MARJORY STONEMAN DOUGLAS HIGH SCHOOL
PUBLIC SAFETY COMMISSION

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(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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PRESENT

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

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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
response to the call at the time.

Does anybody have any issues or concerns with that?

It doesn't say all. It says most.

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

SHERIFF GUALTIERI: Yes. I don't care.

(Perusing.)

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

Does anybody know what all that noise is?

(Brief interruption.)

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

Okay. So we'll just add that in,
knowingly:

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

SHERIFF GUALTIERI: Right.

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

SHERIFF GUALTIERI: So much of it wasn't -- and the point -- when you look at it and you do the breakdown on it -- and we can water it down some if you feel more comfortable with
that. As opposed to saying "majority" we can say "many." We can take it down some.

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

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

SHERIFF GUALTIERI: Right.

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

MR. SCHACHTER: Sheriff, how much credence, or is there anything that we can say -- and I think Sheriff Judd mentioned this once. If as a law enforcement officer you get called out to a house multiple times, somebody
is getting arrested. And here it just --

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

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

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

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

    Now, that is captured here in the report. And that is based on the presentation that
Detective Lyons did at the last meeting where it laid out all of those prior contacts and all of those people from the bank teller at Wells Fargo to the people at the gun shop to the people at school, et cetera. So it was all this leakage, if you will, to some degree and some of it to a significant degree, but that people didn't do anything with. So that's what that statement goes to.

Does anybody have any concerns with that one?

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

Anybody have anything on that one?

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

SHERIFF GUALTIERI: Well, you know, I'm
taking the position and I take the position and
I think the evidence shows that that report was
not given to Ty Thompson. The one kid who
claims that he reported it to Thompson didn't
report it to Thompson. It was really reported
to Morford.

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

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

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

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

MR. SCHACHTER: Wasn't that Thompson?

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

MR. SCHACHTER: That said, "If you don't
like it, you can put him in a different
SHERIFF GUALTIERI: Correct. That was Morford, not Thompson. She's just mistaken about that. I can tell you that's a very unequivocal belief by all of the investigators. The evidence points to that. Just from the locations of offices and the statements that were made everything is consistent with Morford on that. Not consistent with Thompson.

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

Anything on that one?

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

SHERIFF GUALTIERI: Right here. That's a finding. We're not going to restate everything that's in here in the findings.
MR. SCHACHTER: And I haven't asked that.

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

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

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

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

Go ahead, Secretary Senior.

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

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

SECRETARY SENIOR: Do we want to say that
the FBI has stated that is has taken and just
leave it at that? I don't know.

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

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

SECRETARY SENIOR: Are you satisfied?

MR. PETTY: I'm never going to be
satisfied because they missed an opportunity to
intervene here, and it was very specific and
very actionable. And in the Deputy Director's
own words, "any investigator worth his salt
would have recognized that." So I'm never
going to satisfied. But I'm pleased with the
changes they've made and I think it would
prevent what happened here.
SHERIFF GUALTIERI: Are you satisfied that they actually have implemented what they've said they implemented? I think that's what he was getting at.

SECRETARY SENIOR: That's correct.

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

SHERIFF GUALTIERI: Okay.

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

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

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

SECRETARY CARROL: And the finding is they failed.
SHERIFF GUALTIERI: Right. That's the finding. That's what the purpose of the findings are.

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

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

Anything on that?

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

Cruz had a widely known fascination with guns and the military and a history of animal abuse, which are all primary indicators of future violent behavior.
Anything on that one, change, concern?

Okay.

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

Anybody on that one?

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

The Broward County public school should conduct an internal investigation regarding Morford to determine whether information was known and/or reported to him regarding Cruz that he should have acted on. And if he had that knowledge, whether he violated any district policies. And the district should take appropriate action it deems necessary as a result of that investigation.
So I can tell you that in the letter that Superintendent Runcie sent, for those of you who haven't had a chance to review it, he's indicated in that letter to us that he's already begun the process of engaging an outside entity to conduct that investigation. It doesn't effect this recommendation. We should still recommend it and leave it here. But does anybody have anything on that?

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

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

SHERIFF GUALTIERI: In 7026 there is a separate public records bill. And I think that
they're already anonymous in that. Pretty sure that that already exists. There is a separate public records bill in addition to 7026. I think it already protects that. I'll check that and see. And I don't think it's necessary because I think it already exists.

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

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

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

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

MR. SCHACHTER: And I'm aware of that. But this is the No. 1 best practice and we should strive towards accomplishing that.
MR. BARTLETT: Did we cover two-way dialogue?

SHERIFF GUALTIERI: No.

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

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

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

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

Secretary Carrol.

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

SHERIFF GUALTIERI: Fortify Florida app?

SECRETARY CARROL: Yes. And so I would like to see that there be some evaluation at some point of how effective it's been and how they can make it more user-friendly.
SHERIFF GUALTIERI: We'll add that to the list to get an update on the Fortify Florida app for one of our first things under the next meeting. I can tell you from what I know it's consistent with what you're saying. My view is that it is being underutilized from what I expected it would be. The last time number that I heard was something around 200. Somewhere in there. Frankly, I could tell you in Pinellas County I think since it's started I believe we've had one on it. And that way under exceeded what I thought was going to happen with it.

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

MR. SCHACHTER: And that way we can have
an SME come and talk to us and educate the Commission.

SHERIFF GUALTIERI: Correct. Exactly.

Commissioner Dodd, go ahead.

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

SHERIFF GUALTIERI: Everybody good with that?

Okay. So we'll add that in there.

Next one is, Every school district should implement a policy that requires its personnel to report all indicators of suspicious student
behavior to and administrator. The administrator should be required to document the report at his/her disposition of the information whether it was referred to a Threat Assessment Team or unsubstantiated or whatever that might be.

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

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

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

SHERIFF ASHLEY: This doesn't mention reporting to -- or at least this particular
recommendation doesn't mention reporting to law enforcement.

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

When you're talking about child abuse and child neglect and those mandatory reporting items, you pretty much you see it. You know you should report it. If we're creating mandatory reporting on the behavioral indicators, that's going to be a whole, whole broad area of a whole bunch of stuff that probably should be evaluated before it becomes something that is a mandatory report level I think, but because -- so suspicious activity,
how are you going to define for mandatory
reporting? Every school district should
implement a policy that requires its personnel
report all indicators of suspicious student
behavior. How do you define that?

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

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

SHERIFF ASHLEY: Threats of school
violence.

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

Commissioner Swearingen, go ahead.

COMMISSIONER SWEARINGEN: I just want to
point out if it's a threat of school violence,
that's got to be reported to the Threat
Assessment Team. And law enforcement is on that team and they will be reporting to law enforcement.

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

SHERIFF GUALTIERI: Right.

So what do you all want to do with that.

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

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

SHERIFF GUALTIERI: Anybody have a problem with that?

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

COMMISSIONER STEWART: Sorry. If I could go back to what Commissioner Swearingen said. I'm not sure how that is different from what already exists.
SHERIFF GUALTIERI: It's probably not. But it's just reinforcing it is what I would say. It's probably one of those things that it may not be necessary, but it doesn't hurt.

COMMISSIONER STEWART: All right.

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

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

So in Chapter 10 page 258 has the first
findings. And the first finding slide 116 is is that, Cruz had several different public and private mental health providers. We know that. One of the things I want to say here as we begin this, this is one of the chapters that were also very challenged in putting together because of the privacy concerns and the statutory privacy concerns surrounding mental health. So the other thing I want to just mention to you as we go through some of this here and we talk about some of this here, just be careful in your comments or questions that we're not getting into things that you know because of information you received in confidential sessions. So just be careful of that as we discuss this. And we have taken great care and caution as we worded these findings and recommendations to be purposefully vague and purposefully generic with some of it. So as you may suggest we should be more specific, we're being general here for a reason because we want to stay within the requirements of the law.

