it in a form or data that can be

1 released. I know here that we say that the
2 annual districtwide FSSAT should specifically
3 set forth the physical site security priority
4 for the district in descending order of
5 priority.

6 Is that something that we can release? We
7 get a lot of parents that have questions about
8 how safe my school is and yet we go in a closed
9 session when we deal with security and safety
10 matters so the public is not able to listen to
11 that discussion with the board. There is an
12 approval process for the school board I see in
13 here. Obviously, school boards to be in the
14 mix. We're elected by the people to take care
15 of our school districts and safety and
16 security. Obviously, it is at the top of the
17 list and should be, and we should have that
18 focus there. How can we define the information
19 that can be shared with the public? And this
20 is widespread from we can't talk about it at,
21 we just got to approve it to you really
22 shouldn't say that, you shouldn't talk about
23 these items. But yet there is a lot of
24 questions about that.

25 SHERIFF GUALTIERI: Of course, the

1 backdrop for the confidentiality requirement is
2 not to inappropriately expose vulnerabilities
3 that are going to allow somebody to do
4 something that would be harmful. So we all
5 know that that's the concept and that's the
6 premise behind the confidentiality provisions.

7 My understanding of it is is that like any
8 document that we're talking about here, and so
9 with the FSSAT and similar to FERPA and the
10 student record, is that it's the record itself.
11 It's not your knowledge per se. So if you went
12 and talked to a person, a principal of a school
13 and identified certain strengths, weaknesses
14 and vulnerabilities, let's say, at that school
15 and those are the same things that are in a
16 document in the FSSAT, there is nothing that
17 precludes you from sharing what you learned
18 from talking to that principal. It's just the
19 document itself that is confidential. So
20 somebody can't come in and do a public records
21 request and say, I want that document, and then
22 take that document. It's sometimes threading
23 the needle. And it's a little bit gray. But
24 as long as you're not using knowledge that you
25 gained solely from the document itself and

1 you're not releasing the document itself, then
2 you have some flexibility and some discretion
3 in what you tell people.

4 Again, of course, you want to be careful
5 as you well know about what you say in public
6 sessions about vulnerabilities and about those
7 areas that may be of concern in that FSSAT. Do
8 you see what I'm saying?

9 COMMISSIONER DODD: I do.

10 SHERIFF GUALTIERI: Again, I think that
11 you have room for various ways of accomplishing
12 what you're trying to accomplish. The thing
13 that would be prohibited is using what is --
14 using the document to disclose or using
15 knowledge you gain solely from review of the
16 document. But if you have knowledge that
17 you've gained outside of that, then you have
18 flexibility. This is purely so that improper
19 information isn't released that makes the
20 situation worse.

21 COMMISSIONER DODD: Okay. But as far as
22 can we develop an instrument that every
23 district could share publically. Could that be
24 part of the criteria?

25 SHERIFF GUALTIERI: I think that's

1 something that should be part -- probably needs
2 to be part of the discussion in developmental
3 process.

4 Now, the consultant is going to be focused
5 more on or is focused on the instrument itself
6 and a proper assessment of it. That is
7 something in order to come up with some type of
8 document and to treat it differently, that
9 would have to go back to the legislature
10 because right now the document itself is
11 confidential. It's not exempt. It's
12 confidential. So in order to have portions of
13 it or sections of it or have some discretion,
14 that would be something we would have to go to
15 the legislature and have changed.

16 COMMISSIONER STEWART: I can add a little
17 bit to this. I believe that the instrument
18 itself and the responses in the instrument
19 should be of such a nature that sharing that
20 information could put the school at risk. And
21 so I think finding a way for the statute to be
22 worded in such a way that there is input from
23 the public and in a broad sense the public
24 knows the areas that the schools and the
25 district will be concerned with and working on.

1 But you do not want to create a situation
2 whereby the public is made aware of the ways
3 you're going to keep student's safe and they
4 figure a way around that.

5 SHERIFF GUALTIERI: So one of the things I
6 am a little concerned about. I think we got
7 another chapter and then we're going to talk
8 with Mr. Schachter. He has a couple things he
9 wants to bring up. And then we're going to
10 talk about next steps. But I can tell you that
11 I'm not planning on having a meeting in
12 January. Session starts in March. If we're
13 going to do something with the consultant and
14 then give them time, we've got to figure this
15 out. We need to give them -- remember that
16 instrument and you all remember. You've seen
17 it. Is these rambling paragraphs, largely
18 self-serving statements that everybody just
19 answers yes to that everything is great.

20 So I can tell you from my perspective what
21 I'm looking for and what I want to provide them
22 with input on is more of a narrative based,
23 more specific assessment and making sure the
24 right items and going through and giving them
25 those types of suggestions as to the content

1 from what we see, and what about the things
2 that need to be assessed, how they should be
3 assessed and how the report and how the
4 instrument should be used and how the
5 instrument should elicit things and contain the
6 things that we need it to contain with those
7 vulnerabilities, with the follow-up and that
8 kind of thing. I'm trying to figure out how do
9 we -- because you're right. We have to do
10 something before March as to how we are going
11 to accomplish that.

12 COMMISSIONER STEWART: So might we -- you
13 know, you've done a lot of background work, I
14 hate to add one more thing to you. But you
15 want to in January meet with the organization
16 and do some background work? And everyone has
17 seen what currently exists, so maybe
18 recommendations sort of like we did this way
19 and then just --

20 SHERIFF GUALTIERI: Right. This can be
21 done. And you can have subcommittee meetings,
22 et cetera. You just have to notice them and
23 treat them as Sunshine meetings.

