

MARJORY STONEMAN DOUGLAS HIGH SCHOOL PUBLIC SAFETY
COMMISSION MEETING
OMNI ORLANDO RESORT AT CHAMPIONSGATE
1500 MASTERS BOULEVARD
CHAMPIONSGATE, FLORIDA 33896
OCTOBER 16, 2019

COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI - CHAIR, SHERIFF, PINELLAS
COUNTY

JASON JONES - PSC GENERAL COUNSEL

CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE
CHIEF ASSISTANT BARTLETT - CHIEF ASSISTANT STATE

ATTORNEY, SIXTH JUDICIAL CIRCUIT

RICHARD SWEARINGEN - COMMISSIONER, FLORIDA
DEPARTMENT OF LAW ENFORCEMENT

MAX SCHACHTER - VICTIM PARENT

LARRY ASHLEY - SHERIFF, OKALOOSA COUNTY

MELISSA LARKIN-SKINNER - CEO, CENTERSTONE OF
FLORIDA

CHANCELLOR OLIVA - EXECUTIVE VICE CHANCELLOR OF
K-12 PUBLIC SCHOOLS

SECRETARY MARSTILLER - SECRETARY, FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

BARBARA BABCOCK - DEPUTY SECRETARY FLORIDA
DEPARTMENT OF CHILDREN & FAMILIES

MIKE CARROLL - LUTHERAN SERVICES OF FLORIDA, FORMER
SECRETARY OF FLORIDA DEPARTMENT OF CHILDREN &
FAMILIES

JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER
COUNTY

PAM STEWART - COMMISSIONER OF EDUCATION

GRADY JUDD - SHERIFF, POLK COUNTY

DOUGLAS DODD - SCHOOL BOARD MEMBER, CITRUS COUNTY

RYAN PETTY - VICTIM PARENT

KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEFS
ASSOCIATION

CHRISTINA LINTON - COMMISSION STAFF, FLORIDA
DEPARTMENT OF LAW ENFORCEMENT

JOHN SUESS, SERGEANT, PINELLAS COUNTY SHERIFF'S
OFFICE

1 Thereupon, the following proceedings were
2 had and taken:

3 CHAIRMAN GUALTIERI: All right. Good
4 morning. We're going to call the meeting to
5 order. Just for a couple things, housekeeping.

6 First, I said to you yesterday that the
7 Broward County School District had released the
8 report on Kelvin Greenleaf and that we would get
9 it out to you. There's a problem with the PDF
10 file that they sent to me, and I'm having
11 trouble e-mailing it out so that it could be
12 distributed to you all. But, nonetheless,
13 Sergeant Suess has a link to it or a copy of it,
14 and it'll be going out to you this morning.
15 They were able to get it from another source, so
16 we'll get that Greenleaf report out to you.
17 Even though I wasn't -- that's why you didn't
18 get it last night, because there was a problem
19 with the file, but you all will get the
20 Greenleaf report this morning.

21 So should get it from Jennifer Miller,
22 correct, from FDLE.

23 SERGEANT SUESS: Yes, sir. That's actually
24 going to be a PDF. I'll be able to download it
25 from the (indiscernible) site, so --

1 CHAIRMAN GUALTIERI: Okay. All right. So
2 you'll get that this morning.

3 All right. So we pick up from yesterday,
4 with our work yesterday, but what I'm going to
5 do is jump ahead. It doesn't really matter what
6 order we take these chapters in, per se, but I'm
7 going to jump ahead to Chapter 12 and address
8 the chapter concerning mental health for a
9 couple reasons, not the least of which is if
10 we're not done, Commissioner Carroll -- and I
11 want him to be here for this -- he needs to
12 leave by 1:00 o'clock, so I want to make sure
13 that we cover that. And because there's a lot
14 here, so I think we'll just tackle this first
15 thing. It will probably set the tone for the
16 rest of the day as far as time goes.

17 So before we get into Chapter 12, does
18 anybody have anything before we get started?
19 Anything you want to bring up? Anything from
20 yesterday that -- no. Okay.

21 COMMISSIONER HARPRING: Sheriff, just a
22 recollection that we need to loop back on that
23 one additional finding and recommendation at the
24 appropriate time later on relative to clarifying
25 Mr. Schachter's motion which was voted on and

1 then the entire linked --

2 CHAIRMAN GUALTIERI: Well, if Mr. Schachter
3 brings up his motion again, then we'll address
4 it at that point. Because it's -- his motion's
5 withdrawn. We have a finding. We don't have a
6 recommendation. If he brings it up, then we'll
7 address it. If he doesn't bring it up, then the
8 finding will just stand as it is. It's up to
9 him to bring it up.

10 COMMISSIONER HARPRING: So noted,
11 Mr. Schachter.

12 CHAIRMAN GUALTIERI: So --

13 COMMISSIONER SCHACHTER: So noted.

14 CHAIRMAN GUALTIERI: So maybe he'll just
15 stand with the finding and we won't have a
16 recommendation to go with that finding. I don't
17 know. I guess we'll find out if he brings it up
18 or not, so...

19 So let's just talk about Chapter 12 then,
20 and I want to begin just with comments about it
21 and some things as we lead into this.

22 There is a fair amount of statistical
23 information regarding Baker Acts in Chapter 12
24 that you may not have seen before that I
25 included in here because I think the data is

1 very important to a full understanding of where
2 Florida is on the mental health topic.

3 Some backdrop. I think it's also
4 impossible to have a decent discussion about
5 mental health in Florida without knowing that
6 Florida is the third largest state in the
7 country, and we rank -- depends upon who ranks
8 it, but it's pretty close -- about 50th in
9 per capita mental health funding, spending only
10 about \$36 per person annually in Florida on
11 mental health.

12 I said this in previous meetings and I'm
13 going to reiterate it here: Any discussion
14 about increased mental health funding should be
15 prefaced with an analysis of how the current
16 dollars are spent and ensuring there are
17 outcome-driven performance standards.

18 In too many cases the current system treats
19 people as to what they can afford or that for
20 which there are publicly funded pay points. The
21 community providers in Florida are too driven by
22 funding and provide services to the funding as
23 opposed to the funding provided in appropriate
24 and necessary services, in other words, people
25 getting services what the funding allows them to

1 receive. This results in providers delivering
2 services but not necessarily driving change
3 behavior that is sustained in the long term, the
4 necessary care and coordination, and working
5 toward a solution to the problem. There are
6 many examples of people who cycle and recidivate
7 through community providers with no, quote,
8 "endgame in sight." And I will provide you some
9 examples shortly.

10 But before I do that, I want to provide
11 some contextual data. And I realize that this
12 data is in the draft report, but for those here
13 who are watching who have not had access to the
14 draft report, this information is important to
15 an understanding of where we are today.

16 Baker Acts in Florida are on the rise, but
17 of the 200,000 annual Baker Acts, only about 1
18 percent of those result in involuntary
19 commitment for treatment.

20 Some perspective on increased mental health
21 needs: Baker Acts have increased in Florida
22 from 95,000 back in 2002 to 205,000 in 2018 for
23 an increase of 115 percent in the number of
24 Baker Acts.

25 Now, these numbers are not to deduplicated,

1 so, in other words, they reflect multiple Baker
2 Acts for some people over and over again.

3 While most Baker Acts are one-time events
4 for people, there are a percentage of
5 individuals who are very high recidivists, and
6 those people are usually high recidivists in
7 both the mental health and criminal justice
8 systems.

9 Think about this: In children under 18,
10 Baker Acts have increased from 15,000 in 2002 to
11 36,000 in 2018, so an increase of about 140
12 percent in the number of Baker Acts for kids
13 under 18 in Florida. Some of this increase is
14 because of the push -- and there has been a
15 push -- on law enforcement to recognize mental
16 health issues as the cause of some misbehavior
17 and to Baker Act as opposed to arrest.

18 Commissioner Carroll made reference it that
19 a little bit yesterday, and I'm sure as we get
20 into this today that we'll have some further
21 discussion about that.

22 And while that push is often the right
23 thing to do, what has resulted in law
24 enforcement Baker Acting these kids to nowhere,
25 and it's only squeezing the balloon and not

1 accomplishing what it should accomplish.

2 The Baker Act systems fails to address core
3 problems that cause the misbehavior because
4 there it is a crisis stabilization system and
5 not a solution-based system. Thus, we end up
6 putting the same people through the same
7 revolving door over and over again.

8 Now, for young adults 18 to 24, Baker Acts
9 have increased from 12,000 in 2002 to 26,000 in
10 2018, so an increase of 120 percent. In just
11 fiscal year 2018 alone, of the 205,000 Baker
12 Acts in the state of Florida, 73.5 percent were
13 for adults, 12.7 percent of those were people 18
14 to 24, and the remaining were those under 18.

15 Now, the increase in Baker Acts is not
16 merely attributable to Florida's population
17 increase, and there has been a significant
18 population increase during the time of span that
19 I have referenced. Between 2007 and 2017, the
20 Florida population increased by 11.2 percent,
21 and the number of Baker Acts increased by 60.7
22 percent. During that same period, the number of
23 children under age 18 who were Baker Acted
24 increased by 83 percent while the population of
25 Florida children under age 18 decreased by .8

1 percent.

2 For fiscal year 2018, the majority of the
3 Baker Acts were initiated by law enforcement,
4 which is the way it has traditionally been for a
5 long period of time. 51.6 percent, so just more
6 than half of all Baker Acts, were initiated by
7 law enforcement, 46.3 percent by professional
8 certificate, so that's mental health
9 professionals, and just 2 percent through a
10 court order.