Secretary Senior.

SECRETARY SENIOR: I definitely appreciate
that. There is one area where I think we should be a little bit more specific even before we make the findings or in the findings. Cruz fit into the mosaic. In terms of health care it's very confusing. Lots of different systems side by side, private insurance and you've got the DCF system as well. Just to be very specific about the fact that what Henderson Behavioral Health was in terms of a managing entity, and that it serves uninsured or uninsured individuals in the community. I think if we could state that a little more clearly. Our agency runs the Medicaid program. Those kids are generally by and large -- we don't get to say whether or not someone is enrolled in Medicaid, but it would be rare for somebody to be enrolled in Medicaid and served by a managing entity. Let's just say that. Because they're not uninsured or uninsured. And that actually has implications here for care coordination. Right. That has implications for care coordination between providers that don't necessarily exist in other systems. So we've got to be very specific to lay the ground work for next year for what we
think the cracks are in the system that he was in, or if there are any other cracks that would affect children in other ways that might be a little different. But I think that it's important to set that stage that Henderson is a managing entity under contract that would serve the uninsured or underinsured in the community with respect to mental health and behavioral health services.

Would you agree with that, Secretary Kapusta?

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

SHERIFF GUALTIERI: Right.

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

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

SHERIFF GUALTIERI: I don't know that he had private insurance, but he had private providers.

SECRETARY SENIOR: Correct. Correct. And
so there was a lack of coordination between the
two apparently, and I think that's important.

SHERIFF GUALTIERI: Yes, there was some.

Go ahead, Secretary Carrol.

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

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

SHERIFF GUALTIERI: Right. So one of the
things is, as an example, is in writing these
is we tried to write these in lay terms so it could be commonly understood.

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

SECRETARY CARROL: No difference to me on that.

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

SECRETARY SENIOR: I'm actually not suggesting or moving for a change in the findings. I'm actually asking for a little bit more information in the text preceding it just on what Henderson was and how that piece fit in. A little bit more information on
Henderson. Maybe just a paragraph. That's it.

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

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

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

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

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

MS. LARKIN-SKINNER: The way that I read
it it implies that it's because of the lack of communication between the different entities that they didn't have a full picture of those things. When in reality no one had a full picture of the family issues because the family wasn't sharing the full picture.

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

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

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

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

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

SHERIFF GUALTIERI: Okay. I got it. We
will -- we'll make that change.

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

It's pretty straightforward.

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

Anything on that?

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

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

SHERIFF GAULTIERI: Yes.

SECRETARY CARROL: What you just read isn't what's in this part. Is what you just read on that slide going to catch up to this? Because I like that sentence better where it said that they weren't seen in 14 months, nor
six months by the psychiatrist. But that's not
what's in the actual new report. I don't see
that in the report.

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

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

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

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

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

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

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

SECRETARY CARROL: I hear you.
SHERIFF GUALTIERI: So it does say --
though in the book it does say more than a
year. So that gives us context. It's just not
that specific.

SECRETARY CARROL: Okay. Got it.

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

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

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

SHERIFF GUALTIERI: Go ahead.

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

SHERIFF GUALTIERI: Right. So he was --
there was a Baker Act evaluation done once and
that was on September 28th, 2016. So there was
an evaluation done and it was determined not to
Baker Act him, that he didn't meet the
criteria. And that was done by BSO and by one
of the mental health professionals.
So there is no evidence that Cruz ever met the criteria for involuntary examination under the Baker Act.

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

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

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

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

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

SHERIFF GUALTIERI: Well, we could be more clear with that, Sheriff.
It says, if Cruz was Baker Acted for an involuntary examination it would never have disqualified him under the Baker Act from gun purchase, possession or ownership rights.

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

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

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

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

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

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

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

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

SHERIFF ASHLEY: Thank you.

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

The legislature should amend and require that mental health providers release a clinical record and require that they warn others of
threat and harm by a patient. The current duty
to warn is permissive and warning is not
required. The law should require that the
provider notify law enforcement and law
enforcement warn the person threatened as
necessary to protect their safety.

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

    SHERIFF GUALTIERI: So do you have a
suggestion there?

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

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

    SECRETARY CARROL: Related to the threat.

    MS. LARKIN-SKINNER: Related to the
threat.

    SHERIFF GUALTIERI: Pertinent clinical
info related to the threat.

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

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

Does that work?

Okay. So we'll make that change.

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

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

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

SHERIFF GUALTIERI: All right. We can change that. Yes, it says others and it tells you about how to do it. I think it's clear
enough about what the intended process is to be
unless you all don't.

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

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

Any concerns there?

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

Anything there?

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

SHERIFF GUALTIERI: I think it is
different because it's talking about school
should be required as permitted to share
student mental health with community based
providers.

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

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

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

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

SHERIFF GUALTIERI: Let me ask you this
because you guys know better than I do, is it that in 394.4615 it says, Require that mental health providers. It currently is permissive for mental health providers and we're suggesting that it be mandated. But are those people covered by 394.4615 different than the school-based providers like counselors, et cetera? Are we getting at two different groups here? That's what I thought we were doing.

SECRETARY CARROL: Yes.

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

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

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

SECRETARY CARROL: Right.

SHERIFF GUALTIERI: So I read it as not
being duplicative. I read it as being in addition to.

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

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

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

SHERIFF ASHLEY: Counselors, behavior specialists.

SHERIFF GUALTIERI: Go ahead, Senator Swearingen.

COMMISSIONER SWEARINGEN: I just have a
question. I want to clarify on this. So
threat assessment teams it's mandatory they
have certain people on there and then they can
pull in others as necessary. So would these
not be people that they would pull in and if
they're sitting around that table doesn't 7026
already mandate that they share that
information, so --

SHERIFF GUALTIERI: Right.

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

SECRETARY CARROL: Teachers may know stuff
that the school doesn't know that would trigger
the Threat Assessment Team.
MS. LARKIN-SKINNER: So just in the example of Assistant Principal Morford, this would make it mandatory for him to notify this team and then trigger that threat assessment. And there may be already something mandatory for him to trigger that, but it could apply to a guidance counselor, a social worker, a teacher.

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

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

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

SECRETARY CARROL: Yes.

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

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

SHERIFF GUALTIERI: Which one are you in?

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

The sharing of information should be mandated when there is a threat of harm to school personnel and/or students. I'm just wondering whether we're limiting ourselves in terms of someone saying, well, I didn't share that information because it wasn't a student, it wasn't school personnel.
SHERIFF GUALTIERI: Okay. Secretary Carrol would you just consider that when you're making a recommendation on that?

SHERIFF ASHLEY: Threat of harm to anyone.

SHERIFF GUALTIERI: Right. I see your point.

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

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

COMMISSIONER STEWART: There are certain records that do and certain records that stay at the school. So it's laid out in the statute what things become part of what we would call
their permanent record and would then travel
with them. And there could be things that
would stay within that school and never leave
and go to another school.

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

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

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

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

SHERIFF GUALTIERI: We've got a section on
that. I agree, and hopefully we'll get some
type of a statewide system. But on this
particular issue of student mental health and
counseling records in this recommendation here should we leave it, should we tweak it or should we get rid of it?

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

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

COMMISSIONER STEWART: I will.

SHERIFF GUALTIERI: Anybody else have anything?

Go ahead.

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

SHERIFF GUALTIERI: So what did you want to do? Sorry.
COMMISSIONER DODD: I just encourage that we have a process that would include more record of counseling and help for a child if a child moves from district to district that there could be a way for another district to continue with what's already been done to help the child.

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

COMMISSIONER STEWART: Correct.

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

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

So again, this is something that you all came up with. We included it. I'm not
familiar. Is there now not a timetable for it? I'm guessing that this is going to a timetable. Does whoever wrote this or are familiar with it know? Is this a good recommendation, a realistic recommendation, a needed recommendation? Anybody know?