24 One of the things that I can do here in
25 the next couple of weeks is maybe send out an

1 email to everybody, and maybe what we can do is
2 is to set up a meeting with them with a few of
3 us who want to be present, and just notice it
4 as a Sunshine meeting as opposed to the whole
5 body and getting a few people that may be
6 interested in providing input on this. And we
7 can set a time, maybe up here where we could
8 come up for a couple hours.

9 You see any issues? As long as we notice
10 it.

11 COMMISSIONER JONES: It just as to be in
12 the public.

13 SHERIFF GUALTIERI: Right. So as long as
14 we notice it. We can do it any place as long
15 as we notice the location and it's available to
16 the public. Maybe consider something like that
17 because there maybe some of you that do want to
18 participate in that with them, and we can
19 consider something like that. But it's going
20 to have to be done early January in order to
21 provide that input to them and allow them to
22 finish their work, and so the department has it
23 and the legislature has it before session.

24 So what do you all think about something
25 like that?

1 Okay. So we'll do something a long those
2 lines and work that out.

3 Moving onto 15 with information sharing.
4 Again, this is another one that requires a lot
5 of work. Some we can do, and some of it we
6 can't.

7 Slide 153. It says, Based on testimony
8 before the Commission and discussion among
9 Commission members it's evident that there are
10 significant misunderstanding and over
11 application of several privacy laws including
12 FERPA and HIPAA. The misunderstanding and over
13 application of privacy laws is a barrier to
14 necessary and successful information sharing.

15 Anything on that one?

16 No. 2, Many aspects of educational privacy
17 laws fail to consider appropriate exceptions
18 from an incident such as this were full public
19 disclosure of prior conduct, especially
20 misconduct, is beneficial and necessary. The
21 inability for public disclosure of problematic
22 information and the attended information void
23 leads to misinformation and distrust that
24 erodes the public's confidence and the system
25 and its officials. If there's to be an erosion

1 of public trust, it must be based on fact and
2 not on speculation because information is
3 hidden from the public eye.

4 Comments on that one?

5 SHERIFF ASHLEY: Not necessarily on that
6 one, Chair. But some way of capturing or a
7 finding that it's pretty unclear what
8 educational record actually is.

9 SHERIFF GUALTIERI: Yes, that's a point.

10 SHERIFF ASHLEY: Maybe some clarification
11 or numeration of what is educational record.
12 Is it video?

13 SHERIFF GUALTIERI: I'm going to make a
14 note here and we'll add this in here. I know
15 what you're talking about, and I agree with
16 you. Something about the ambiguity of the
17 definition of what an educational record is
18 under FERPA and the impact and how that
19 effects.

20 SECRETARY CARROL: What frustrates me in
21 this is FERPA's federal law. Florida should
22 have a standard interpretation to what that
23 federal law means. Why do we leave it up to 67
24 different independent school districts to make
25 that determination? Why isn't it made at the

1 Department of Education level? One attorney
2 looking at it or a group of attorneys coming
3 with a consistent definition for all school
4 districts to follow.

5 COMMISSIONER STEWART: I don't disagree
6 with you, Mike, except that it will be the
7 local school board attorney that will defend it
8 if there is a violation. And so if I interpret
9 it for them, DOE is going to get sued as well.

10 SECRETARY CARROL: DCF gets sued all the
11 time.

12 COMMISSIONER STEWART: So do we.

13 SECRETARY CARROL: But what I'm saying is
14 the rules that we promulgate are the same for
15 everybody. And so it just seems to me the
16 differences from one district to another on how
17 they interpret the very same law is sometimes
18 significant. And that significant difference
19 in how they interpret it leads to a significant
20 and I think unnecessary difference on how they
21 deliver services.

22 MS. POWERS: And it varies from attorney
23 to attorney as well. In my own district we had
24 a case. Our school board attorney said, yes,
25 you can view this. It's an educational record.

1 changes to Florida school privacy laws that are
2 not preempted by Florida law to better allow
3 information sharing in appropriate
4 circumstances and to encourage changes to
5 federal law. The Florida congressional
6 delegation should evaluate FERPA, HIPAA and
7 other federal laws and sponsor changes to those
8 laws that will allow broader information
9 sharing and public disclosure.

10 I think that's something that we've got to
11 properly spell out before we try and take it to
12 the Congressional Delegation with very specific
13 sections and proposals. So that's something
14 that I think we're going to have to work on.

15 MS. LARKIN-SKINNER: Sheriff, I would like
16 to add 42CFR to FERPA, HIPAA. And 42CFR, it
17 governs addictions, basically substance use
18 records, and it's much tighter than HIPAA.
19 There's movement at the federal level -- there
20 has been for several years -- to align it with
21 HIPAA. But I think if we're going to tackle
22 it, we tackle it all at once.

23 SHERIFF GUALTIERI: Okay. So under No. 1
24 there needs to be extensive training on that.
25 But then we need to go back -- well, under No.

1 3 to that the Florida Congressional Delegation
2 should evaluate FERPA, HIPAA and 42CFR.

3 Anything else?

4 MS. LARKIN-SKINNER: One thought that I
5 had, one of my recommendations for there to be
6 established -- I don't know if a hotline is the
7 right word. I know that we look for an AG
8 interpretation. Sometimes we can find them
9 online on certain things. But a place for
10 people to call if they have a situation to get
11 guidance. Kind of like Commissioner Carrol was
12 saying, DCF interprets it for us. If there's
13 some way, like a hotline. It doesn't have to
14 be a hotline. Something like that that there
15 can be a call or professionals can reach out
16 and say this is my situation, can you give me
17 some guidance.