11 I think it's a interesting statistic of the
12 professional certificate initiated exams, 68
13 percent were completed by non-psychiatrist
14 physicians.

15 The mental health system is lacking, and
16 the greatest void is caused by not having an
17 effective master case management system and the
18 lack of coordinated care. Simply put, if these
19 people who have these mental health issues could
20 fix their problems on their own, they would.
21 They can't. They need help. They need somebody
22 to guide them, they need somebody to navigate
23 them, they need somebody to hold their hand
24 through the process, and we simply don't have
25 that. We don't have effective discharge

1 planning, we don't have effective master case
2 management, and we don't have effective care
3 coordination.

4 Now, we all know that the threat assessment
5 teams are required in every charter, elementary,
6 middle, and high school in the state of Florida.
7 The threat assessment teams are only as good as
8 the information that they have to make the
9 decisions that we ask them to make. Information
10 silos exist today. And the reality is, is that
11 law enforcement officers assigned to these
12 threat assessment teams do not have the
13 knowledge or access to the comprehensive
14 information necessary to help the threat
15 assessment team make an informed evaluation and
16 a good decision. Neither are most school
17 administrators or mental health counselors
18 assigned to the threat assessment team equipped
19 to do that type of research in their respective
20 disciplines for that matter either.

21 At the last meeting I provided you with a
22 presentation on a threat assessment team
23 information gathering pilot that we implemented
24 in Pinellas County. Under this pilot, when a
25 law enforcement officer is notified that they

1 are needed to participate on a threat assessment
2 team regarding a student, the officer provides
3 the child's name, etcetera, to an analyst, a
4 crime analyst in our office, who prepares a
5 comprehensive report for the officer. The
6 officer then takes that report and shares the
7 results with the threat assessment team so that
8 they can do a proper evaluation and make a good
9 decision.

10 Remember that PowerPoint from the last
11 meeting when we fleshed this out to check all
12 necessary law enforcement -- this is just law
13 enforcement -- all necessary law enforcement
14 databases? It requires checking 18 different
15 systems in our county.

16 And I can tell you that the majority of the
17 cops on the street, the SROs, not only do they
18 not have log-ons and passwords and access to all
19 those systems, most of them don't even know that
20 those systems exist.

21 There's no way an officer assigned to a
22 threat assessment team has the knowledge or
23 access to do this effectively. An average
24 officer would probably check NCIC/FCIC, their
25 records management or report writing system, and

1 that's probably about what they're going to
2 check, that's probably about it, which is not
3 adequate.

4 So, soon after this pilot began and a few
5 weeks ago in Pinellas County, an officer was
6 assigned to a threat assessment team, and he
7 asked the analyst to do the workup very early on
8 in this pilot. What the analyst uncovered is
9 startling, it's mind-boggling, and shows not
10 only why, without a dedicated threat assessment
11 team gathering process, you will not have all
12 the information necessary to make an informed
13 evaluation, and it eliminated the huge void in
14 our mental health and Baker Act system.

15 That threat assessment commenced on a
16 14-year-old boy because of threatening
17 statements he was making at school. He was
18 threatening to shoot up the school and rape
19 teachers, among other violent acts.

20 When the analyst did the research, she
21 found that that boy, at 14 years old, had been
22 Baker Acted 35 times, 35 times since he was
23 eight years old, and had been arrested 14 times.
24 He's been on and off juvenile probation and
25 electronic monitoring. Several times he

1 threatened to shoot up schools, assault
2 teachers, rape teachers, and there were numerous
3 other allegations of sexual aggression. When
4 arrested, he threatened to get a gun and shoot
5 the deputies.

6 It was not until this threat assessment
7 report during an information gathering pilot
8 program in one county that anyone had, for the
9 first time ever, put all that existed about this
10 boy together in one place.

11 When I looked at the kid and I looked at
12 the report, it looked like I was in the mirror
13 looking at Nikolas Cruz. Everything existed in
14 silos. There was no holistic view of this child
15 and, importantly, nobody owned the problems with
16 this kid.

17 When I read that threat assessment report,
18 it was just a big pause. Nobody knew he had
19 been Baker Acted 35 times. There were no flags,
20 no intervention mechanisms, nothing in the
21 system for somebody to say, "Hold on, something
22 is seriously, seriously wrong here."

23 So we have to ask: When does the system
24 say we have to stop Baker Acting this kid and do
25 something that changes the course that he's on?

1 After what? The 10th Baker Act, the 15th Baker
2 Act, the 20th, the 25th? No. Not even after
3 the 35th Baker Act did the system realize that
4 something isn't working here. They didn't
5 realize the magnitude of the problem with this
6 kid.

7 This system is broken when a child can be
8 Baker Acted 35 times, have 14 arrests, and
9 nobody puts all this together and stops this
10 nonsense.

11 Now, in case anybody's sitting there
12 thinking, well, this is an isolated case, it's
13 not. Last week, another Florida sheriff's
14 office issued an alert on a 12-year-old girl who
15 had run away. At 12 years old, 12 -- now, this
16 kid's 14 -- at 12, this girl has been Baker
17 Acted 11 times with 7 Baker Acts in 2019 alone,
18 3 in 2018 and 1 in 2016.

19 Also last week, a Florida police department
20 issued an alert on another different --
21 different girl, she's 17, 4 Baker Acts and 1
22 Marchman Act.

23 Nobody puts any of this together. Nobody's
24 looking at this. Nobody's intervening when this
25 happens. This is the tip of the iceberg, and

1 I'm telling you that it's out there. Somebody
2 and something absolutely has to change in the
3 mental health and Baker Act system if we want a
4 different result. We all know the adage "Do you
5 what you've always done, you're going to get
6 what you always got." We can't sit here and say
7 that this isn't working and we want a different
8 result unless we're willing to do something
9 differently.

10 And you can't have a system where people
11 are Baker Acted multiple times, they're in and
12 out of the Juvenile Justice system and the adult
13 criminal justice system, because this isn't just
14 about kids. You see the same thing going on
15 with the adults. But 35 Baker Acts and 14
16 arrests... So there has to be an effective
17 intervention system and ownership of the
18 problem.

19 This is only one issue. It's a big issue.
20 But the other is effective information gathering
21 by the threat assessment team. So I suggest to
22 you that what this shows two things: One is
23 that every sheriff's office and police
24 department in the state should consider
25 implementing something similar to what we did in

1 this data gathering process, because, otherwise,
2 you will have voids, and there's no doubt that
3 your threat assessment teams will not have all
4 the necessary information to conduct a proper
5 evaluation of a child who is the subject of that
6 threat assessment, because there's no way the
7 cops on the street have access to all this
8 information.

9 So without that, sadly, I feel confident
10 that you have your own examples like these kids
11 that I've mentioned. You just don't know about
12 it because nobody's uncovering it.

13 So those are the comments that I want to
14 make about this and where I see it. We can get
15 into what's in Chapter 12. But I threw a lot of
16 out there, so if there's anything that anybody
17 wants to talk about before we get into the
18 content of Chapter 12 itself and go through the
19 process we did yesterday with the findings and
20 recommendations.

21 Sheriff Ashley.

22 SHERIFF ASHLEY: Sheriff, much more
23 articulate than I can be. I agree
24 wholeheartedly with all you've stated this
25 morning.

1 I would also add that I don't see and
2 haven't seen in the last 30 years how we measure
3 the effectiveness of a mental health system,
4 because it keeps doing the same thing over and
5 over. Nikolas Cruz probably received more
6 services than a judge could order in a lifetime,
7 so I'm -- so with all those services, it still
8 didn't work. And with 35 Baker Acts, it didn't
9 work. So how do you -- how do we keep saying
10 that mental health system needs improvement when
11 we've not seen anything that they've done
12 that -- well, I guess why throw good money after
13 bad? Because it's not working. So that's my
14 comments.

15 CHAIRMAN GUALTIERI: Commissioner Carroll.

16 COMMISSIONER CARROLL: Good morning. I --
17 first of all, I don't disagree with anything you
18 said, Chairman. I don't disagree with anything
19 that's in Chapter 12 of this report.

20 But I do think there's an element missing
21 from this report that I think drives a lot of
22 mental health services and particularly to kids.
23 Mental health services is just like any other
24 type service you would receive if you had a
25 disease, an affliction, or something wrong with

1 you. If I had diabetes and went to the doctor,
2 people wouldn't ask why isn't this working if
3 the person wouldn't take their insulin shots,
4 wouldn't engage in treatment, wouldn't regularly
5 go to the doctor. You would know it's not
6 working because they're not compliant with
7 anything that they're being told to do by their
8 doctor.

9 It's the same thing in the dependency
10 system. We've actually brought kids into care
11 in the dependency system because a child has
12 cancer and the family has gone through stage one
13 and stage two, they've had the operation,
14 they've had chemo, but they don't want to go
15 through the second round of chemo because they
16 think they can deal with it some other way. And
17 doctors say, well, that's not the normal
18 protocol. They file an abuse report. And there
19 are times when some of those kids actually come
20 into the system. And we have an example of that
21 in the Tampa Bay area where that kid is removed
22 from its parents -- from his parents and
23 forcibly made to undergo that second round of
24 chemotherapy to make sure that the cancer
25 doesn't come back because it's part of the

1 treatment protocol.

2 We've had kids taken into the dependency
3 system, one morbidly obese, so much so that it
4 threatens their health and they're at risk of,
5 quite frankly, dying because they're so obese,
6 and their parents don't have the wherewithal or
7 the will to implement some of the dietary
8 restrictions on those kids, and they end up in
9 the dependency system to try and get them
10 engaged in the treatment they need to save their
11 life.