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

SHERIFF GUALTIERI: Sure.

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

SHERIFF GUALTIERI: So is this going to -- this might be going to the issue -- and it's fine. I mean, I think we can say it. At one point after he left Stoneman Douglas, the adult learning center, he asked to come back in and they didn't test him for it. So we're looking to close that issue or that gap where if a student asks, they have to be tested within a certain amount of time. I think that's where that goes to and goes to that issue. Is that
a -- is this proposal reasonable? It seems to me that they have to be tested within 90 days of the referral. It seems like a long time to me, and it doesn't seem like it would be honorable on the schools to do that, but I don't know.

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

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

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

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

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

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

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

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

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

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

SECRETARY CARROL: They could, but -- and
this is why I think it's important to have
Targeted Case Management is most people who's
opted out, and it was an intentional thing on
his part, most folks opt out because they just
fall off the radar screen and there's not active engagement with them. So they just kind of fall off the wayside. And so it's not foolproof. I mean, people are going to retain their ability to say yes or no to services when they turn 18. But if you're engaging them, you've got a better chance of getting them to agree to services than you do if you just say okay and walk away.

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

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

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

SECRETARY CARROL: That is true.
MS. LARKIN-SKINNER: So only -- first of all, you'd have to have a Medicaid provider and the child would have to have Medicaid to be eligible for this service. And then there are other requirements like diagnosis and they have to be certified to be eligible and things like that. So we need a new funding stream.

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

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

SECRETARY CARROL: Yes. I think this is one that should begin with the words "consider implementing" because it is going to require
funding. I have no doubt of that.

MS. LARKIN-SKINNER: That works for me.

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

SECRETARY CARROL: Just take out the word targeted.

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

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

SECRETARY CARROL: Just a little history behind that is most of these kids, and even in this case, you have what goes on in the school and then what goes on in the community. And a pet peeve of mine has always been unless those two systems are married up it doesn't work because the kid is only in school during school time. He's not there on weekends. He's not there on vacation time. He's not there in the summertime. In fact every summer time vacation -- well, I can't get into confidential stuff,
but his adherence to treatment was different depending on what environment he was in for sure. And so what I would like to see is if you begin to blend funding streams, you force that collaboration at a different level. We have made a significant investment this past year in school funding around behavioral health services and that's beginning to unfold. But if we continue to let these things unfold in a vacuum and don't hook them to what happens in the community, then we're just reinforcing the silos. So this is really about can we please breakdown the silo, begin jointly funding this so that we bring the community mental health providers together with the school system and that we plan one behavioral health system intervention for kids rather than have people doing it separately.

SECRETARY SENIOR: I agree with that. Again, Medicaid has a little bit of a different structure. We're going to pay for school-based services and we have some insight into what's happening in the school as well as what's happening in the community, and there's care coordination across the two. But when you're
talking about uninsured and underinsured kids using the community mental health system and school-based services and then leaving school for the summer, you've got a very strange situation and the information sharing situation is very different.

MS. LARKIN-SKINNER: I want to mention the legislature did a very good thing by putting forward the mechanism for school-based therapy this year and the funding. I think that similar to the Guardian Program if you just allow anybody to do the training, it has somewhat of a same effect here. Some school districts decided to contract with community-based providers. Like my district did that. Other school districts decided to hire therapists in-house, so all the therapists, the counselors work for the school district. So what you've got is a hodgepodge across the state of all different kinds of things. But if we do do some sort of recommendation that really brings those community behavioral health providers into the schools so that there can be that coordination, it will continue through the summer. But once
the school's not there if people are employed by the schools, the kids aren't going to get anything over the summer. It's going to be back out to the mental health provider in the community and then back in when the school starts again.

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

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

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

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

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

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

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

MS. LARKIN-SKINNER: You mean education.
SHERIFF GUALTIERI: And consensus. Because in order for people to support something or make a decision whether they support it, they need to be fully informed on it. As you know we spent a tremendous amount over the last eight months trying to gain a collective knowledge on a bunch of topics that weren't within our individual areas of expertise. And this is one that is so complex that we didn't have enough time to fully do that. So I really think that we're doing ourselves a disservice by trying to go too far in until we have an opportunity to focus on that education and knowledge.

SECRETARY CARROL: I do want to make one suggestion because I do agree with you that if we're going to get to very specific recommendations around mental health, we should probably defer that. However, because we're going to be giving a report one of the recommendations I think we know enough about is that you do need a higher level of collaboration, communication and continuity or care coordination between what goes on in the school and what goes on between community
providers. And because the schools are working on those plans as we speak, I think we at least ought to make a recommendation that speaks to that cooperation, collaboration and partnership piece because I think that's one that we can come to consensus on that we would strongly encourage the schools and community mental health system and others who are working in this arena to work collaboratively. Because as we're going to be working next year, they're already working on their plans. And some of them are doing it in a vacuum.

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

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

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

MS. LARKIN-SKINNER: Sure.

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

SECRETARY CARROL: Just a clarification. If we're going to hold off on the other recommendations that means I don't have to send my edit, correct? Because we're going to hold
these other recommendations until a later date and just based on the collaboration and the coordination of care recommendation or are we going to --

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

SECRETARY CARROL: Okay.

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

SECRETARY CARROL: Okay.

SHERIFF GUALTIERI: So as we talk about Chapter 11, Cruz's school discipline and juvenile diversion, unless the majority of you want to do otherwise, my intention is is to pass over this and go to Chapter 12 because everything that is here we have already voted on as a Commission and approved at a prior meeting when we started to go a different way about dealing with some of these recommendations. Remember the Promise thing and juvenile diversion is something that we dealt with very early on. And we had spent sometime at one of the meetings trying to craft
some findings and recommendations, and we did that as it relates to the Promise Program and we put this to rest several months ago.

Go ahead, Mr. Schachter.

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

SHERIFF GUALTIERI: Go ahead.

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

MR. SCHACHTER: On the disciplinary matrix.

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

MR. SCHACHTER: Well, I think those
decisions were made prior to our full knowledge of -- we made that early on or you made that determination early on, and I feel that there is a culture to not arrest in this county, it is this culture that I feel contributed to the murderer never being arrested. Children know there is zero accountability and consequences. And I feel that we have a duty to make recommendations to fix the problems that our investigation as uncovered.

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

MR. SCHACHTER: I would like to make a motion to reopen the discussion on the discipline matrix. I want to point out that the Federal Commission on School Safety just made major recommendations on this issue, and I you made those determinations and I feel that it deserves some attention today.
SHERIFF GUALTIERI: You've got here --
we've got here that were previously approved by
the Commission, we've got what is contained in
slides 123, 124, 125, and then recommendations
in slides 127 and 128. So what's your motion;
to reopen all of that and have further
discussion and a revote on all of that? Tell
me what the motion is.

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

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

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

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

Didn't we already talk --
MR. PETTY: Mr. Chair?

SHERIFF GUALTIERI: Yes, go ahead.

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

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

SHERIFF GUALTIERI: Well, we can go back. Again, if you want to -- if there's something about the discipline system that needs to be further investigated that warrants that, we can
consider doing that as part of what we do moving forward. If there are people that you have information from that we haven't interviewed about that then we could consider interviewing them. But we don't have their information before us today and they haven't been interviewed by Commission investigators.

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

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

Sheriff Ashley, go ahead.

SHERIFF ASHLEY: I hear you, Commissioner. And I would recommend for all of us as a Commission that school-based discipline and the standards and the wide variety of standards and
no standardization, civil citations, non-arrest, the lack of accountability, that we can deal with in upcoming Commission business beginning in February or March, whenever we start again. But that is similar to mental health. It's a very broad subject, and I don't know that we're going to cover it in the rest of today's meeting.