18 Now, Commissioner pointed out there is
19 some legal issues with that. But I really
20 think that's what people need is someone to be
21 able to help them and provide guidance. I
22 don't know if we want to recommend that today,
23 but it's something we should consider in the
24 future.

25 SHERIFF GUALTIERI: Okay. Probably

1 something to bring up and flush out some more
2 for the future.

3 The last one we have is 157. This deals
4 with SESIR, SESIR reporting requirements to DOE
5 and law enforcement should be evaluated and
6 increased. Several types of incidents such as
7 robbery are not now required to be reported to
8 law enforcement and should be required
9 reportable offenses. School districts must
10 ensure that each school accurately reports all
11 required SESIR incidents and that
12 underreporting is eliminated. School districts
13 should be held accountable for accurate
14 reporting and the district should hold their
15 administrators accountable. And the
16 legislature should provide DOE with SESIR
17 oversight authority and authorize DOE to impose
18 sanctions on districts that do not accurately
19 report the required data, and the DOE should be
20 provided inspection authority of districts
21 records and be required to conduct audits to
22 ensure compliance.

23 Are you good with that?

24 COMMISSIONER STEWART: Let me just say one
25 thing about No. 4. The law does require that

1 incidents such as robbery, law enforcement has
2 to be consulted and mutually they make a
3 decision about arrest, et cetera.

4 SHERIFF GUALTIERI: I went through that.
5 Let's look at that real fast because I think
6 it's right here. I think we reprinted it in
7 here if I remember correctly. And I don't
8 think it has robbery as something that has to
9 be reported to law enforcement. Look at page
10 288. I think we've reprinted this from and we
11 took this from the information that was
12 provided to us.

13 It says, The incidents now that must be
14 reported to SESIR and law enforcement are
15 battery, homicide, kidnapping, sexual battery
16 and weapons. Incidents that must be reported
17 to SESIR and expected to include consultation
18 with law enforcement.

19 COMMISSIONER STEWART: That's what I just
20 said.

21 SHERIFF GUALTIERI: Okay. But it is a
22 consultation, but it doesn't require a report
23 too. Something like robbery I would think.
24 You know, you've got a simple battery that must
25 be reported to law enforcement. There is

1 probably a whole bunch of other crimes in there
2 that probably should have the requirement of
3 reporting. That's what I thought. No?

4 COMMISSIONER STEWART: The consultation
5 though is --

6 SHERIFF GUALTIERI: Maybe it's
7 accomplishing the same thing?

8 COMMISSIONER STEWART: Right, because
9 together they're going to decide what should
10 happen.

11 SHERIFF GUALTIERI: Okay. Let's go back
12 to that then, no. 4. Several types of
13 incidents.

14 MS. LARKIN-SKINNER: I actually am
15 concerned. It actually just says expected to
16 include. That leaves it open. That's another
17 one of those shall, should, may.

18 SHERIFF GUALTIERI: Well, that's true. It
19 doesn't mandate it.

20 MS. LARKIN-SKINNER: It just means you're
21 expected to do it. That doesn't mean you're
22 going to do it.

23 SHERIFF ASHLEY: Why don't we require all
24 of them be reported to law enforcement?

25 SHERIFF GUALTIERI: This is something that

1 needs to get worked out. So what the
2 recommendation is is that SESIR reporting
3 requirements to DOE should be evaluated and
4 should be increased. We're just saying, look,
5 you all need to look at this and it needs to be
6 tweaked and changed. We're telling them what.
7 Not necessarily how. Several types of
8 incidents such as robbery not now required --
9 so that's an accurate statement -- to be
10 reported to law enforcement should be required
11 reportable offenses.

12 And then you can take, Sheriff Ashley,
13 with a lot of those other things in here that
14 are expected to be. So again, the point is
15 somebody really needs to take the whole SESIR
16 framework, the whole scheme and look at it and
17 reevaluate it. That's really what that's
18 saying.

19 SHERIFF ASHLEY: You're not going to
20 arrest somebody just because it gets reported.

21 SHERIFF GUALTIERI: Mr. Schachter.

22 MR. SCHACHTER: In my view the biggest
23 obstacle to making schools safe is getting
24 communities out of the old mindset that it will
25 not happen here and in my school. One of the

1 factors contributing to the false sense of
2 security is lies being perpetrated by schools
3 in not reporting law enforcement crimes and
4 incidents on campus around this country. If we
5 can get schools to accurately report crime
6 statistics on their campuses, we want the
7 blinders peeled off our faces and be able to
8 deal with the problem at hand.

9 As we end this last eight months of
10 investigation into this tragedy I do want to
11 commend the media for doing a great job on
12 multiple fronts and this is one area that they
13 have excelled in. Their investigative
14 reporting has been phenomenal in my view. And
15 I do want to highlight the latest Sun-Sentinel
16 article that reported that no one told the
17 State after a registered sex offender
18 trespassed at a Panama City school in 2016, or
19 that police charged a woman in 2014 with trying
20 to choke and kidnap at a school in Orlando.
21 That one was not reported. Or that a drunk
22 Tampa Bay man brought a Glock pistol to a
23 Seminole High School football game in 2015 and
24 threatened to shot a teacher. A student in
25 Miami got a 40-year prison sentence for a fatal

1 stabbing in 2009, but the Miami-Dade County
2 School District never reported it to the State.
3 An elementary school in Boca Raton sent no
4 reports to the State in 2015, '16, and '17.
5 Not even after a seven-year old boy with autism
6 reported that two classmates forced him into
7 sex acts on the playground in November 2015
8 because crimes such as these weren't committed
9 by students. Schools often insist that they
10 need to report only behaviors by students, not
11 employees or strangers. The Orange County
12 school district never reported a kidnapping
13 case in 2014 because the offender was a parent.
14 The list goes on and on. I'm not going to sit
15 here and read them all. They're very, very
16 disturbing. But the omissions flouted
17 instructions by DOE, in particular that they
18 gave to the Orange County schools, in every
19 early audit since 2009 incidents are reported
20 whether the offenders are students, nonstudents
21 or if the offender is unknown. That's what the
22 audit from DOE told the Orange County schools.