12 We don't have a similar tool in mental
13 health, particularly for kids. We see too many
14 kids -- and I am fully familiar with one of the
15 children that the sheriff mentioned as an
16 example. And much of what the sheriff said is
17 absolutely true.

18 But in our push to decriminalize mental
19 health, we've moved that line so far to the
20 right that we've begun to confuse behavior
21 management with mental illness. We've stopped
22 arresting kids and, instead, we're Baker Acting
23 them and we're taking them to get inappropriate
24 assessments where they're never going to be
25 forcibly admitted into treatment or kept. And

1 so it's a total waste of time and resources.
2 And then the child is back sometimes -- they say
3 up to 72 hours. I can tell you it's our
4 experience that they're back within 24 hours.

5 And so they literally have no consequences
6 for their behavior, and it becomes a learned
7 thing that if I act out and I act outrageously,
8 over-the-top outrageously, I will get Baker
9 Acted, there will be no consequences, and I'm
10 going to be back within 24 hours. It's crazy.

11 And so I think when you talk about fix the
12 mental health system -- and I looked through the
13 recommendations, and I won't get ahead of it,
14 but I agree with all of them here, but I think
15 the thing that's missing, particularly for kids,
16 we've effectively emancipated kids. And we see
17 them in the child welfare system. And the child
18 that you were referring to, Sheriff, is in the
19 child welfare system, as are many of these kids.

20 The shocking thing about Nikolas Cruz was
21 that he wasn't in the child welfare system.
22 It's mind-blowing to me that he was never
23 referred earlier before he was 18 to the child
24 welfare system. But many of the kids you speak
25 of are in the child welfare system.

1 And it is the most frustrating thing for
2 professionals who work with these kids, because
3 you have kids that are 13, 14, 15, 16, and 17
4 that are allowed to make their own decisions
5 even when it's inherently self-destructive. And
6 you, as a parent, would never allow your kid to
7 make that decision because it's not in their
8 best interest.

9 And the courts don't have the authority to
10 step in. You can bring this kid in front of a
11 court every time. The courts will tell you they
12 don't have the authority to hold the kids
13 accountable for the decisions they make or
14 parents for the lack of engagement in those
15 decisions because they have a right to make that
16 decision.

17 If mental health services is ever going to
18 be improved, that side of this coin needs to be
19 looked at. And I would suggest to you that
20 because mental health services are voluntary
21 and, quite frankly, in most cases should be, but
22 when we're talking about juveniles who have
23 entered the child welfare system because they've
24 already been abused and neglected -- or most of
25 these kids that I'm talking about have not been

1 abused and neglected, they entered the child
2 welfare system because their parent can no
3 longer control their behaviors, that is not what
4 the child welfare system was designed to treat.

5 And so we get a kid who's just out of
6 control from a behavior standpoint, and they
7 have a lot of trauma -- unresolved trauma and
8 they need treatment. But if you can't -- and
9 they won't engage in treatment. If you can't
10 get the parent engaged in treatment with us,
11 then we become babysitters of kids who make
12 their own decisions.

13 And then from the public looking in, they
14 say "This system isn't working" or "These
15 professionals don't know what they're doing." I
16 have a lots of empathy for those professionals
17 because they feel as though their hands are
18 tied.

19 For those kids, this notion that they're
20 emancipated, that they can make decisions for
21 themselves, needs to go away.

22 And I think any kid who comes into a child
23 welfare system or the Juvenile Justice system or
24 is ruled to be a threat to -- a legitimate
25 safety threat in the school because of

1 escalating behavior that was identified through
2 a safety threat assessment team, we have got to
3 develop -- empower the courts and judges to
4 apply a set of progressive consequences for kids
5 and/or parents to get them to engage in the
6 necessary services to effect a behavioral
7 change. Because if we don't, we're losing a
8 whole generation of our kids.

9 And I do think, Sheriff, that the line we
10 have worked so hard to decriminalize mental
11 health -- and I think that's the right thing to
12 do, but we need to reexamine that. Because I
13 see kids -- when -- when you come into a place
14 and you bust up the place, when you physically
15 assault people, when you steal cars, when you
16 are doing all this criminal activity and then
17 the result is a Baker Act, we've moved that line
18 too far.

19 And I don't think there's anybody in this
20 room, after reading all that we read about
21 Nikolas Cruz, to a person, I think we all felt
22 how did he avoid arrest as long as he did. And
23 it's because of the system that we've set up
24 where Baker Act is our first response to a
25 situation where -- so I think a couple things

1 need to happen. I think that line needs to be
2 pulled back a little bit where we start
3 separating bad behavior from mental health
4 issues, number one.

5 And number two, I think we need to
6 establish more juvenile diversion type court --
7 courts in this state where the judge can be
8 empowered to bring a parent and the child into
9 court to get a case plan and a treatment plan in
10 place and then have a set of progressive tools
11 that they can begin to hold the parent and the
12 child accountable for that. They can't do that
13 right now.

14 You asked me the other day on the
15 particular child you were talking about why
16 don't we petition the court to get this child
17 committed someplace. Well, we can't.

18 CHAIRMAN GUALTIERI: Right.

19 COMMISSIONER CARROLL: Trust me, we've been
20 before judges before, saying, "My God, can we do
21 something, committed someplace?"

22 "Well, they don't have enough points with
23 DJJ. They haven't done a serious enough crime."

24 The judge can't order any child in this
25 state into an involuntary commitment. They

1 can't even make them go into substance abuse.
2 We have time and time again where we pick up a
3 kid, they're ordered into mental health services
4 or substance abuse services, you bring them to
5 the facility, and then they refuse to get out of
6 the car. You bring the counseling out to them
7 so the counseling takes place in the car, they
8 refuse to participate. You try and engage law
9 enforcement. They're not afraid of law
10 enforcement. Law enforcement shows up and
11 they're as disrespectful to law enforcement as
12 they were to the case managers. This has to
13 stop.

14 And if you look at this history of Nikolas
15 Cruz, he was a lot like that.

16 And so we can put more money into mental
17 health, we can improve care coordination, which
18 I think we need to do, we need to improve case
19 management, which I think we need to do, but if
20 we don't start finding a way that we can engage
21 and hold parents and kids more accountable in
22 their own treatment and recovery, then this is
23 not going to work, because on the other end of
24 it you have somebody that can say no, and if
25 they say no and you can't go any further, it

1 makes it impossible to treat.

2 CHAIRMAN GUALTIERI: What does it take
3 though -- why does it take -- where are the
4 managing entities? Why aren't they stepping up?
5 They're the ones who are supposed to be
6 overseeing this, and the providers and they
7 provide the funding. So why has it taken this
8 forum and this situation with us gathering this
9 information to bring this forward? Because this
10 isn't -- as you said, this is not isolated.

11 This isn't a one-off. This isn't an anomaly.
12 This is happening all the time. So why isn't
13 the system bringing this issue forward and
14 ringing the bell and saying it's got to stop?

15 Because I agree wholeheartedly is that --
16 we talked about yesterday, one of our
17 recommendations was CIT training for all of the
18 officers that are in the schools. Agree
19 wholeheartedly. But there has been too much of
20 a push, too much of a ringing the bell of this
21 schoolhouse to jailhouse pipeline. Okay.
22 That's all fine.

23 When you're talking about people that
24 commit first-time offenses and minor offenses,
25 that is very, very different and very

1 distinguishable from a kid that's been Baker
2 Acted 35 times, arrested 14 times, that he just
3 needs to be locked up. Because somebody needs
4 to figure this out as opposed to -- and I'll
5 tell you what they're doing in Pinellas County
6 with this kid is that the community-based care
7 provider had him sleeping in their offices
8 overnight because they had no place to put this
9 kid. That's the system in Florida. That's what
10 we're working with. This thing is broken. It's
11 not working. And -- but who's going to own it
12 and fix it? Nobody's stepping up. And it takes
13 this type of stuff coming out. We're -- does
14 anybody look at this now and say, "You know
15 what? It's time for a change."

16 COMMISSIONER CARROLL: I think you're
17 absolutely correct. And just on the kid, there
18 are kids that sleep in offices around the state
19 because they don't have a place to go. I can
20 tell you the overwhelming amount of kids who
21 sleep in offices sleep in offices because they
22 refuse to go to the placement that they have and
23 they decide that they're going to stay, and they
24 usually stay till 2:00 or 3:00 in the morning,
25 then they say, "Okay. Now bring me."

1 The other piece of it is the Florida --
2 when we think about foster care, I was a foster
3 parent, and I adopted my child through foster
4 care. Foster parents are regular people just
5 like you and me. And I'm going to knock on
6 their door at 11:00 o'clock at night and I'm
7 going to say, "I'm going to bring you a kid who
8 we have in the system and we have them in the
9 system because their parents feel unsafe around
10 them and their parents can no longer control
11 their behavior. Will you take this child into
12 your home with your children?"

13 And then people say why can't you find
14 this -- because we have to declare to people
15 before we place them all of the issues with the
16 child. And so you need specialized placement.

17 But if a child has a track record and
18 people lose patience -- because all treatment
19 providers, they don't have to accept every kid.
20 And if they are serving the kid and the kid is
21 willfully not participating and then willfully
22 becomes unlawful, after a while those people
23 stop participating. That's why I say we need
24 the tools to engage these people.

25 And I -- when you ask the reason why, I

1 think mental health professionals -- I think
2 most people believe, and I think you do, too,
3 Sheriff, that we shouldn't criminalize mental
4 health. And I think it was a good thing that we
5 started training officers in mental health in
6 de-escalation skills in trying to get those
7 folks who truly are in a mental health crisis
8 and have mental health issues the services they
9 need.