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

SHERIFF GUALTIERI: Yes.

MR. SCHACHTER: Thank you.

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

MR. SCHACHTER: Okay. Thank you.

SHERIFF GUALTIERI: So with that I'm going to -- unless anybody has anything that they want to make a motion, we're going to move on to Chapter 12 since we've already approved everything in Chapter 11.
So Chapter 12 is Behavioral Threat Assessments. In Chapter 12 for behavioral threat assessments, so, again, this is another one of these areas that you need to be a little bit careful about. Not as much as the mental health area. But you've got to be careful because you do have the confidential information that is in the appendix in the book and we did talk about some of the things that are in the record. And it's more school record FERPA than it is anything else. Things that were told to us through our interviews, et cetera, is different. But, again, we just have to be a little bit careful here.

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

Anybody have any concerns with that?

SENATOR BOOK: Yes, I have a lot of
concerns. It's very concerning.

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

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

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

SHERIFF GUALTIERI: Well, he said that he had not done -- in his 31 years as an educator this was the first behavioral threat assessment that he did, and he did in 2016. He was not familiar with the process. And then when he's asked about it -- and this is the only one he did in 31 years -- when he's asked about it, he
can recall nothing about it, and it was two
years ago involving Nikolas Cruz.

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

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

MR. SCHACHTER: I mean, the No. 1 job of
the principal of that school should be the
safety and security of their children and for
him to be disinterested, disassociated and have
no knowledge it just begs the question as to why he's leader of that school.

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

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

Mr. Petty.

MR. PETTY: I have a problem with this one, Mr. Chair. I struggle with the word comprehensive and has the necessary components if it -- if it lacks the training of an assistant principal that's responsible for doing threat assessments. He wasn't trained. He wasn't aware or familiar with the process. So I'm struggling with the word comprehensive here and necessary components. The implementation is certainly flawed, but there is no oversight at the district level. So I'm struggling with that first clause.
SHERIFF GUALTIERI: And your point's well-taken. I think you have a point there as far as the word. And I think what we were getting at -- perhaps what -- because I think it more accurately reflects it, the Broward County threat assessment instrument. The instrument itself is what we're referring to there. So if we take process -- because I think you're absolutely correct, if we replace the word process with instrument, I think that that's accurate if you agree. Because the instrument itself is. And you all got to see it. And we could take that down. I mean, the instrument itself does have a lot of components and it sets up the levels. You have the initial, you have Level 1 and 2. All the forms. Remember when you looked at it is is that the forms have diagrams and maps and steps, this is what you're to do, et cetera. So it really is a pretty comprehensive instrument. There is no implementation of it.

SENATOR BOOK: And I think that it's a paper. I hate that there is not a standardized process again.

SHERIFF GUALTIERI: We're getting there.
SENATOR BOOK: I know.

MR. PETTY: Mr. Chair, the document I agree. The document, it's -- and I don't know if this is a separate finding or another sentence here, but it is reactive in nature. So a threat assessments are performed only after as opposed to on an ongoing and repeated basis where information is brought in and a Threat Assessment Team discusses it. It's a reaction.

SHERIFF GUALTIERI: So jump ahead a second. What if we added that in there? You're correct and that is a flaw. But I want to make it clear. Let's be clear and fair to Broward on that is that is that is the norm throughout Florida. And it is a problem, and we're going to talk about that I think in the recommendations.

Well, the Broward County threat assessment process is purely reactive, decentralized, school-based and focussed around behavioral Threat Assessment Team's school. So if we add that in there does that --

MR. PETTY: That captures it.

SHERIFF GUALTIERI: So the Broward County
threat assessment process is purely reactive.

SHERIFF ASHLEY: Solely reactive.

SHERIFF GUALTIERI: Solely, that's fine.

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

SHERIFF GUALTIERI: Didn't we already say that?

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

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

SECRETARY CARROL: Can we just add in at
the end of that sentence because you've added
in the reactive, decentralized, at the end
where it says teams at each school and then
comma with little to no oversight or
supervision. Because in this case there is no
oversight in the district and in this
particular case there is no oversight even at a
principal level. So there is little to no
oversight that we can see.

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

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

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

Go ahead.

SENATOR BOOK: I'd just like to say,

Mr. Chair, and you know, I think about a

comment that Commissioner Schachter said

yesterday about some of the provisions that we

were voting on later in the day that that was

all people were going to be talking about. And

what I hope from this is that this is what

people are talking about. The fact that the

principal in this school had no knowledge of

what was going on, that the district no

oversight whatsoever. We're talking about

threats against children, other children

themselves. In this piece of the universe this
to me blows my mind. It hasn't changed. It's

still the same today as it was ten months ago,

almost 11 months ago, 11 months on Saturday.

These are the things that, like you said the

other day too, make me physically ill. And you

all know I'm never at a shortage for words. I

can barely speak. It is so frustrating. We
talk about the lack of urgency. We talk about

the districts. This is something that should

be standardized across the state. Digitized so
those records can live in a different space. Don't want to get too much into the weeds on that part of it. But this is really serious business.

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

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

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

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

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

SENATOR BOOK: That's insanity.

MR. SCHACHTER: I'm just trying to wrap my
head around that. So the threats that occurred at this campus, because this obviously not the first threat that's ever happened at Marjory Stoneman Douglas I would assume, nobody was doing threat assessments?

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

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

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

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

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

All right. So let's get into the recommendations on this now. I think the recommendations will address a lot of things that we're discussing.
The first thing is that the Broward County public schools -- on slide 133. The Broward County public schools should investigate Morford's conduct surrounding the Cruz threat assessment and take action it deems appropriate based on the investigation and should also investigate whether Thompson's disengagement from the threat assessment process and failure to ensure he was knowledgeable about threats on campus violated district policy.

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

SHERIFF GUALTIERI: Sure. Okay.

The next one is that the Broward County public schools should immediately evaluate the implementation of its threat assessment process and training and determine if there is a districtwide problem with how the threat assessments are conducted or whether the problem is isolated at Stoneman Douglas. Immediate remedial action is necessary.
Broward County public schools threat assessment process is reactive and it needs to be proactive so that the threat assessment teams obtain information about concerning behavior before they manifest into actual threats. The Threat Assessment Team should seek out information and not merely wait for reports from staff or students and this applies to the threat assessment teams across all Florida schools.

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

SHERIFF GUALTIERI: The next one on 134 is, The guiding principal for the threat assessment process should be behavior and not an actual threat. The traditional reactive threat assessment process is one that focuses on actual threats as opposed to identifying concerning behaviors and intervening early. The most successful process is proactive and requires tying together desperate behavior so that they may be evaluated in the aggregate,
viewed wholistically and acted upon at the earliest possible time.

   Anything on that one?

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

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

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

MR. PETTY: I agree with it. And in talking with the National Threat Assessment Center and Secret Service about this concept, it's important to have some continuity on that team. There are folks that can be invited in that have specific information about a threat or a student that can be temporary members of
that threat assessment. But you have to have people that are dedicated to that team over time so you can get the picture of the threat as it's progressing or going away. And if you have new teammates every month, that information doesn't flow.

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

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

COMMISSIONER STEWART: I think that's good.

SHERIFF GUALTIERI: Because you're going to have teachers that transfer from school to school within a year, right? So you've got a teacher that is at maybe in one school and then they go to another high school or something. But the whole point is they shouldn't rotate. They should be permanent at the school. And I
think that's what we're trying to get at. But
maybe dedicated more accurately and provide
some flexibility.

COMMISSIONER STEWART: Correct.

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

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

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

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

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

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

Everybody good with that?
Over to 135. The Department of Education should develop a statewide behavioral threat assessment instrument and create a statewide threat assessment database that is accessible to all districts and appropriate stakeholders. Florida should consider the model used by the State of Virginia, which is widely recognized as the leader in school-based behavioral threat assessment.