23 The DOE already has inspection authority
24 and districts are refusing to comply. How can
25 we fix this, Chair?

1 SHERIFF GUALTIERI: We just went through
2 all the recommendations. Mr. Schachter, we
3 know there's a problem. It's a given. That is
4 is well-known and well-established. We made
5 recommendations and let's see what's done with
6 those recommendations. That's all we can do.
7 It's a given.

8 Go ahead, Commissioner Swearingen.

9 COMMISSIONER SWEARINGEN: My concern with
10 these reportings to SESIR are similar to what I
11 pointed out with the Promise Program. Whether
12 you consult with law enforcement or not is very
13 subjective in here, so you can term it one
14 thing and it's not required to be. So whether
15 it's fighting or whether it's an assault this
16 is way to subjective, and there's going to be
17 ways if they want to hide this. It might go to
18 SESIR, but it will never get reported to law
19 enforcement. I just want to point that out.

20 SHERIFF GUALTIERI: We're making a
21 recommendation that this needs to be evaluated.
22 So the question becomes who does the
23 evaluation. Do you get into a situation where
24 you have some type of a task force working
25 group; does DOE do it unilaterally. And that's

1 something I guess will have to be decide by the
2 consumers of this report, the legislature,
3 whether they form something.

4 I'll tell you what I would suggest though
5 and anybody that's listening is is that with
6 any and all of these recommendations that the
7 legislature adopts is is they do so with set
8 deadlines for the work to be accomplished by
9 any groups that they form. We see this time
10 and again where groups are formed to explore
11 something and to evaluate something and to make
12 recommendations. It tends to just linger on
13 and there is no urgency with it. And you get a
14 report, and it takes an inordinate amount of
15 time. If we can do based upon the
16 legislature's deadline what we're doing in
17 eight months to get a report in by January 1st,
18 there can be a reasonable amount of time set
19 for people that are going to do work on some of
20 this to make sure that it gets implemented
21 timely. I think that if there's a working
22 group put together to evaluate and make
23 revisions to SESIR is is that it should be by
24 date certain, 180 days or whatever it is so
25 they get that work done.

1 MR. SCHACHTER: Can't we enforce penalties
2 and give DOE the authority to do the same like
3 we had suggested before to?

4 SHERIFF GUALTIERI: Who's we? We can't do
5 anything.

6 MR. SCHACHTER: Well, can't the
7 legislature give DOE the authority to do
8 audits? I understand they're doing audits.
9 But also enforce penalties like we suggested
10 before to the superintendent and the chair of
11 the school board.

12 SHERIFF GUALTIERI: Sure the legislature
13 could do whatever it wants.

14 MR. SCHACHTER: I would like if there's
15 not a recommendation on here so far, I'd like
16 to make one.

17 SHERIFF GUALTIERI: I think it's in there.
18 I think it sufficiently covers that there
19 should be. We went through it.

20 MR. SCHACHTER: Okay.

21 SHERIFF GUALTIERI: So I think we're done
22 with these chapters. We have a few things
23 left.

24 Mr. Schachter, you have a couple things
25 you want to cover. Go ahead.

1 MR. SCHACHTER: Can we see that slide that
2 I had sent Annie earlier? My eyes are not that
3 good.

4 So I talked about this earlier. And we
5 talked about the lack of urgency, the lack of
6 follow-through, the lack of accountability in
7 Broward County. And that's the reason I made
8 this recommendation to appoint an officer of
9 the inspector general to oversee Broward
10 County. I'd like to get the Commission's
11 opinion on this to see if there is any support
12 here because we've seen a consistent pattern
13 where this district makes some policy. It
14 sounds great. It's pretty, but there is no
15 enforcement. And I really don't want to have
16 to hold the hand of the district and have the
17 superintendent come before us every month to
18 make sure items get done.

19 SHERIFF GUALTIERI: You've got an elected
20 school board.

21 MR. SCHACHTER: Obviously, they're not
22 getting it done either.

23 SHERIFF GUALTIERI: Well, this is a pretty
24 complicated topic.

25 Sheriff Ashley.

1 SHERIFF ASHLEY: I think with the
2 recommendations we've made and the oversight
3 authority that we're recommending to the
4 Department of Education that this would be a
5 duplication of what we just recommended for
6 oversight to the Department of Education and
7 Office of Safe School. So I'm not sure it
8 would be redundant and necessary for that
9 reason.

10 SHERIFF GUALTIERI: Anybody else?

11 MS. LARKIN-SKINNER: Commissioner
12 Schachter, I have a question. I'm a little
13 confused about what you're asking for. Are you
14 asking for an independent investigation by the
15 OIG --

16 MR. SCHACHTER: No.

17 MS. LARKIN-SKINNER: Or independent
18 oversight for one school district?

19 MR. SCHACHTER: Correct. And OIG be
20 created that would oversee and hold accountable
21 the Broward County School District to make sure
22 that policies and procedures are implemented
23 and also to look at the immense amount of theft
24 going inside the district due their lack of
25 oversight.