10 I just think that line has been pushed too
11 far where we're confusing behavior -- bad
12 behavior with mental health, and so that line
13 has to come back a little. And then the second
14 thing is this notion that kids can thumb their
15 nose and refuse services. There used to be a
16 time when I grew up, if you didn't go to school,
17 you'd end up as a truant and there were
18 consequences to that. Not so much anymore. If
19 you didn't go along with what a court said and a
20 court ordered you into treatment, there was a
21 consequence on the other end of that if you
22 didn't participate in that. Not so much
23 anymore.

24 And so to me, the fix -- I agree with every
25 fix you put in here. I just think without this

1 additional fix, we're still going to end up
2 systemically in the same place.

3 CHAIRMAN GUALTIERI: And Secretary
4 Poppell -- excuse me -- Secretary Poppell
5 announced a proposal maybe about a month ago
6 along these lines that would allow the courts to
7 involuntarily commit these kids, and it was
8 reported in the media. And do you know where
9 that is and is there a bill sponsor for it and
10 where that's going?

11 DEPUTY SECRETARY BABCOCK: Right now
12 there's kind of the folks on both sides, and we
13 are still looking at what do we do with these
14 kids. Because I agree with everything that
15 Secretary Carroll said, that we're kind of
16 stuck. There's not a whole lot that we can do.

17 The other -- the other point that I'd like
18 to make is just so everybody around the table
19 understands, when we talk about Baker Act and
20 the numbers that are reported here, we're
21 talking about examinations. We're not --

22 CHAIRMAN GUALTIERI: Right.

23 DEPUTY SECRETARY BABCOCK: -- talking about
24 admissions.

25 CHAIRMAN GUALTIERI: Absolutely. That's --

1 DEPUTY SECRETARY BABCOCK: And so you say
2 how do they have 35 Baker Acts. What we don't
3 know, and this is -- DCF is looking at this, we
4 don't know how much of those 35 Baker Acts
5 resulted in an admission. And so if they're not
6 admitted, how does a CBC or an ME even find out
7 about them?

8 CHAIRMAN GUALTIERI: So I go to you,
9 though -- but that's a problem with your
10 providers.

11 DEPUTY SECRETARY BABCOCK: Right.

12 CHAIRMAN GUALTIERI: Because your
13 providers -- because that's absolutely correct,
14 and that's a frustration and that's a problem.

15 Because as Secretary Carroll mentioned, up
16 to 72 hours and he mentioned 24 hours, I think
17 he's being generous, a lot of these providers
18 keep these people for an hour or two and they
19 boot them out because they view it as crisis
20 stabilization.

21 Because the cops, the cops in these cases,
22 with some of these, if you looked at them, and
23 I've looked at some of them with this kid, is
24 that they're over-Baker Acted, because the cops
25 need to solve the problem by removing the kid

1 from the situation and because they're -- the
2 cops have been pushed too far, the cops have
3 been told too much -- there's been too much
4 emphasis about don't arrest, don't arrest, drive
5 the arrest numbers down, so what they do is they
6 Baker Act.

7 And some of this behavior probably should
8 have resulted in criminal charges or should have
9 been held -- dealt with differently. Because
10 the CSU, the crisis stabilization unit, gets
11 this kid and they do a quick evaluation and say
12 "This kid is not in crisis," it's not -- so they
13 throw him out the back door. Then he goes right
14 back out and he's doing the same thing again.
15 The cops come back out again, and because
16 they're pushed not to arrest, they're putting
17 them right back in the Baker Act system again.
18 And here we go. We're on the hamster wheel.

19 And I couldn't agree with you more. You're
20 absolutely correct. And most people -- and this
21 is the problem I'm trying to get out -- the
22 information I'm trying to get out by this and
23 correct this misnomer is that the Baker Act
24 system is an evaluation system. It is not a
25 treatment system.

1 DEPUTY SECRETARY BABCOCK: Right.

2 CHAIRMAN GUALTIERI: And so people think
3 and they have this idea, well, if you Baker Act,
4 you're going to solve all the problems because
5 this person's going to get treatment. And
6 that's the whole point of saying only 1
7 percent -- less than 1 percent result in
8 involuntary commitment. It doesn't result in
9 treatment. It results in a revolving door. And
10 when you can't force it because there's not
11 effective discharge planning, there's not
12 effective care coordination, there's not
13 effective case management, so when the person
14 comes in and within two hours they're pushed out
15 the back door with nothing and nobody's
16 following up, then it's -- when they get in
17 crisis again or they get in trouble again and
18 somebody Baker Acts them -- because when they're
19 walking out the back door is that nobody --
20 again, discharge planning, nobody is saying
21 we're going to intervene and do something about
22 it.

23 So this is -- it's a very, very -- we're
24 not in a good situation in the state in this
25 area. It's a -- and I venture to say we're in a

1 bad situation.

2 DEPUTY SECRETARY BABCOCK: And I think we
3 actually have two lanes, if you will. So we
4 have the lanes that Secretary Carroll --
5 Commissioner Carroll was talking about. You
6 know, we have the lanes of those kids that are
7 known to systems, DJJ, DCF, but we also have
8 that lane of kids that are not known to a system
9 and/or do not fall under a publicly funded
10 mental health system.

11 And so we have to -- you know, where I
12 think the -- we can capture really kind of --
13 you know, get ahead of the wave of these kids
14 over here in the two systems -- and Commissioner
15 Carroll and I were talking about yesterday, what
16 I'm advocating for is, you know, what I'm
17 calling a crossover court so that we can empower
18 the court to make some decisions to help us with
19 these kids that have behavioral health issues.

20 Because on the mental health side, to be
21 able to bring someone in with a mental health --
22 what we're saying mental health, they have to
23 meet criteria. They have to meet criteria for a
24 diagnosis, and we do have some diagnoses now
25 that we can use. But our hands are tied as well

1 on the mental health side. We know there's an
2 issue, but there's nowhere for us to go.

3 And so it's looking at some of these
4 programs in the community where we can address
5 the behavior piece of it. But we just don't
6 have enough and everything else that you said,
7 that care coordination, data systems aren't
8 talking, we've got things going on in the
9 school, things going on in the community, but
10 we're not all talking to each other, and we're
11 duplicating, replicating services.

12 CHAIRMAN GUALTIERI: Well, and I hope --
13 and I said this to Secretary Poppell and I'll
14 say it here, is, is that I applaud him for
15 bringing forth a solution in his proposal, and I
16 told him anything I can do to help him in
17 support of it, I will do. I hope the
18 legislature listens and realizes this session
19 that this is truly a crisis situation in Florida
20 and something has to change.

21 And for those that say, "Oh, no, no. We
22 just need to keep giving these kids hugs," that
23 isn't working. It isn't going to work, and it's
24 not realistic. And they need to come off of it
25 and realize that there are some kids out there

1 that need something more than that.

2 There are -- the problem I see is that we
3 do all one thing, we do all one other thing.
4 We're not doing enough that's in the middle, and
5 we're not looking at each individual situation.
6 We went from a time where people perceived it as
7 it was too harsh, so now we're way over here and
8 everybody's getting criticized for taking
9 effective enforcement action or holding these
10 kids accountable, so we got to swing it all the
11 way back over here again. And it's -- it needs
12 to -- each situation needs to be evaluated on
13 its own with objective criteria and each one of
14 these kids dealt with individually.

15 Nobody's saying that every kid belongs
16 incarcerated. And the opposite is true. Not
17 every kid should just get a hug and a pass and
18 not be held accountable. There needs to be
19 balance, and we haven't been able to strike that
20 balance in this state.

21 DEPUTY SECRETARY BABCOCK: And the other
22 thing that we're looking at and, once again,
23 trying to get upstream is this first episode
24 piece. How do we capture those kids that show
25 up at the Baker Act facility the first time --

1 CHAIRMAN GUALTIERI: Right.

2 DEPUTY SECRETARY BABCOCK: -- even if
3 they're not admitted? And so we've got to
4 figure out a way to tap into that.

5 CHAIRMAN GUALTIERI: Right. And that goes
6 to -- that goes to case management and discharge
7 planning, etcetera. Is that kid who came in, is
8 that truly a one-time, one -- it's just like a
9 kid with Secretary Marstiller's system with
10 diversion. Majority of kids that come into the
11 diversion system, most -- that are diverted --
12 most of those kids don't recidivate. Most of
13 them are one-and-done and -- but not all of them
14 are.

15 So is it -- it's differentiating between in
16 looking at that kid who was Baker Acted, does
17 that person need follow-up, do they need
18 something, do they need it, but we're not doing
19 that. And so what we're doing is we're just
20 letting them out. Then they come back again.
21 We let them out. They come back again. We let
22 them out. Because nobody is going out and
23 looking at the individual situation to determine
24 is this an isolated case that doesn't need
25 anything, or is that one where we can have early

1 intervention, but we're not doing it.

2 Commissioner Larkin-Skinner, go ahead.

3 COMMISSIONER LARKIN-SKINNER: Just to add
4 to the picture, I think that part of our problem
5 is that we have different funders. So we have
6 DCF, and DCF really covers people who have no
7 other funder. We have AHCA who oversees
8 Medicaid. A lot of kids in Florida have
9 Medicaid. And then we have the private health
10 insurance. So those streams of information do
11 not mix at the moment. I know that AHCA and DCF
12 are working on having a database to mix those.
13 But what happens is even if a kid has Medicaid,
14 they go off and on Medicaid throughout the
15 course of a year for a variety of reasons. A
16 family may pick up and move to another county
17 and the Medicaid they had before is not in that
18 county, so they have to get on a new Medicaid.
19 And the Medic aids are managed by health plans.
20 So a kid could -- even if you used the kid that
21 was Baker Acted 35 times, he could potentially
22 have five different payers in that 35 times,
23 30 -- five different funders.