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

COMMISSIONER STEWART: If I may, I don't disagree with that. The only thing I would
caveat that with is that there are some positions that are standard in every school, and those should be included as being standardized. But we don't want to limit a district from including others who would have good information that another school doesn't have.

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

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

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

MR. PETTY: I have a proposal for a sentence. DOE should be required to establish
and maintain oversight for how the threat assessment process is designed and implemented across all Florida school districts. This includes, but is not limited to establishing standards for training, membership on threat assessment teams, investigative procedures and reporting requirements. Does that cover?

SHERIFF GUALTIERI: You got it. Okay.

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

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

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

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

All threat assessments should be comprised of a specific -- and this gets to that word -- static members with at large positions for each case -- as we talked about -- knowledgeable,
and the Threat Assessment Team should be required to meet at least monthly and be proactive, not just reactive, and should receive regular training on threat assessments.

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

Okay.

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

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

COMMISSIONER STEWART: I'm okay with that, and I'm okay with the deadline. I'd worry about the first day of school. Everybody that would be on a Threat Assessment Team is going to be very occupied on the first day of school. So either days leading up to the first day of school or within the first week of school.
SHERIFF GUALTIERI: Okay. So just change it. The Threat Assessment Team must meet within the first week.

COMMISSIONER STEWART: Yes.

SHERIFF GUALTIERI: You all okay with that? Okay.

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

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

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

SHERIFF GUALTIERI: It's not that it's not going to be addressed because it says if the school is not in session and something comes in, it gets referred to law enforcement for evaluation. Then the law enforcement would
evaluate it themselves and deal with it. But this is for the team then to become aware of it and doing something more. Because law enforcement is going to address the immediacy of it if it's there. But this would be if there's something less than immediacy and maybe referral to services or those kinds of things. So to me, since it's going to be immediately referred and addressed by law enforcement, any immediacy is going to be addressed. This is kind of a bigger picture that is saying no later than the first week of school to me seems like it would be okay because it's not that it's not being addressed and it's being ignored. Law enforcement is going to handle the initial assessment of it.

You all okay with that? All right.

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

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

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

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

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

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

SENATOR BOOK: Mr. Chair, I would like it if we could add a recommendation requesting an Auditor General Report Investigation look at how many threat assessments have been done, what did that look like. Because unless we
have a real idea of what's happening, how can we --

SHERIFF GUALTIERI: You mean across Florida?

SENATOR BOOK: Yes. I mean the district asks schools how many have you done. And the fact that they can't tell us, should be -- I mean, I think that this is a really serious problem. These are kids who are threatening to harm themselves or harm others, and I think that people need to realize that we actually have no clue. No clue. I think that we need to recognize that there are real serious wholes and gaps. And it's creating very unsafe situations. I know we talked about this in terms of the data also. I know Commissioner Swearingen talked a lot about making sure those things are reported. The Department has no ability to hold districts or schools accountable. As we've pointed out before, I'm sure when former Secretary Carrol, Secretary Senior when he goes and has to go deal with plans or hospitals, they say, No. It's not like okay, or we're not going to check in. I know you're doing the right thing. It doesn't
work like that. I don't know why it's worked
like this up until this point, but it shouldn't
be. It shouldn't be.

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

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

SHERIFF GUALTIERI: Sure.

MS. POWERS: I think that's great.

SHERIFF GUALTIERI: If the legislature
does do this and DOE does do this, it creates a
statewide database. The idea is, I mean, all
that data would be accessible to DOE because
that way you have no silos. You have a
standard risk assessment instrument, a standard
risk assessment process, and it is all in one
database that is available to everybody. So
that way if you have that situation where the
kid is in Escambia County and moves to Monroe
County, anybody can see it who has authorized
access to it. Especially in major metropolitan
areas where you've got a kid that lives on the border of, let's say, Palm Beach County and Broward County. That way it can all be seen. So the idea is is that if you have a centralized system that's going to take care of a lot of this. But it has to be develop and somebody's got to pay for it, and it's got to be rolled out.

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

SHERIFF GUALTIERI: Yes, I agree. I would envision that it's a threat assessment -- not only is it a tool, but it's a threat assessment management tool as well. So that you get one and what you do with it, whether it's an initial intake and it's unsubstantiated, or it's an initial intake and it gets the equivalent of Level 1, whether it goes to a Level 2. So the whole process would be managed by that. I think that's what that contemplates.
SENATOR BOOK: I think, Mr. Chair, if we asked anybody here how many reports have been called in to Fortify Florida, you could look it up and tell me right now. You could tell me how many times you went, what happened, what was the process.

SHERIFF GUALTIERI: Right.

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

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

COMMISSIONER STEWART: If I may. I'm not positive when is the right time to say this, but I don't want this to go by without my saying this. Every single individual that's in
law enforcement in Florida and in school districts in Florida are going to be asked to do more than they've ever been asked to do before. And I think that sitting here with 25 more days in my role, I'm the perfect person to say this because it's not about me. There is a lot that is going to be put on the Department. In last session we were given two positions to do every bit of 7026, which everyone here would recognize is completely impossible. So we cobbled together and came up with more staff on that. So really and truly either in DOE, as I exit, we will have to drop some things off of what is currently done so that we can cover all this, or they will have to provide some resources.

SHERIFF GUALTIERI: Okay.

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

(Whereupon, a recess was taken.)

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

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

So we say here in the first one is is that
CEN is a subject matter expert. We talk about
the production of the report and that the CEN
report concluded that the district "mostly
adhered to the procedural and substantive
requirements when implementing Cruz's exceptional education.

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

And go up to 139.

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

We know that he stayed at Stoneman Douglas until 2017. In February he transferred to an adult learning center. He sought to return to high school and reengage, but the district failed to implement the necessary processes that would return him to high school. He remained in the adult learning center environment without ESE services.
So that is the sum of it. This is something we can look at more in the future. I think we've talked about this and what the problem was at the time that they met with him in November of 2016 and misstated his options to him and he withdrew from services.

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

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

Going over to 140, one of the things that we are recommending here, because we certainly can't do it and the Florida legislature can't
do it, is that there should be some type of a
work group established to determine necessary
changes to federal law regarding ESE and then
coordinate with the Florida Congressional
Delegation to request they identify changes.
State law changes can follow if federal law is
revised.

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

School personnel must be properly trained
in their ESE obligations under federal and
state law so that the requirements are not over
or under applied. The threat assessment teams and IEP committees must coordinate information and courses of action regarding ESE students, and students with IEPs that involve severe behavioral issues should be referred to and evaluated by threat assessment teams.

Does anyone have anything on those recommendations?

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

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

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

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

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

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

The first one is that when we look at the districtwide FSSAT submitted between 2015 and 2017, it appears that FSSAT submitted in 2015 that there were lengthy reports. Many
over 100 pages. I think we saw that. There was no Stoneman Douglas specific assessment submitted during that period.

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

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

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

Does anybody have anything with 1, 2 or 3?

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

Regarding the school specific ones in No. 5, The first year of the automated FSSAT out of
about 3,900 schools only 116 were shown completed. And the number declined with only 16 assessments in 2017. So that's 16 out of 3,900 in the year before the Stoneman Douglas shooting. There were no consequences for noncompliance with the FSSAT process.

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

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

Anything on that one?

So there are numerous concerns with the FSSAT. In addition to the lack of submission accountability and perfunctory responses, the instrument itself is problematic in that it asks questions that are mostly long narratives for which the call of the question is a self-serving yes or no response. There is minimal call for a substantive narrative response in the current document.
No. 9 is that, In addition to the overall deficiencies the districtwide and MSD specific FSSAT submitted by Broward County contained inconsistent statements and lacked the necessary information to effectively assess physical site security within the Broward County School District or at Stoneman Douglas.