1 SHERIFF GUALTIERI: Sheriff Ashley, go
2 ahead.

3 SHERIFF ASHLEY: Again, I think we've
4 already provided a great deal of
5 recommendations in regards to additional
6 oversight be provided by Department of
7 Education.

8 I might say in our future recommendations
9 or work that we might want to try to peel off
10 all those recommendations we've made for
11 oversight and figure out how many more
12 resources and personnel they may need to
13 fulfill those recommendations.

14 SHERIFF GUALTIERI: Yes. What you're
15 asking for is that somebody that can "oversee."
16 And I'm not even sure you can do that when
17 you've got an elected school board and that
18 they'd be telling school board what to do, et
19 cetera.

20 We've made a lot of recommendations here
21 over the last two days in this very extensive
22 report. And I think a lot of this needs to be
23 allowed to take effect and be implemented and
24 see what does that to accomplish the goals that
25 we all want before we were even to consider

1 recommending anything like that; much less
2 anybody actually implementing something like
3 that. I personally think it's premature and
4 not a good idea at this time.

5 Commissioner Carrol, go ahead.

6 SECRETARY CARROL: I believe that if you
7 went down that road I think that needs to be a
8 local thing. I think that -- and I've seen it
9 done in different places where the county funds
10 an ombudsman that works and becomes an
11 independent body that can investigate and
12 provide some type of independent report. They
13 don't have a direct line oversight. But that's
14 something that the school board and the county
15 and the people on the local community need to
16 work out because that's where it needs to be
17 funded. And it will be inherently local.

18 But a model like that can work. You just
19 get everybody on the ground to support it. I
20 don't think that the state could mandate --
21 well, I don't think it would be effective to
22 mandate that in one county.

23 SHERIFF GUALITERI: Chief Lystad, go
24 ahead.

25 CHIEF LYSTAD: So to Commissioner

1 Schachter's point, there already exists the
2 Office of Inspector General for Broward County.
3 And this is well within their guidelines. Now,
4 whether or not they'll react to this report, I
5 can't speak to that. But there already exists
6 an Office of Inspector General that has
7 authority to look at this issue.

8 MR. SCHACHTER: They're not independent,
9 and they're overseen by the superintendent and
10 the board. So they're not able to -- they
11 don't have subpoena power. They're not be able
12 to do what they really should be doing
13 unfortunately.

14 SHERIFF GUALTIERI: All right. Anything
15 else on that?

16 Do you have another issue, Mr. Schachter?

17 MR. SCHACHTER: Yes. So when we had
18 Dr. Nevin Smith do his 20-year active assailant
19 analysis he pointed out that one of the things
20 that we found out were that 50 percent of these
21 mass murderers obtain their weapons from their
22 parents and their relatives. I think it is
23 incumbent upon us to address this fact that
24 parents and citizens that own their guns should
25 have their weapons secured.

1 Based on the evidence that the FDLE has
2 done, 111 people have been killed in 25 school
3 shootings from weapons that murderers obtained
4 from their parents and relatives. 213 people
5 have been injured in these incidents. If
6 parents and relatives would secure their
7 weapons, I feel that these kids would not have
8 been able to get them. So I think I would like
9 to have a discussion. I would like to make a
10 motion that these weapons should be secured.
11 They need to be secured. And if parents -- if
12 these mass murders are perpetrated with stolen
13 weapons, the people who did not secure the
14 weapons need to be prosecuted in my opinion.

15 SHERIFF JUDD: Commissioner Schachter,
16 there is already specific law on the books that
17 deals with if you fail to secure your weapon at
18 home and it falls in the hands of one of the
19 children that there are criminal sanctions
20 currently.

21 MR. SCHACHTER: There's a mandate that the
22 weapon should be locked up?

23 SHERIFF GUALTIERI: No, and there can't be
24 Mr. Schachter, on that I don't believe. And
25 here's why. If you own a weapon and you have

1 it for self-protection in your home is is that
2 you need to be able to access that weapon.
3 Most people have weapons for self-protection.
4 And at 3:00 in the morning if somebody's
5 breaking into your home, you can't be going to
6 a safe and you can't be loading it. I've heard
7 all these things that people say about weapons
8 should be stored unloaded, and they should be
9 stored in safes, and they should have gun locks
10 on them all the time, and that should be
11 required by law, and there should be sanctions
12 for not doing it. I wholeheartedly oppose
13 that. I will never support that.

14 I think that if you're in your home
15 especially and you have a weapon for
16 self-protection is that it needs to be readily
17 available for self-protection. That's my
18 position on that. I can't support that.

19 MR. SCHACHTER: I think that one of the
20 things this Commission should be looking at
21 next year is what do the statistics show. I
22 know that 111 people would still be alive if
23 these perpetrators would not have been able to
24 get these weapons.

25 SHERIFF GUALTIERI: Well, you can't say

1 that either. I understand what you're saying,
2 but that's a pretty broad statement, pretty
3 conclusory statement. You know, you can't say
4 that they wouldn't have obtained some other
5 weapon or some other way of accomplishing what
6 they wanted to. I hear what you're saying, but
7 that's a very broad statement.

8 MR. SCHACHTER: I just think it's
9 unacceptable for us to say, ah, you can't do
10 anything about it. If we can identify that
11 half of the cases of these school mass
12 murderers are using weapons they got from the
13 parents, there needs to be something that this
14 Commission can address if we're trying to
15 reduce these murders and increase the safety of
16 our schools and our kids and teachers.