24 And there's no database that mixes the
25 information. So that maybe United Healthcare,

1 because of Medicaid, knows that he was Baker
2 Acted twice and DCF knows he was Baker Acted
3 twice and some other Medicaid -- Blue Cross/Blue
4 Shield's Medicaid might know he was Baker Acted
5 five times, but nobody knows that he was Baker
6 Acted 35 times in that system.

7 CHAIRMAN GUALTIERI: Right.

8 COMMISSIONER LARKIN-SKINNER: So that's
9 what the providers are struggling with. It's
10 not that providers don't want to do their job,
11 it's that we don't have access to the
12 information because nobody's giving it to us.
13 And the parents aren't. I can tell you that
14 right now. And the kids certainly aren't.
15 They're not coming in and saying, "Hey, I've
16 been Baker Acted 34 times before today."

17 And we can't even half the time get them to
18 tell us they're involved with child welfare,
19 because they want it to be private. You know,
20 people are private, they're embarrassed,
21 whatever their reasons are. We rely a lot on
22 what other people tell us, and we don't have
23 anyplace that we can just go and get it.

24 Now, I can contact our managing entity and
25 say, "What do you have on this kid," but then

1 they're only going to be able to give me what
2 DCF has. They don't have access to the Medicaid
3 databases and the claims data from all the
4 different Medicaids that somebody could have.

5 It is a broken system more than just
6 providers. It is a broken system for many
7 reasons. Over the years, we've periodically
8 funded, you know, the latest and greatest idea,
9 and then funding gets cut. And then we -- then
10 we might fund the next latest and greatest, and
11 then the funding gets cut.

12 I would respectfully disagree with Sheriff
13 Ashley. We do have things that work, and we
14 have proof of those things. We have data. DCF
15 has data. For instance, just on one thing, and
16 that's CAT teams. They do work for kids.

17 Why this 35 -- this kid Baker Acted 35
18 times wasn't referred to a CAT team, I can't
19 even fathom. It should have been done a long
20 time ago. Whenever Pinellas had their very
21 first CAT team, that kid should have been
22 referred and the CAT team should have gotten
23 involved.

24 CHAIRMAN GUALTIERI: What about the one
25 from the other sheriff's office that has 11, and

1 7 of them just in 2019?

2 COMMISSIONER LARKIN-SKINNER: I agree.

3 CHAIRMAN GUALTIERI: Because it's not --
4 this isn't -- again, it's not -- these are, you
5 know, in -- I'll tell you that the legislature
6 funded in 7026 some Mobile Response Teams for
7 people up to age 26. Correct? I can tell you
8 the one in Pinellas ain't working. The data
9 shows that they're not working. Is that they
10 funded it with a million bucks. There's not
11 enough people. They can't keep people. They
12 don't come out. They've only responded a few
13 times.

14 Where's the oversight? Where's somebody
15 looking at this and saying to the provider that
16 has the contract "What are y'all doing?" Why
17 isn't somebody overseeing this? It's not --
18 I've got the numbers. I got a report yesterday.
19 It was like there's been like four responses in
20 this. And the way they tried to roll it out was
21 ridiculous. Because it's not being done right.
22 It's just not.

23 COMMISSIONER LARKIN-SKINNER: So the other
24 pieces here, there are pockets of excellence, I
25 would call it. There are places where it is, in

1 fact, working.

2 CHAIRMAN GUALTIERI: I don't disagree with
3 that.

4 COMMISSIONER LARKIN-SKINNER: Yeah. So --

5 CHAIRMAN GUALTIERI: I'm not saying the
6 whole thing. There are pockets --

7 COMMISSIONER LARKIN-SKINNER: I just don't
8 want to paint a broad brush.

9 CHAIRMAN GUALTIERI: -- where it is. I
10 agree with that.

11 COMMISSIONER LARKIN-SKINNER: That's all.

12 CHAIRMAN GUALTIERI: And I don't want to
13 paint the brush too broadly, so I'll be clear
14 with that. There are some places where
15 things -- where things are working well, but
16 those are individual pockets. But overall,
17 there's a tremendous, tremendous amount of room
18 for improvement.

19 COMMISSIONER LARKIN-SKINNER: Absolutely.
20 I completely agree.

21 And then I'll also say that even with just
22 the Baker Act data, we have a problem in the
23 state of Florida, because we have crisis
24 stabilization units that are funded by DCF,
25 licensed by DCF, we have a whole lot more

1 private hospitals, psychiatric hospitals that
2 are all private companies, they don't have the
3 same reporting, they don't have the same
4 outcomes measurements they have to meet, and so
5 DCF has this data, but nobody has all the data
6 from the private hospitals.

7 CHAIRMAN GUALTIERI: Which goes to care
8 coordination.

9 COMMISSIONER LARKIN-SKINNER: Right.

10 CHAIRMAN GUALTIERI: Which goes to in the
11 case of -- let's just use Nikolas Cruz as an
12 example, is, is that private providers,
13 school-based providers, community-based
14 providers, they weren't all together.

15 I talk to people in the schools in Pinellas
16 County, and the school-based psychologists are
17 treating kids that are being treated by
18 community-based providers and being treated by
19 private providers, and when they do staffings in
20 the schools, none of them come to the school,
21 none of them participate in that. So you got
22 these kids with multiple treatment plans. It's
23 all going this way. Those are the facts. And
24 that's a problem.

25 And that's why then, when we end up with a

1 kid like this, or others, sitting there
2 scratching our heads, I don't need to scratch my
3 head. I can see what it is and why. Because do
4 what you've always done, you're going to get
5 what you always got. Everybody's just going
6 along, getting along. You know, somebody needs
7 to ruffle the feathers here a little bit and say
8 it's time for a change.

9 COMMISSIONER LARKIN-SKINNER: And I think
10 that we have a good opportunity for that with
11 new leadership everywhere and heightened
12 awareness, certainly from this commission, but
13 also from everything that's happened in the
14 United States.

15 But I just want to make sure that we
16 understand that it's a system problem, not --
17 and it is not limited to providers or agencies
18 or law enforcement or child welfare. The entire
19 system in Florida, including child welfare, is
20 not the best it can be. Part of that is from
21 year to year we don't know if we're going to get
22 funded. So -- and then funding shifts and
23 funding gets cut, and we're just trying to
24 adapt.

25 And there is no central repository for

1 data; even in the Baker Act system where you'd
2 think there would be, there is not. So until we
3 find an answer for data and -- you can't even
4 flag a kid if you don't have the data that the
5 kid was Baker Acted, so --

6 CHAIRMAN GUALTIERI: No. I mean, just to
7 be clear, I mean, of course the University of
8 South Florida, the Baker Act reporting center is
9 a repository, but it's de-identified now.

10 COMMISSIONER LARKIN-SKINNER: Correct.

11 CHAIRMAN GUALTIERI: So it's not -- it's
12 data in the sense that it's statistics and
13 numbers, but it's not -- it's de-identified, so
14 it's not providing people this type of
15 information where they can have this type of
16 oversight.

17 COMMISSIONER LARKIN-SKINNER: It's
18 de-identified and it doesn't have -- it -- it
19 doesn't have the voluntary --

20 CHAIRMAN GUALTIERI: No.

21 COMMISSIONER LARKIN-SKINNER: -- Baker Act.

22 CHAIRMAN GUALTIERI: Correct.

23 COMMISSIONER LARKIN-SKINNER: It only has
24 involuntary.

25 CHAIRMAN GUALTIERI: Correct. And you also

1 have -- it's true. And remember what this
2 information -- and I'll go to Secretary Carroll
3 and Commissioner Dodd. But also remember -- and
4 I want to point this out -- with this kid with
5 the 35 Baker Acts, the reason why I was able to
6 determine that, because we have access to the
7 law enforcement systems. Only 51 percent of the
8 Baker Acts are done by law enforcement. So if
9 you got into the system and figured it out with
10 this kid, there's probably more Baker Acts than
11 that, because these 35 were the ones that were
12 done initiated by law enforcement agency. So
13 there's more, but nobody can go in. I don't
14 have access to even go in and figure out the
15 professional certificate ones with this kid.

16 So your point's well-taken. I mean,
17 there's -- it is the epitome of information
18 silos.

19 COMMISSIONER LARKIN-SKINNER: Yes.

20 CHAIRMAN GUALTIERI: Commissioner Carroll.

21 COMMISSIONER CARROLL: Two things. If
22 we -- if we're looking really looking to make
23 recommendations to improve mental health
24 services, I think we need to be more surgical in
25 our approach in that I think what the

1 commissioner was referring to, when you look at
2 Florida as a state, most would argue that we're
3 toward the bottom of other states in funding,
4 and you can't -- you absolutely can't argue
5 otherwise. You know, if you look at it
6 per capita, we're near the bottom.

7 But when you look at performance overall,
8 we're somewhere in the middle and, in some
9 cases, above the middle. So we do better -- we
10 get a bigger bang for our buck in Florida and --
11 because I think we have some cutting edge
12 services in places.

13 Law enforcement sees the failures in the
14 mental health system because you don't see the
15 folks who were engaged in services and are
16 living healthily as a result of those services.
17 You only see the folks who were not engaging in
18 services or been unsuccessful, and so they
19 become repeat recidivism for you folks.