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

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

Now, one of the things that we heard in response to some reasons why the instruments were not done, that they weren't thoroughly done, done with perfunctory responses and that the individual school ones were not done is is that there was some information in some places they might have been using some other process or some other instrument. And that's why the FSSAT was not viewed as important. So we have here that it should be required that the FSSAT be the primary instrument used. That way again
accountability consistency, accuracy in what it is and there is some knowledge as to progress that is being made toward accomplishing site hardening.

So everybody good with that one?

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

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

So right now the way it's set up is is that it's just isolated year to year. And you could have identified a whole bunch of
priorities and a whole bunch vulnerabilities. And then next year you have no idea by reading the next year's what was done with it or whether there's any progress made. So it should be a living document that is ongoing that talks about what progress made and where you're going. It should also be required that any significant deficiency identified that adversely effect safety and security must be timely reported to the school board and a remedial plan approved by the board.

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

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

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

As we know, in Broward is is that the highest level person that was signing off on
these was the principal and -- well, if it's anything like what was done in the threat assessment process -- anyway.

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

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

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

Unfortunately, we can't form small working groups really to do that because of Sunshine Law requirements. But I think that there's a lot of ideas and thoughts that have been
developed here through our work that will help them in what we would like to see in that document.

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

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

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

SHERIFF GUALTIERI: In Florida?

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

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

COMMISSIONER DODD: So one of the dilemmas that school boards have is approving the safe school assessment tools and what is available to be shared with the public. So what kind of details. Of course, we don't want to get into deficiencies, but yet I strongly believe that there should be -- I don't know if we could include it in a form or data that can be
released. I know here that we say that the annual districtwide FSSAT should specifically set forth the physical site security priority for the district in descending order of priority.

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

SHERIFF GUALTIERI: Of course, the
backdrop for the confidentiality requirement is not to inappropriately expose vulnerabilities that are going to allow somebody to do something that would be harmful. So we all know that that's the concept and that's the premise behind the confidentiality provisions.

My understanding of it is is that like any document that we're talking about here, and so with the FSSAT and similar to FERPA and the student record, is that it's the record itself. It's not your knowledge per se. So if you went and talked to a person, a principal of a school and identified certain strengths, weaknesses and vulnerabilities, let's say, at that school and those are the same things that are in a document in the FSSAT, there is nothing that precludes you from sharing what you learned from talking to that principal. It's just the document itself that is confidential. So somebody can't come in and do a public records request and say, I want that document, and then take that document. It's sometimes threading the needle. And it's a little bit gray. But as long as you're not using knowledge that you gained solely from the document itself and
you're not releasing the document itself, then
you have some flexibility and some discretion
in what you tell people.

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

    COMMISSIONER DODD: I do.

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

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

    SHERIFF GUALTIERI: I think that's
something that should be part -- probably needs
to be part of the discussion in developmental
process.

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

COMMISSIONER STEWART: I can add a little
bit to this. I believe that the instrument
itself and the responses in the instrument
should be of such a nature that sharing that
information could put the school at risk. And
so I think finding a way for the statute to be
worded in such a way that there is input from
the public and in a broad sense the public
knows the areas that the schools and the
district will be concerned with and working on.
But you do not want to create a situation 
whereby the public is made aware of the ways 
you're going to keep student's safe and they 
figure a way around that. 

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

So I can tell you from my perspective what 
I'm looking for and what I want to provide them 
with input on is more of a narrative based, 
more specific assessment and making sure the 
right items and going through and giving them 
those types of suggestions as to the content
from what we see, and what about the things
that need to be assessed, how they should be
assessed and how the report and how the
instrument should be used and how the
instrument should elicit things and contain the
things that we need it to contain with those
vulnerabilities, with the follow-up and that
kind of thing. I'm trying to figure out how do
we -- because you're right. We have to do
something before March as to how we are going
to accomplish that.

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

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

One of the things that I can do here in
the next couple of weeks is maybe send out an
email to everybody, and maybe what we can do is is to set up a meeting with them with a few of us who want to be present, and just notice it as a Sunshine meeting as opposed to the whole body and getting a few people that may be interested in providing input on this. And we can set a time, maybe up here where we could come up for a couple hours.

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

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

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

So what do you all think about something like that?
Okay. So we'll do something a long those lines and work that out.

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

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

Anything on that one?

No. 2, Many aspects of educational privacy laws fail to consider appropriate exceptions from an incident such as this were full public disclosure of prior conduct, especially misconduct, is beneficial and necessary. The inability for public disclosure of problematic information and the attended information void leads to misinformation and distrust that erodes the public's confidence and the system and its officials. If there's to be an erosion
of public trust, it must be based on fact and
not on speculation because information is
hidden from the public eye.

Comments on that one?

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

SHERIFF GUALTIERI: Yes, that's a point.

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

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

SECRETARY CARROL: What frustrates me in
this is FERPA's federal law. Florida should
have a standard interpretation to what that
federal law means. Why do we leave it up to 67
different independent school districts to make
that determination? Why isn't it made at the
Department of Education level? One attorney looking at it or a group of attorneys coming with a consistent definition for all school districts to follow.

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

SECRETARY CARROL: DCF gets sued all the time.

COMMISSIONER STEWART: So do we.

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

MS. POWERS: And it varies from attorney to attorney as well. In my own district we had a case. Our school board attorney said, yes, you can view this. It's an educational record.
You have a purpose. Everything's good. Our superintendent got an opinion that said, No, you can't. So what happens then? So it really does depend on who you ask.

SHERIFF ASHLEY: Maybe an AG opinion.

SHERIFF GUALTIERI: Well, and that's just one more opinion. We've seen with a lot of these attorneys representing the various entities they're going to back into the opinion of what they want it to be. That's what happens with a lot of it. That's the unfortunate reality when it's not clear. There needs to be clarity of it. We know that. It needs to be, and there's not.

So that's where we go over here on slide 156. First there needs to be an extensive training on FERPA and HIPAA and other often misunderstood and overapplied laws. The over application and the barriers that it imposes has to stop. And knowledge of the law's exceptions are has equally important as their initial applicability.

Anything on that one? It's a recommendation.

The Florida Legislature should consider
changes to Florida school privacy laws that are not preempted by Florida law to better allow information sharing in appropriate circumstances and to encourage changes to federal law. The Florida congressional delegation should evaluate FERPA, HIPAA and other federal laws and sponsor changes to those laws that will allow broader information sharing and public disclosure.

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

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

SHERIFF GUALTIERI: Okay. So under No. 1 there needs to be extensive training on that. But then we need to go back -- well, under No.
3 to that the Florida Congressional Delegation
should evaluate FERPA, HIPAA and 42CFR.

Anything else?

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

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

SHERIFF GUALTIERI: Okay. Probably
something to bring up and flush out some more for the future.

The last one we have is 157. This deals with SESIR, SESIR reporting requirements to DOE and law enforcement should be evaluated and increased. Several types of incidents such as robbery are not now required to be reported to law enforcement and should be required reportable offenses. School districts must ensure that each school accurately reports all required SESIR incidents and that underreporting is eliminated. School districts should be held accountable for accurate reporting and the district should hold their administrators accountable. And the legislature should provide DOE with SESIR oversight authority and authorize DOE to impose sanctions on districts that do not accurately report the required data, and the DOE should be provided inspection authority of districts records and be required to conduct audits to ensure compliance.

Are you good with that?

COMMISSIONER STEWART: Let me just say one thing about No. 4. The law does require that
incidents such as robbery, law enforcement has
to be consulted and mutually they make a
decision about arrest, et cetera.

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

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

COMMISSIONER STEWART: That's what I just
said.

SHERIFF GUALTIERI: Okay. But it is a
consultation, but it doesn't require a report
too. Something like robbery I would think.
You know, you've got a simple battery that must
be reported to law enforcement. There is
probably a whole bunch of other crimes in there that probably should have the requirement of reporting. That's what I thought. No?