17 If this Commission can think of something,
18 I certainly would be in favor of doing this.
19 This is the whole point of this, to prevent
20 these from happening.

21 SHERIFF GUALTIERI: I think we have come
22 up with yesterday and today and what's in this
23 report a significant and considerable number of
24 findings and recommendations that will, if
25 implemented, make the schools safer and make

1 the communities safer, make the kids safer,
2 safe lives. And I think that all needs to be
3 given a chance to come to fruition and then
4 evaluated from there and see what the next
5 steps are. But we have done a lot.

6 MR. SCHACHTER: And I agree with you, and
7 I want to thank all of you for taking all of
8 this time and energy away from your families,
9 and I know that the 17 families really
10 appreciate all of your time and effort. Thank
11 you, Sheriff Gualtieri and your staff and the
12 entire FDLE.

13 SHERIFF GUALTIERI: Mr. Petty.

14 MR. PETTY: And maybe, Mr. Schachter,
15 maybe one of the things we can do. We've
16 looked at everybody that we felt like had some
17 responsibility in either acting to prevent,
18 hopefully to prevent, but at least was a part
19 of the shooter's life and could have done
20 something. The one area we haven't really
21 looked at is the area Mr. Schachter sort of is
22 describing here, which is should we look at
23 making some recommendations. And I know there
24 are some very touchy issues here and you've hit
25 on those, Mr. Chair. But there was some

1 familial responsibility here for the easy
2 access to weapons. I know when he turned 18
3 that all changed. He became an adult and
4 that's a tough one. But the facts support what
5 Mr. Schachter is saying in that a lot of these
6 kids are minors and they're getting unsecured
7 weapons.

8 And maybe, again, Mr. Schachter, maybe if
9 there is a specific proposal that we could come
10 back and discuss or there's some research on
11 the topic that says these things are effective
12 in preventing, maybe that's something we can
13 discuss as a Commission in a future meeting if
14 that's -- is that acceptable?

15 MR. SCHACHTER: That would be great.

16 Thank you.

17 SHERIFF GUALTIERI: Sheriff Judd.

18 SHERIFF JUDD: If you allow me, 790.174,
19 Safe storage of firearms required.

20 A person who stores or leaves, on a
21 premise under his or her control, a loaded
22 firearm, as defined in s. 790.001, and who
23 knows or reasonably should know that a minor is
24 likely to gain access to the firearm without
25 the lawful permission of the minor's parent or

1 the person having charge of the minor, or
2 without the supervision required by law, shall
3 keep the firearm in a securely locked box or
4 container or in a location which a reasonable
5 person would believe is secure with a trigger
6 lock, except when the person is carrying the
7 firearm on his or her body or within such close
8 proximity thereof and on and on and on.

9 It's a misdemeanor of the second degree.
10 So I think what you're recommending is in law
11 now. It's a misdemeanor of the second degree.
12 And I don't want to speak for you, but maybe
13 the easier push is say, Hey, let's move it from
14 a misdemeanor of second degree to a misdemeanor
15 of first degree or a third degree felony.

16 MR. BARTLETT: It is a felony if there is
17 death involved as a result of them getting the
18 gun.

19 SHERIFF JUDD: A minor, it means any
20 person under 16 according to this.

21 So there's law there. So if you want to
22 look at it, and maybe come back at next
23 meeting, 790.174.

24 MR. SCHACHTER: And if there 17, 18 the
25 law doesn't apply?

1 SHERIFF GUALTIERI: Okay. Show the motion
2 is withdrawn.

3 We're going to talk about some next steps
4 now as far as where we're going from here. As
5 far as the report's concerned, we're going to
6 take all of the work that was done here
7 yesterday and today and make those
8 modifications to the findings and the
9 recommendations. And we're still in the
10 process of working heavily on the draft report
11 itself, all of the fact sections. Remember, if
12 you have any suggestions on the fact sections,
13 that is Chapters 1, 2, 3 and 16, that we didn't
14 cover or any of the chapters that we did cover
15 in the fact sections, if you would get that
16 information to Heather by close of business on
17 Monday. We have a little flexibility in there,
18 but we really need it as best we can by close
19 of business on Monday.

20 We're going to continue to work on the
21 fact section throughout next week. Make these
22 changes. And then, of course, the following
23 week is Christmas week. And the plan is is to
24 have the editor at that point. We'll stop,
25 turn it over to an editor, that is going to

1 take a couple days, and review it. We also
2 have to draft, and I'll be working on that, is
3 the executive summary that is not drafted at
4 all now. So what I think what we want to do is
5 to once we get it all together is to send that
6 report out to you all and give everybody a
7 chance to read it in total including the
8 executive summary. And then probably at some
9 point, and I don't know exactly when because
10 this is going to be a forward process, but at
11 some point probably to convene a call just to
12 have hopefully a consensus to approve the
13 report, that we have a motion and a second to
14 approve the report as you received it, and we
15 get an affirmative vote. And that way
16 everybody has a chance to have seen and weighed
17 in on, so that as we submit this report it's
18 knowing that it is with the formal approval of
19 this body.

20 I think we were able to get through
21 everything we needed to. I can't see us in any
22 effective way having anything in the call other
23 than a vote on approving it unless there's
24 something absolutely earth-shattering that has
25 to be discussed. But it will not be a long

1 call to do. That I hope. And that we can put
2 this together and nobody sees anything in that
3 final report that they can't live with knowing
4 that it is an initial report and that we still
5 have a lot of work ahead of us and there will
6 be plenty of opportunities to supplement that
7 report and submit additional reports.