20 It used to be -- I remember when I started
21 with the department, I worked in the welfare
22 programs, and I thought everyone was on welfare.
23 And then I looked at the stat and said, my God,
24 at least in my county, Pinellas County, only 10
25 percent at the time were receiving cash

1 assistance, but because I worked in it, I
2 thought everybody was receiving cash assistance.

3 And I think with respect to law
4 enforcement, your touch on the mental health
5 system is with our most severe, challenging
6 cases that have the high recidivism. And so I
7 want to be careful that as we move forward that
8 we're clear that that's the population we're
9 talking about.

10 Because mental health for a lot of folks in
11 this state who are engaged in treatment and
12 services is working and does work, and they
13 would be very worried about their
14 confidentiality, about their treatment being
15 shared everywhere, and -- which is where all of
16 the pushback would come from by the way.

17 But you mentioned earlier the secretary's
18 proposal that actually came through a Juvenile
19 Justice local committee in Circuit 13, which was
20 Hillsborough, it was a community group. That
21 recommendation when it came up -- and this is
22 the problem in trying to push recommendations
23 like this -- was immediately met with resistance
24 from child advocates.

25 CHAIRMAN GUALTIERI: Yep.

1 COMMISSIONER CARROLL: And I think they
2 improperly or inaccurately portrayed it as this
3 is an attempt to lock kids up. You know, they
4 showed a building with a prison and barbwire on
5 it and stuff, like we want to lock these kids
6 up.

7 That's not what the intent of that was.
8 The intent of it was to establish tools for
9 judges to impose progressive consequences up to
10 and including --

11 CHAIRMAN GUALTIERI: Right.

12 COMMISSIONER CARROLL: -- a commitment
13 program for kids who you just can't get to
14 engage in any other way.

15 And not only do I not think that's abusive,
16 I think it's abusive not to do anything any
17 longer because we have kids that are acting in
18 self-destructive manners from a behavioral
19 standpoint. Where do we expect these kids -- or
20 what do we expect to become of these kids when
21 they're 18? Because right now they make all
22 their own decisions and there are absolutely no
23 boundaries or rails for their behavior. It's
24 all over the place.

25 The minute they turn 18, I can tell you the

1 tolerance for that type of behavior ends and
2 there's only one place they're going to end up,
3 and it's going to be the criminal justice system
4 and they will at that point go to jail.

5 So, to me, to do nothing and stand by,
6 that's an abusive -- is not to try and find ways
7 to engage these kids. But I will tell you it's
8 not going to be without controversy, Sheriff --

9 CHAIRMAN GUALTIERI: Oh, I know.

10 COMMISSIONER CARROLL: -- because there are
11 many who will paint this as just an attempt to
12 lock kids up. And it's not.

13 It is a relatively small population. The
14 recidivism among that population is off the
15 charts, and you've given a couple examples.
16 There are many more. But when you dig into
17 those circumstances, you will find a lot of
18 commonality among it.

19 And just to point out the data issues, I
20 went back and asked my folks look up and see how
21 many Baker Acts you can find on this kid. You
22 have 35 because you have access to all the --

23 CHAIRMAN GUALTIERI: Right.

24 COMMISSIONER CARROLL: -- law enforcement
25 records. We could only find 19. So there's 16

1 Baker Acts -- now, 19 is a lot. I mean, that's
2 not a big improvement. We're not going from 35
3 to 1. It's still 19, which is shameful for any
4 kid that age. But it shows you not even we --
5 and we're serving the kid -- have the complete
6 picture.

7 CHAIRMAN GUALTIERI: Yeah, yeah. No.

8 Commissioner Dodd, go ahead.

9 COMMISSIONER DODD: Well, as a school board
10 member in my county, I'm notified whenever
11 there's a Baker Act. It's surprising to me to
12 see me the number of younger children, the
13 elementary age children, third, fourth, fifth
14 graders, that we are Baker Acting.

15 I will say this though. I think what I see
16 FROM our teachers, our educators, our guidance
17 counselors, our administrators, there's a very
18 good system for reporting risky behaviors,
19 suicidal threats, and tendencies. I don't see a
20 problem there. Those threats are being reported
21 and they're being reported usually to law
22 enforcement, the school resource officer. The
23 school resource officer is getting involved.
24 You know, we are recognizing the risk. The SRO
25 recognize the risk.

1 My hope was that the Mobile Response Teams,
2 the CAT teams, would bring some relief and keep,
3 especially some of these younger kids -- if we
4 have professionals coming on a Mobile Response
5 Team to address the issue that has been
6 recognized and identified, there should be the
7 ability to make a decision there without having
8 to formally Baker Act the child. If the
9 professionals are there that can make the
10 decision, it'll take it away from the
11 responsibility of the resource officer or the
12 deputy, the police officer, who is arriving on
13 the scene or who is there to look at the case,
14 and it's -- therefore, it's no longer on their
15 shoulders, so to speak. They're not mental
16 health certified professionals who can make
17 those decisions. But these Mobile Response
18 Teams, my hope was that that's where some
19 answers would be. And that hasn't happened that
20 I've seen in our county. Even though they're
21 supposed to respond within an hour, all those
22 things, we're not seeing that result.

23 And we also don't see the result of these
24 kids who are Baker Acted when they -- and I know
25 it's not -- it's not a treatment plan, it's an

1 examination, but we're not seeing the
2 communication back to the school with what's
3 happened as a result of the Baker Act, you know,
4 what the plan is going forward. That
5 information needs to be shared. It needs to be
6 brought back to the school so that, you know,
7 they can act in the best interests of the child.

8 CHAIRMAN GUALTIERI: It's called care
9 coordination.

10 COMMISSIONER DODD: Yeah.

11 CHAIRMAN GUALTIERI: Anyway -- all right.
12 We're going to get into Chapter 12 and start
13 getting into this findings and recommendations
14 unless anybody has anything else you want to
15 bring up at this point.

16 All right. So, John, would you put up
17 Chapter 12? If you're in the report, it's on
18 page 140. If you're in the PowerPoint, it's
19 what's up on the screen.

20 So the first finding has as to Chapter 12,
21 number 1: Florida's mental health system is not
22 adequately funded.

23 Sheriff Ashley.

24 SHERIFF ASHLEY: Based off what measure?
25 That's what I would -- that would be my biggest

1 question on that. We all agree the anecdotal
2 evidence it's unfunded -- underfunded. But
3 based on what measurement?

4 CHAIRMAN GUALTIERI: Well, we could add in
5 there that -- and, again, it depends upon --
6 and, you know, Commissioner Carroll or anybody
7 else if you have any information on this, is
8 that I hear, you know, differences, and you can
9 look at and do some research on it, but, you
10 know, Florida, by all the measurements that are
11 out there, and it's based on per capita funding,
12 ranks somewhere 49th or 50th consistently. I
13 think the most recent data I saw was 50. Some
14 say it's 49. I don't know that that matters.

15 Is -- is that you can say Florida's mental
16 health system is not adequately funded because
17 of the inadequate per capita funding, something
18 along those lines, if that's what you're looking
19 for.

20 SHERIFF ASHLEY: Per capita would
21 certainly -- if that's what we're basing it off
22 of. It's just very, very broad. And I make
23 that argument --

24 CHAIRMAN GUALTIERI: Well, what do you --
25 what do you want to -- what do you want to add

1 to it?

2 SHERIFF ASHLEY: If it's per capita, then
3 per capita. If it's the lowest ranked in the
4 country per capita, then I think that's what it
5 should be -- what it should say.

6 COMMISSIONER CARROLL: I don't always trust
7 the actual --

8 CHAIRMAN GUALTIERI: Number.

9 COMMISSIONER CARROLL: -- rank. But I
10 think if you put it comparatively to other
11 states and you stayed away from like 49 --

12 CHAIRMAN GUALTIERI: Right.

13 COMMISSIONER CARROLL: -- versus 50 versus
14 47, there is no doubt that Florida is in the
15 lower 20 percent of states. I would argue that
16 they're probably in the lowest 10 percent of
17 states, but there's no doubt that Florida's in
18 the lower 20 percent in funding for mental
19 health issues per capita than compared to other
20 states around the country.

21 CHAIRMAN GUALTIERI: So maybe do we just
22 that? Florida's mental health system is not
23 adequately funded and because it is -- it's not
24 adequately compared to other states. I -- or I,
25 you know -- all right, you know.

1 COMMISSIONER LARKIN-SKINNER: Would it --
2 putting --

3 COMMISSIONER CARROLL: We could put in --
4 (Indiscernible crosstalk.)

5 COMMISSIONER HARPRING: -- compared with
6 other states is probably more accurate. And I
7 agree with Sheriff Ashley there has to be some
8 sort of data point, and if we could all
9 generally agree that as compared with other
10 states, it's not adequately funded, then I think
11 that's probably appropriate.

12 COMMISSIONER LARKIN-SKINNER: Would it make
13 sense to say as evidenced by per capita funding
14 compared to the other 50 states?

15 CHAIRMAN GUALTIERI: Could do that. Okay.
16 Say that again.

17 COMMISSIONER LARKIN-SKINNER: As evidenced
18 by comparison of per capita funding to the other
19 50 states.

20 CHAIRMAN GUALTIERI: So Florida's mental
21 health system is not adequately funded as
22 evidenced by comparison to mental health funding
23 in other states.

24 COMMISSIONER LARKIN-SKINNER: Yeah, per
25 capita I would add.

1 CHAIRMAN GUALTIERI: Per capita funding in
2 other states. Okay.

3 John, get that finalized. We'll take a
4 look at it and see if everybody agrees.

5 So Florida's mental health system is not
6 adequately funded as evidenced by comparison to
7 other states per capita funding.