COMMISSIONER STEWART: The consultation though is --

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

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

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

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

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

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

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

SHERIFF GUALTIERI: This is something that
needs to get worked out. So what the
recommendation is is that SESIR reporting
requirements to DOE should be evaluated and
should be increased. We're just saying, look,
you all need to look at this and it needs to be
tweaked and changed. We're telling them what.
Not necessarily how. Several types of
incidents such as robbery not now required --
so that's an accurate statement -- to be
reported to law enforcement should be required
reportable offenses.

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

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

SHERIFF GUALTIERI: Mr. Schachter.

MR. SCHACHTER: In my view the biggest
obstacle to making schools safe is getting
communities out of the old mindset that it will
not happen here and in my school. One of the
factors contributing to the false sense of
security is lies being perpetrated by schools
in not reporting law enforcement crimes and
incidents on campus around this country. If we
can get schools to accurately report crime
statistics on their campuses, we want the
blinders peeled off our faces and be able to
deal with the problem at hand.

As we end this last eight months of
investigation into this tragedy I do want to
commend the media for doing a great job on
multiple fronts and this is one area that they
have excelled in. Their investigative
reporting has been phenomenal in my view. And
I do want to highlight the latest Sun-Sentinel
article that reported that no one told the
State after a registered sex offender
trespassed at a Panama City school in 2016, or
that police charged a woman in 2014 with trying
to choke and kidnap at a school in Orlando.
That one was not reported. Or that a drunk
Tampa Bay man brought a Glock pistol to a
Seminole High School football game in 2015 and
threatened to shot a teacher. A student in
Miami got a 40-year prison sentence for a fatal
stabbing in 2009, but the Miami-Dade County School District never reported it to the State. An elementary school in Boca Raton sent no reports to the State in 2015, '16, and '17. Not even after a seven-year old boy with autism reported that two classmates forced him into sex acts on the playground in November 2015 because crimes such as these weren't committed by students. Schools often insist that they need to report only behaviors by students, not employees or strangers. The Orange County school district never reported a kidnapping case in 2014 because the offender was a parent. The list goes on and on. I'm not going to sit here and read them all. They're very, very disturbing. But the omissions flouted instructions by DOE, in particular that they gave to the Orange County schools, in every early audit since 2009 incidents are reported whether the offenders are students, nonstudents or if the offender is unknown. That's what the audit from DOE told the Orange County schools. The DOE already has inspection authority and districts are refusing to comply. How can we fix this, Chair?
SHERIFF GUALTIERI: We just went through all the recommendations. Mr. Schachter, we know there's a problem. It's a given. That is is well-known and well-established. We made recommendations and let's see what's done with those recommendations. That's all we can do.
It's a given.

Go ahead, Commissioner Swearingen.

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

SHERIFF GUALTIERI: We're making a recommendation that this needs to be evaluated. So the question becomes who does the evaluation. Do you get into a situation where you have some type of a task force working group; does DOE do it unilaterally. And that's
something I guess will have to be decide by the consumers of this report, the legislature, whether they form something.

I'll tell you what I would suggest though and anybody that's listening is is that with any and all of these recommendations that the legislature adopts is is they do so with set deadlines for the work to be accomplished by any groups that they form. We see this time and again where groups are formed to explore something and to evaluate something and to make recommendations. It tends to just linger on and there is no urgency with it. And you get a report, and it takes an inordinate amount of time. If we can do based upon the legislature's deadline what we're doing in eight months to get a report in by January 1st, there can be a reasonable amount of time set for people that are going to do work on some of this to make sure that it gets implemented timely. I think that if there's a working group put together to evaluate and make revisions to SESIR is is that it should be by date certain, 180 days or whatever it is so they get that work done.
MR. SCHACHTER: Can't we enforce penalties
and give DOE the authority to do the same like
we had suggested before to?

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

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

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

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

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

MR. SCHACHTER: Okay.

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

Mr. Schachter, you have a couple things
you want to cover. Go ahead.
MR. SCHACHTER: Can we see that slide that I had sent Annie earlier? My eyes are not that good.

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

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

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

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

Sheriff Ashley.
SHERIFF ASHLEY: I think with the recommendations we've made and the oversight authority that we're recommending to the Department of Education that this would be a duplication of what we just recommended for oversight to the Department of Education and Office of Safe School. So I'm not sure it would be redundant and necessary for that reason.

SHERIFF GUALTIERI: Anybody else?

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

MR. SCHACHTER: No.

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

MR. SCHACHTER: Correct. And OIG be created that would oversee and hold accountable the Broward County School District to make sure that policies and procedures are implemented and also to look at the immense amount of theft going inside the district due their lack of oversight.
SHERIFF GUALTIERI: Sheriff Ashley, go ahead.

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

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

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

We've made a lot of recommendations here over the last two days in this very extensive report. And I think a lot of this needs to be allowed to take effect and be implemented and see what does that to accomplish the goals that we all want before we were even to consider
recommending anything like that; much less anybody actually implementing something like that. I personally think it's premature and not a good idea at this time.

Commissioner Carrol, go ahead.

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

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

SHERIFF GUALITERI: Chief Lystad, go ahead.

CHIEF LYSTAD: So to Commissioner
Schachter's point, there already exists the Office of Inspector General for Broward County. And this is well within their guidelines. Now, whether or not they'll react to this report, I can't speak to that. But there already exists an Office of Inspector General that has authority to look at this issue.

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

SHERIFF GUALTIERI: All right. Anything else on that?

Do you have another issue, Mr. Schachter?

MR. SCHACHTER: Yes. So when we had Dr. Nevin Smith do his 20-year active assailant analysis he pointed out that one of the things that we found out were that 50 percent of these mass murderers obtain their weapons from their parents and their relatives. I think it is incumbent upon us to address this fact that parents and citizens that own their guns should have their weapons secured.
Based on the evidence that the FDLE has done, 111 people have been killed in 25 school shootings from weapons that murderers obtained from their parents and relatives. 213 people have been injured in these incidents. If parents and relatives would secure their weapons, I feel that these kids would not have been able to get them. So I think I would like to have a discussion. I would like to make a motion that these weapons should be secured. They need to be secured. And if parents -- if these mass murders are perpetrated with stolen weapons, the people who did not secure the weapons need to be prosecuted in my opinion.

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

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

SHERIFF GUALTIERI: No, and there can't be Mr. Schachter, on that I don't believe. And here's why. If you own a weapon and you have
it for self-protection in your home is is that
you need to be able to access that weapon.
Most people have weapons for self-protection.
And at 3:00 in the morning if somebody's
breaking into your home, you can't be going to
a safe and you can't be loading it. I've heard
all these things that people say about weapons
should be stored unloaded, and they should be
stored in safes, and they should have gun locks
on them all the time, and that should be
required by law, and there should be sanctions
for not doing it. I wholeheartedly oppose
that. I will never support that.

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

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

SHERIFF GUALTIERI: Well, you can't say
that either. I understand what you're saying, but that's a pretty broad statement, pretty conclusory statement. You know, you can't say that they wouldn't have obtained some other weapon or some other way of accomplishing what they wanted to. I hear what you're saying, but that's a very broad statement.

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

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

SHERIFF GUALTIERI: I think we have come up with yesterday and today and what's in this report a significant and considerable number of findings and recommendations that will, if implemented, make the schools safer and make
the communities safer, make the kids safer, safe lives. And I think that all needs to be
given a chance to come to fruition and then
evaluated from there and see what the next
steps are. But we have done a lot.

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

SHERIFF GUALTIERI: Mr. Petty.