8 So if anybody's got any concerns about
9 that, that is the plan, let me know. We can
10 talk about it, but that's my suggestion as to
11 how we move forward here for the next couple of
12 weeks.

13 SHERIFF JUDD: I think you've done an
14 awesome job leading us through the last two
15 days. It's been a lot of work. And this
16 Commission is just absolutely chock full of
17 totally wonderful people. Thank you all for
18 your service.

19 SHERIFF GUALTIERI: Thank you.

20 So moving forward my plan is not to have a
21 meeting in January. We need to kind of
22 regroup. I know we'll see where we'll schedule
23 the next meeting for. We know we have a number
24 of things that we need to do. We need to bring
25 back in Sheriff Israel, Superintendent Runcie,

1 others. I don't know what number and
2 percentage to assign to it, but I think we're
3 significantly done with the investigative phase
4 of trying to figure out what happened at
5 Stoneman Douglas and that we'll wrap up some of
6 those loose ends, continue to do some of that
7 investigative work that needs to be wrapped up.

8 But as we move forward we're more focusing
9 on the solutions and figuring out what can be
10 done to make it safer and better because now we
11 are armed with so much about what happened and
12 that we kind of go in that direction.

13 The other thing is -- and see if we can
14 give you a brief and an indication of what you
15 all want to do with this -- the statute says
16 that we're supposed to look at not only this
17 event, but other mass assailant incidents that
18 occurred in Florida. The two that come to
19 mind, of course, the Fort Lauderdale Airport
20 shooting which was not a mass casualty, but it
21 certainly qualified as an active assailant
22 event, and, of course, Pulse Nightclub in
23 Orlando. I believe those incidents have been
24 fully investigated, thoroughly analyzed and
25 after action reports.

1 Do you all want to -- and there are people
2 that can do it -- do you all want to hear some
3 type of a presentation on those, or are we just
4 going to still continue to be focused on the
5 MSD event? Is there a desire of the group to
6 have a presentation on those? I know some of
7 us have heard those presentations. Some of us
8 have not. What do we want to do in that
9 regard? I can't think of -- if anybody can
10 think of any other ones that we need to even
11 consider. The only two that come to mind for
12 me in recent times are Pulse and Fort
13 Lauderdale. But what do we want to do about
14 that?

15 SHERIFF JUDD: I recommend that we get
16 this finished first before we start the path.
17 And then if we want presentations on the others
18 later, we've got certainly significant time for
19 that.

20 SHERIFF GUALTIERI: I just want to make
21 sure that I put it out there and give you all a
22 chance to weigh in on it. So we'll just let it
23 sit for now? Let those others sit for now.

24 The other thing I'm going to do and ask
25 Jennifer to do probably just after the

1 holidays, as we get into the first week of
2 January, is to send out an email to all of you
3 and we'll give you a date that we'll ask a
4 response back, and ask you all to give us your
5 ideas about what you want us to cover, the
6 topics you want us to cover moving forward in
7 2019 because I'd like to hear from all of you
8 as to the areas and what you consider to be the
9 priorities. And then we'll take all that
10 information we get back from you with the
11 specific topics and your priorities, put it all
12 together, and that will help us set the agenda
13 in what we do for 2019.

14 Sheriff.

15 SHERIFF JUDD: Also, before we close,
16 certainly if I were one of the agencies that
17 were the topic of conversation here I would be
18 following all of these meetings. But at what
19 point can we release a copy of that to those
20 agencies in all fairness so that they can get
21 started on things that that they want to do
22 themselves. Is that public record the day it
23 hits the Governor's desk, and can we at that
24 point go ahead and give it to the other
25 agencies? So that I want to give them the

1 opportunity to self-correct.

2 SHERIFF GUALTIERI: So they already have
3 it. And what I did was, because I think it's a
4 fair thing to do, is that I provided what I
5 consider to be all the stakeholders in the
6 report, which is Henderson Behavioral Health,
7 Broward County schools, Broward County
8 Sheriff's Office and the Coral Springs Police
9 Department all have a copy of it. And I asked
10 them to review it for a number of reasons. So
11 they have it. But especially for facts because
12 I think facts are important. I think factual
13 accuracy is paramount. And I've asked them to
14 review it and to provide us with any feedback
15 that they have not on recommendations, not on
16 findings, but only things in there that are
17 absolutely factual by mid next week. So they
18 have it. They're reviewing it for those facts
19 so they can see it. But to answer your
20 question, it is public record. And since we've
21 met yesterday morning, everything that is
22 posted on the Commission's website anyway. So
23 it is out there. But they were provided with
24 that earlier in the week.

25 And I'll be clear with you and I've been

1 clear with them is is that they have no input,
2 zero, as far as the findings and
3 recommendations are concerned. Again, it's
4 only fair. The last thing I want and I'm sure
5 you want and I don't think we have, but I want
6 to make sure that we haven't missed anything
7 and that we are misstating -- because there is
8 so much here -- that we are misstating anything
9 from a factual standpoint. And that's the only
10 thing that they're looking at it for.

11 SHERIFF JUDD: And this is for next year,
12 another conversation. It's late in the day. I
13 would like to see this Commission consider
14 creating a matrix of -- we were telling
15 everybody they need to communicate. There's
16 got to be cross-communications. There's got to
17 be systems and processes. It would be nice to
18 have a matrix to say here's what we expect, so
19 that we all get wraparound services and
20 wraparound interactions and that there is no
21 mistake of what we expect from EMS, fire, law
22 enforcement, mental health and on and on and
23 on.