8 Are we good with that? Okay.

9 So, John, is that -- you're either going to
10 take the period out and it's not -- yeah, there
11 you go. There you go.

12 All right. So Finding 2: Florida's mental
13 health system, specifically the Baker Act
14 system, needs better discharge planning, master
15 case management, and care coordination.

16 Anything on that one?

17 Finding 3: There is no system for tracking
18 or flagging high recidivist Baker Acts, such as
19 the 14-year-old from Pinellas County that's been
20 Baker Acted 35 times.

21 Anything on that one?

22 All right. Number 4: The Managing Entity
23 system needs to increase provider accountability
24 to ensure outcome driven results and require
25 holistic responsibility for system recidivists.

1 COMMISSIONER HARPRING: I have a question
2 for, you know, maybe Commissioner Larkin-Skinner
3 or others as to the ensuring outcome driven
4 results given the -- mic drop -- you know, given
5 the -- I guess the inability to measure, at
6 least my layman's idea, the inability to measure
7 an outcome in mental health care, whereas if
8 somebody has a broken bone, you can measure that
9 it's been put in a cast, it's been healed, or --
10 that's maybe not the best example, but I just --
11 I'm not exactly sure how the outcome driven
12 result is ultimately measured, whether it's just
13 recidivism or something else.

14 COMMISSIONER LARKIN-SKINNER: No. There's
15 actually multiple measures. So, for instance,
16 my organization has 80-some measures that we
17 have to report for the State. And then each
18 health plan has measures as well, insurance
19 plans. So things like, for kids, how many days
20 were they in school, how many days of school
21 were available in a given month, how many days
22 were they actually in school versus somewhere
23 else, how many days out of the hospital or any
24 hospital, how many arrests, things like that.
25 So we have outcome measures, lots of them, to be

1 honest with you.

2 And then we also have contracts that have
3 penalties built in so that if we don't meet our
4 outcome measures, we are penalized, like a
5 thousand dollars per. For instance, the CAT
6 teams are built that way. If we don't meet our
7 measures in a given month, we are penalized a
8 thousand dollars.

9 So there are accountability mechanisms that
10 certainly exist. I'm not really sure -- I mean,
11 I don't know. I have the same Managing Entity
12 that Pinellas County does, and I know that we
13 are constantly trying to meet our outcome
14 measures. So I'm not -- I know that we have a
15 high level of accountability. I just don't know
16 what the difference is across the state or
17 anything. But they do --

18 COMMISSIONER HARPRING: So they're not --
19 they're not uniform?

20 COMMISSIONER LARKIN-SKINNER: They -- oh,
21 no. They are uniform. They do already exist.
22 I'm just not sure why there's the feeling, I
23 guess, that there isn't any --

24 CHAIRMAN GUALTIERI: And remember, all this
25 is saying is just generically there are outcome

1 measures and just saying -- encouraging that the
2 managing entity should ensure that there are
3 outcome driven measures.

4 Commissioner Carroll, go ahead.

5 COMMISSIONER CARROLL: I actually think
6 this ones needs to be a little bit more specific
7 because, as the commissioner mentioned, we have
8 lots and lots of accountability measures, both
9 federal and state imposed, and you would be
10 surprised to know that Florida does pretty well
11 on these performance measures.

12 What we don't have is performance measures
13 around care coordination and access to care.
14 Because a lot of the folks that we're talking
15 about now are folks who are not engaged, so they
16 wouldn't be -- they wouldn't be captured in
17 those numbers because they're not engaging in
18 services.

19 And then the care coordination one that you
20 talked about, Chair, is critical in that how are
21 we do -- for this population of high utilizers,
22 we need more performance measures around this,
23 things like recidivism.

24 But you talked about case management, like
25 do have a warm handoff, how many days pass by

1 between when a person left an acute care
2 facility until they actually saw a
3 community-based service provider. That's
4 critical. Because I can tell you the longer
5 time it takes from when they're released from a
6 Baker Act facility, then when they get an
7 appointment in a -- in a community-based
8 setting, the longer that time, the less likely
9 the person is to show up. It has to be a warm
10 handoff. It has to be relatively quick.

11 And so there are standards that are
12 developing -- although I would say not fully
13 mature, not fully tracked -- around care
14 coordination particularly, I think, that need to
15 be rising up a little bit. Because, otherwise,
16 if you looked at that, I could list you all of
17 the state and federal measures and I could even
18 show you Florida's comparative performance, and
19 it's -- I think it would surprise a lot of you,
20 because the mental health system does --

21 CHAIRMAN GUALTIERI: Works.

22 COMMISSIONER CARROLL: -- work well for
23 folks who will engage in the system. And so if
24 you looked at those measures, the performance
25 would be pretty good. We struggle with this

1 particular population.

2 CHAIRMAN GUALTIERI: Go ahead.

3 DEPUTY SECRETARY BABCOCK: So right now the
4 Department is looking at specific language that
5 we might be able to incorporate into some
6 legislation regarding accountability for both
7 the MEs and CBCs. I would go out on a limb and
8 say that it's not really the Managing Entity
9 that needs to increase that accountability.
10 It's the Department --

11 CHAIRMAN GUALTIERI: Okay.

12 DEPUTY SECRETARY BABCOCK: -- who needs to
13 be overseeing all that, and so we --

14 CHAIRMAN GUALTIERI: Okay.

15 DEPUTY SECRETARY BABCOCK: -- we need to
16 set the standards for the MEs so that we make
17 sure that it's uniform across all MEs and it
18 doesn't matter what part of the state that you
19 live in.

20 CHAIRMAN GUALTIERI: So we should change it
21 then to DCF needs to increase accountability
22 specifically in the areas of --

23 COMMISSIONER CARROLL: I think it should be
24 access to care and then coordination.

25 DEPUTY SECRETARY BABCOCK: Coordination.

1 CHAIRMAN GUALTIERI: Okay. So just kind
2 of -- let's walk John through this.

3 So DCF needs to increase. Go ahead.

4 COMMISSIONER CARROLL: "Higher
5 accountability to ensure outcome driven results
6 that require system" -- and I'd just put a comma
7 at the end of that and it say "with a focus on
8 access to care" --

9 CHAIRMAN GUALTIERI: Yeah.

10 COMMISSIONER CARROLL: -- "coordination of
11 care, and high-end utilization" --

12 CHAIRMAN GUALTIERI: Yeah.

13 COMMISSIONER CARROLL: -- which is getting
14 at the issues that you're talking about.

15 CHAIRMAN GUALTIERI: Right.

16 COMMISSIONER CARROLL: And that's really
17 where we need to dig in and mature the system.

18 CHAIRMAN GUALTIERI: Okay. John, just kind
19 of tweak that while -- Chief Lystad, go ahead.

20 VICE-CHAIRMAN LYSTAD: That's not a
21 finding. That's a recommendation.

22 COMMISSIONER CARROLL: That is true.

23 CHAIRMAN GUALTIERI: Yeah. So, right.
24 So -- okay. And point taken. So let's just get
25 it right and then we'll cut it out and put in

1 the Recommendations section.

2 So DCF needs to increase provider
3 accountability to ensure outcome driven results
4 and require holistic responsibility for system
5 recidivists with a focus on access to care
6 coordination and high-end utilization.

7 Everybody good with that as a
8 recommendation?

9 COMMISSIONER LARKIN-SKINNER: I just have
10 two things. One is I would actually argue that
11 the Department needs to be held accountable as
12 well as the Agency for Health Care
13 Administration, and if those two entities are
14 held accountable, they will hold providers,
15 Medicaid plans, etcetera, accountable. Because
16 ultimately they have all the data.

17 CHAIRMAN GUALTIERI: Yeah.

18 COMMISSIONER LARKIN-SKINNER: Every
19 individual plan and individual provider doesn't,
20 and we rely on them heavily to get that data so
21 that we can do what we need to do for these kids
22 and their families.

23 CHAIRMAN GUALTIERI: Good. I mean, your
24 point's well taken as far as this gets back to
25 the issue. And obviously Secretary Mayhew

1 couldn't be here today, she had to leave
2 yesterday, but -- is, is that -- and this gets
3 back to you've got different funding sources and
4 different oversight authorities. So I would be
5 more inclined to name names than just say
6 something generically like "state government
7 needs to," because I think we should be
8 specific.

9 So is, is that your suggestion is it should
10 say DCF and AHCA?

11 COMMISSIONER LARKIN-SKINNER: (Nodding
12 head.)

13 CHAIRMAN GUALTIERI: Okay. All right.
14 Anybody have anything else there?

15 All right. So cut that and then put it
16 into a recommendation.

17 DEPUTY SECRETARY BABCOCK: I would just add
18 the word "timely access to care."

19 CHAIRMAN GUALTIERI: Okay. What --

20 DEPUTY SECRETARY BABCOCK: Add the word
21 "timely." I'm wordsmithing it.

22 CHAIRMAN GUALTIERI: Hang on a second.

23 Okay. So DCF and AHCA need to increase
24 provider accountability to ensure outcome driven
25 results and require holistic responsibility for

1 system recidivists.

2 COMMISSIONER LARKIN-SKINNER: So my
3 suggestion is DCF and AHCA need to be held
4 accountable.

5 CHAIRMAN GUALTIERI: Need what?

6 COMMISSIONER LARKIN-SKINNER: They need --
7 DCF and AHCA need to be held accountable for
8 those things. And then what DCF and AHCA will
9 do is because they rely on the provider network
10 and the Managing Entities is they will hold them
11 accountable. But ultimately the responsibility
12 lies with the State agencies, so they're the
13 ones that need to be held accountable.