MR. PETTY: And maybe, Mr. Schachter,
maybe one of the things we can do. We've
looked at everybody that we felt like had some
responsibility in either acting to prevent,
hopefully to prevent, but at least was a part
of the shooter's life and could have done
something. The one area we haven't really
looked at is the area Mr. Schachter sort of is
describing here, which is should we look at
making some recommendations. And I know there
are some very touchy issues here and you've hit
on those, Mr. Chair. But there was some
familial responsibility here for the easy
access to weapons. I know when he turned 18
that all changed. He became an adult and
that's a tough one. But the facts support what
Mr. Schachter is saying in that a lot of these
kids are minors and they're getting unsecured
weapons.

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

MR. SCHACHTER: That would be great.
Thank you.

SHERIFF GUALTIERI: Sheriff Judd.

SHERIFF JUDD: If you allow me, 790.174,
Safe storage of firearms required.
A person who stores or leaves, on a
premise under his or her control, a loaded
firearm, as defined in s. 790.001, and who
knows or reasonably should know that a minor is
likely to gain access to the firearm without
the lawful permission of the minor’s parent or
the person having charge of the minor, or
without the supervision required by law, shall
keep the firearm in a securely locked box or
container or in a location which a reasonable
person would believe is secure with a trigger
lock, except when the person is carrying the
firearm on his or her body or within such close
proximity thereof and on and on and on.

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

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

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

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

MR. SCHACHTER: And if there 17, 18 the
law doesn't apply?
SHERIFF ASHLEY: 18 they're an adult.

SHERIFF GUALTIERI: Again, if you're talking about broad-based, that everybody that owns a firearm -- that's what I understood you were saying is that everybody that owns a firearm should be required to keep that firearm secured and in a lockbox, et cetera, at all times. I think that's what I understood what you were asking for; am I correct?

MR. SCHACHTER: I mean, it's 14 through 19 is what the statistics show. I think it should be more than a misdemeanor.

SHERIFF GUALTIERI: As Sheriff Judd pointed out, Commissioner Bartlett pointed out is is that there already is a provision in Florida law as it relates to minors. There's not beyond that. So I guess we should just be procedurally correct. I think I heard you say you had a motion. I'm not sure exactly what it was, but you had a motion. Is there a second for the motion?

MR. PETTY: I'll second.

SHERIFF GUALTIERI: Tell me what the motion is again.

MR. SCHACHTER: I'll withdraw the motion.
SHERIFF GUALTIERI: Okay. Show the motion is withdrawn.

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

We're going to continue to work on the fact section throughout next week. Make these changes. And then, of course, the following week is Christmas week. And the plan is is to have the editor at that point. We'll stop, turn it over to an editor, that is going to
take a couple days, and review it. We also have to draft, and I'll be working on that, is the executive summary that is not drafted at all now. So what I think what we want to do is to once we get it all together is to send that report out to you all and give everybody a chance to read it in total including the executive summary. And then probably at some point, and I don't know exactly when because this is going to be a forward process, but at some point probably to convene a call just to have hopefully a consensus to approve the report, that we have a motion and a second to approve the report as you received it, and we get an affirmative vote. And that way everybody has a chance to have seen and weighed in on, so that as we submit this report it's knowing that it is with the formal approval of this body.

I think we were able to get through everything we needed to. I can't see us in any effective way having anything in the call other than a vote on approving it unless there's something absolutely earth-shattering that has to be discussed. But it will not be a long
call to do. That I hope. And that we can put
this together and nobody sees anything in that
final report that they can't live with knowing
that it is an initial report and that we still
have a lot of work ahead of us and there will
be plenty of opportunities to supplement that
report and submit additional reports.

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

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

SHERIFF GUALTIERI: Thank you.

So moving forward my plan is not to have a
meeting in January. We need to kind of
regroup. I know we'll see where we'll schedule
the next meeting for. We know we have a number
of things that we need to do. We need to bring
back in Sheriff Israel, Superintendent Runcie,
others. I don't know what number and percentage to assign to it, but I think we're significantly done with the investigative phase of trying to figure out what happened at Stoneman Douglas and that we'll wrap up some of those loose ends, continue to do some of that investigative work that needs to be wrapped up.

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

The other thing is -- and see if we can give you a brief and an indication of what you all want to do with this -- the statute says that we're supposed to look at not only this event, but other mass assailant incidents that occurred in Florida. The two that come to mind, of course, the Fort Lauderdale Airport shooting which was not a mass casualty, but it certainly qualified as an active assailant event, and, of course, Pulse Nightclub in Orlando. I believe those incidents have been fully investigated, thoroughly analyzed and after action reports.
Do you all want to -- and there are people that can do it -- do you all want to hear some type of a presentation on those, or are we just going to still continue to be focused on the MSD event? Is there a desire of the group to have a presentation on those? I know some of us have heard those presentations. Some of us have not. What do we want to do in that regard? I can't think of -- if anybody can think of any other ones that we need to even consider. The only two that come to mind for me in recent times are Pulse and Fort Lauderdale. But what do we want to do about that?

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

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

The other thing I'm going to do and ask Jennifer to do probably just after the
holidays, as we get into the first week of January, is to send out an email to all of you and we'll give you a date that we'll ask a response back, and ask you all to give us your ideas about what you want us to cover, the topics you want us to cover moving forward in 2019 because I'd like to hear from all of you as to the areas and what you consider to be the priorities. And then we'll take all that information we get back from you with the specific topics and your priorities, put it all together, and that will help us set the agenda in what we do for 2019.

Sheriff.

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

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

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

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

SHERIFF GUALTIERI: Okay. Sheriff Ashley.

SHERIFF ASHLEY: I haven't been able to do
this in the last nine months that this has been going on. I just want to thank this Commission and the Chair specifically. And more specifically the staff of this Commission and your investigators. I've never seen anything like it. It truly is meaningful work and work that will long outlive us if we can get these things accomplished.

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

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

Like all of you, the staff and all of the investigators have done just a tremendous job, and we thank them for everything that they've done. It really has been -- it's not cliche -- it's been a tireless effort and a whole bunch of people have really worked extremely hard for the last eight months, so I certainly
appreciate everybody's work and their efforts and what they're going to continue to do as we move forward. And you can't do it unless you've got a lot of good people behind you and with you, and we've had that throughout this process. So we certainly appreciate everybody's work and their efforts.

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

MR. PETTY: Sheriff.

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

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

SHERIFF GUALTIERI: Thank you.

MR. SCHACHTER: Sheriff, can I just make one more comment, and that is I would like to have a moment of silence for tomorrow is the
6th anniversary of the Sandy Hook massacre.
And we do want to honor those victims and tell
the families that we are thinking about them.

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

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

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

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

I know that everyone in this room has the
same goal. We want to keep our children safe.
But I also know that there is no evidence that
arming teachers will protect our children. In
fact, research indicates that allowing teachers
to carry guns will make children less safe.
The risk of access and unintentional discharge
is simply too great. Just this year a teacher discharged a firearm in a California classroom injuring one student. And a teacher in Georgia barricaded himself in a classroom and discharged his gun. Our teachers can also complicate the police response. After the shooting of 12 police officers in Dallas a few years ago the chief of police said, "The officers on the ground didn't know who the good guys were while the shooting was going on."

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

Arming teachers creates the illusion that we are protecting our children when we are in
fact putting them in more danger. Please reconsider your recommendation and oppose arming teachers in Florida schools.

Thank you.

SHERIFF GUALTIERI: Thank you.

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

MR. SCHACHTER: 6th.

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

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

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

(Moment of silence.)

Thank you.

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

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

(Proceedings concluded at 4:46 p.m.)
CERTIFICATE OF REPORTER

STATE OF FLORIDA  )
COUNTY OF LEON  )

I, Doreen Mannino, Court Reporter, do hereby certify that I was authorized to and did report in stenotypy and electronically the foregoing proceedings, and that the foregoing pages constitute a true and correct transcription of my recording thereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand the 4th day February of September 2019 at Tallahassee, Leon County, Florida.

________________________________________
Doreen M. Mannino