24 SHERIFF GUALTIERI: Okay. Sheriff Ashley.

25 SHERIFF ASHLEY: I haven't been able to do

1 this in the last nine months that this has been
2 going on. I just want to thank this Commission
3 and the Chair specifically. And more
4 specifically the staff of this Commission and
5 your investigators. I've never seen anything
6 like it. It truly is meaningful work and work
7 that will long outlive us if we can get these
8 things accomplished.

9 And I have a whole list of things that I
10 would like for us to address that are big topic
11 subjects. Whether it's psychotropics. Whether
12 it's video gaming. I mean, all of these things
13 that I think this Commission can still do in
14 addition to the good work that's already been
15 done.

16 SHERIFF GUALTIERI: When we send out that
17 email, please share it and then we'll put
18 together the list and all.

19 Like all of you, the staff and all of the
20 investigators have done just a tremendous job,
21 and we thank them for everything that they've
22 done. It really has been -- it's not cliché --
23 it's been a tireless effort and a whole bunch
24 of people have really worked extremely hard for
25 the last eight months, so I certainly

1 appreciate everybody's work and their efforts
2 and what they're going to continue to do as we
3 move forward. And you can't do it unless
4 you've got a lot of good people behind you and
5 with you, and we've had that throughout this
6 process. So we certainly appreciate
7 everybody's work and their efforts.

8 Before we wrap up we do have one citizen
9 comment. And that's Gay Valimont.

10 MR. PETTY: Sheriff.

11 SHERIFF GUALTIERI: Yes, Mr. Petty, go
12 ahead.

13 MR. PETTY: I'd be remised if I didn't add
14 my thanks to the Commissioners and to the
15 staff. The work that was done here to
16 establish the facts, which I think I'm most
17 proud of, that we've gotten to a set of facts
18 that we can all agree on and understand what
19 happened and be able to move forward and make
20 recommendations is -- you've honored our loved
21 ones by doing that, and I thank you for that.

22 SHERIFF GUALTIERI: Thank you.

23 MR. SCHACHTER: Sheriff, can I just make
24 one more comment, and that is I would like to
25 have a moment of silence for tomorrow is the

1 6th anniversary of the Sandy Hook massacre.

2 And we do want to honor those victims and tell
3 the families that we are thinking about them.

4 SHERIFF GUALTIERI: Okay. So why don't we
5 have public comment and we'll do that just
6 before we break.

7 Go ahead, ma'am. You've got three
8 minutes.

9 MS. GAY VALIMONT: Thank you. My name is
10 Gay Valimont. I'm the Volunteer Chapter Leader
11 for Florida Moms Demand Action for Gun Sense in
12 America.

13 I'm here today because like so many
14 parents in Florida I'll never forget how I felt
15 on February 14th when 17 lives were taken.
16 That's why I'm standing here today to testify
17 against the Commission's recommendation that
18 teachers be allowed to carry guns in schools.

19 I know that everyone in this room has the
20 same goal. We want to keep our children safe.
21 But I also know that there is no evidence that
22 arming teachers will protect our children. In
23 fact, research indicates that allowing teachers
24 to carry guns will make children less safe.
25 The risk of access and unintentional discharge

1 is simply too great. Just this year a teacher
2 discharged a firearm in a California classroom
3 injuring one student. And a teacher in Georgia
4 barricaded himself in a classroom and
5 discharged his gun. Our teachers can also
6 complicate the police response. After the
7 shooting of 12 police officers in Dallas a few
8 years ago the chief of police said, "The
9 officers on the ground didn't know who the good
10 guys were while the shooting was going on."

11 And let's consider for a moment a
12 practical reality of arming teachers. Should a
13 teacher leave the children in a classroom
14 during an active shooting situation to pursue a
15 shooter leaving their children unattended
16 during a crisis? Will the teachers aim be
17 accurate enough to fire down a hallway between
18 their colleagues and the students? We know
19 there is a better way of protecting our kids
20 than putting guns in our schools. Mainly by
21 preventing people from intending -- people
22 intent on doing harm from getting guns in the
23 first place.

24 Arming teachers creates the illusion that
25 we are protecting our children when we are in

1 fact putting them in more danger. Please
2 reconsider your recommendation and oppose
3 arming teachers in Florida schools.

4 Thank you.

5 SHERIFF GUALTIERI: Thank you.

6 So Mr. Schachter, you said tomorrow is the
7 anniversary --

8 MR. SCHACHTER: 6th.

9 SHERIFF GUALTIERI: So why don't we have a
10 moment of silence in recognition of the Sandy
11 Hook victims and really all the victims of mass
12 casualty incidents.

13 MR. SCHACHTER: As a matter of fact there
14 was a school shooting today.

15 SHERIFF GUALTIERI: So we'll have a moment
16 of silence in recognition of the victims.

17 (Moment of silence.)

18 Thank you.

19 So that will be the plan as we move
20 forward, and we'll be in touch with everybody
21 about what the date will be.

22 So everybody, safe travels and have a
23 Merry Christmas and a happy holiday season, and
24 we'll see and talk to you shortly.

25 (Proceedings concluded at 4:46 p.m.)

1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)

4 COUNTY OF LEON)

5
6 I, Doreen Mannino, Court Reporter, do hereby certify
7 that I was authorized to and did report in stenotypy and
8 electronically the foregoing proceedings, and that the
9 foregoing pages constitute a true and correct
10 transcription of my recording thereof.11 IN WITNESS WHEREOF, I have hereunto affixed my
12 hand the 4th day February of September 2019 at
13 Tallahassee, Leon County, Florida.14
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16
17
18 _____
Doreen M. Mannino
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