14 Does that make sense?

15 CHAIRMAN GUALTIERI: You good with that,
16 everybody?

17 DEPUTY SECRETARY BABCOCK: Yes, sir.

18 CHAIRMAN GUALTIERI: Okay. DCF and AHCA
19 need to be held accountable to ensure...

20 And then what was the other recommendation
21 there? Somebody had something else.

22 DEPUTY SECRETARY BABCOCK: I would just put
23 the word "timely" in front of "access."

24 CHAIRMAN GUALTIERI: Okay. Focus on timely
25 access to care. Okay.

1 All right. And so let's go back to the
2 findings and go back to number 5.

3 COMMISSIONER CARROLL: Can I add a finding
4 in at this point?

5 CHAIRMAN GUALTIERI: Pardon me?

6 COMMISSIONER CARROLL: Can I add one in at
7 this point?

8 CHAIRMAN GUALTIERI: For a recommendation?

9 COMMISSIONER CARROLL: No. For a finding.

10 CHAIRMAN GUALTIERI: Finding? Sure.

11 COMMISSIONER CARROLL: Because what I would
12 like to say is mental health services in most
13 cases are voluntary and then children and/or
14 parents can choose to not seek or participate in
15 treatment, making it difficult to effectively
16 meet the child's mental health needs. Because
17 it will -- that's the issue that I was talking
18 about, and I have a similar recommendation that
19 will address that.

20 CHAIRMAN GUALTIERI: Okay.

21 SHERIFF ASHLEY: Let me ask a question --

22 CHAIRMAN GUALTIERI: Anybody have any
23 issue --

24 SHERIFF ASHLEY: -- on that.

25 CHAIRMAN GUALTIERI: What?

1 SHERIFF ASHLEY: The question to
2 Commissioner Carroll on that is what is the
3 current consequence, if any, for a child or
4 parent not participating in services.

5 COMMISSIONER CARROLL: There is none.

6 CHAIRMAN GUALTIERI: None.

7 SHERIFF ASHLEY: Because of HIPAA? Because
8 of --

9 CHAIRMAN GUALTIERI: No.

10 SHERIFF ASHLEY: It's not ordered by court
11 or --

12 COMMISSIONER CARROLL: There are none. And
13 when you -- you know, even in the child welfare
14 system when a kid has a behavioral health issue
15 and a judge says, "This child needs to go into
16 substance abuse treatment" or "This child needs
17 to go to mental health treatment," if that child
18 says, "I'm not going," there's -- and the judge
19 will tell you there's nothing they can do about
20 it.

21 CHAIRMAN GUALTIERI: The dependency
22 court -- there's nothing in the law that
23 allows -- and this is what's going to the
24 proposal that Secretary Poppell's bringing up,
25 is, is that there needs to be some changes to

1 the law that gives the court some authority to
2 do something on a graduated sanctions basis.

3 And, again, nobody's saying -- of course,
4 the opponents cast this in the worst light
5 because they're just opposed to it as opposed to
6 understanding the problem and it's a legit fix
7 and a necessary fix.

8 But all he's saying is, is that the courts
9 need something. Because the courts have nothing
10 now. And so as we know, the -- and everybody
11 says "We got the Baker Act system." Well, we'll
12 we've discussed that to death, is that doesn't
13 provide what is necessary. So the courts need
14 something. So there is nothing.

15 And this is where the problem -- this is
16 where the greatest void is, and this is why
17 those of us that looked at the secretary's
18 proposal support it, because it's filling that
19 void that is out there. That doesn't exist.

20 And people say, "Well, just get the judge
21 to do something." Well, the judge can only do
22 what the law allows the judge to do. Judges
23 can't just make up stuff and start throwing
24 people into some type of a involuntary program.
25 They have to have legal authority to do it, and

1 it doesn't exist.

2 So as far as that new finding by
3 Commissioner Carroll: Mental health services in
4 most cases are voluntary, parents and children
5 can choose not to participate and making it
6 difficult to ensure the child's needs are met.

7 I think that's accurate. Does anybody have
8 any concerns with that? Any objections to that?

9 All right. So let's move -- just put that
10 in there. You got that, John.

11 So let's move on to number 5. Now, this is
12 based upon what's in the narrative in there.
13 Schools are limited in the type and quantity of
14 mental health services they can provide, and
15 their role is limited to helping the student
16 thrive in the academic environment.

17 So we heard testimony about that during our
18 meetings. I think that it's important to
19 recognize that the schools are not funded for,
20 designed for, equipped for, etcetera, to be the
21 holistic mental health provider of every kid.
22 Their primary role is to help the kids thrive in
23 the academic environment and refer out to
24 community-based providers or others for the
25 mental health services that are outside the four

1 corners -- four walls of the school.

2 So I don't know if Commissioner Stewart and
3 Chancellor Oliva, do you have any concerns about
4 that or agree with it, disagree with it?

5 CHANCELLOR OLIVA: I think that's a fair
6 statement. So that the school at that tier 1
7 level would provide access to universal systems
8 of supports.

9 CHAIRMAN GUALTIERI: Right.

10 CHANCELLOR OLIVA: Then as that system of
11 care gets more complex for the student --

12 CHAIRMAN GUALTIERI: Right.

13 CHANCELLOR OLIVA: -- there may not be a
14 full relinquish of school-based services --

15 CHAIRMAN GUALTIERI: No.

16 CHANCELLOR OLIVA: -- but a partnership
17 with outside agencies that need to be part of
18 that care plan.

19 CHAIRMAN GUALTIERI: But I think what
20 people need to realize, I think -- and, again,
21 you -- everybody pipe in -- and Commissioner
22 Dodd, from the school perspective, I know
23 Commissioner Powers isn't here today, but
24 schools are limited in the -- in the type and
25 quantity. So limited in the type and quantity

1 is they can't provide all services. And they're
2 limited in time. Schools during the summer,
3 during recess, or during Christmas break, and
4 during all those other periods of time, so
5 they're limited in what they can do.

6 And their primary focus -- and as an
7 example is ESE students are going to inherently
8 get more services than non-ESE students.

9 So there's limited resources and only so
10 much to go around, and I think there should be a
11 recognition that we can't dump too much on the
12 schools in this area and that people shouldn't
13 view the schools as the end-all be-all and that
14 the schools are tasked with fixing this problem.
15 I think that's what I'm trying to get out there.

16 Everybody okay with that one? Good.

17 All right. So let's go on to number 6.
18 Senate Bill 7026 required that each district
19 prepare and submit a mental health assistance
20 allocation plan. The plan must focus on
21 delivering evidence-based mental health care
22 with a checklist of provisions.

23 So that's just highlighting that. Any
24 issues with that one?

25 Okay. 7: While the Broward County Public

1 Schools and other districts provide mental
2 health, there continues to be a gap in ensuring
3 that these services meet the demand and need.

4 Anything on that one?

5 Chief Lystad.

6 VICE-CHAIRMAN LYSTAD: Just add "services"
7 after "mental health."

8 CHAIRMAN GUALTIERI: Okay. All right. So
9 let's go over to the next Findings section which
10 is -- there's only one. It's on page 142 of the
11 report.

12 So a gap exists in providing a safety net
13 for high-risk children transitioning into
14 adulthood from child services.

15 Anybody have any comments on that one?

16 All right. So we'll move into the
17 recommendations.

18 First one is: The legislature should
19 consider additional mental health funding and
20 require that entities receiving State funding
21 report data-driven and outcome-based performance
22 metrics establishing effective use of the State
23 money.

24 Any comments on that one?

25 All right. Number 2: Entities receiving

1 State funding should be authorized and required
2 to participate in care coordination with other
3 public and private providers, especially
4 school-based providers.

5 That's one of the things that we've heard
6 is, is that one of the reasons why there is a
7 void in care coordination is because some of
8 these community-based providers don't have
9 authorized pay points to go and participate in
10 the staffings at the schools.

11 So what this is saying is, is that
12 authorize them to do it, and not only authorize
13 them, but require them to do it so that you
14 don't have that void and that hole so that they
15 don't have to worry about whether they're being
16 paid to go and participate in these staffings
17 and coordinate with school-based services.

18 COMMISSIONER CARROLL: And can we add there
19 the expectations and measures --

20 CHAIRMAN GUALTIERI: Sure.

21 COMMISSIONER CARROLL: -- required for each
22 provider participating within the care
23 coordination plan?

24 Because, to me, it just says they need to
25 participate. But really each of the parties

1 needs to be held accountable with respect to
2 care coordination.

3 CHAIRMAN GUALTIERI: So tell me -- and so
4 John can type it in there, so -- and Harold, can
5 you turn on Commissioner Carroll's microphone so
6 John can hear? It's on? Okay.

7 So entities receiving State funding should
8 be authorized and required to?

9 COMMISSIONER CARROLL: I was just at the
10 end of that. What you have there, I agree with.
11 But at the end, I would put that expectations
12 and performance measures should be established
13 for all providers in the continuum of the
14 coordination of care plan for any child.

15 So with respect to Nikolas Cruz, you had
16 community-based care -- or a community-based
17 mental health agency providing services, you had
18 school-based services, you had a private
19 psychiatrist. To me, if they're receiving any
20 type -- type of State funding, all three of
21 those folks should have had expectations around
22 their responsibility around communicating
23 information and coordinating care for that
24 child. It shouldn't reside with one part. No
25 one owns care coordination. Everybody should

1 own a piece of it.

2 CHAIRMAN GUALTIERI: Okay. All right.

3 Anything else on -- yeah?

4 DEPUTY SECRETARY BABCOCK: I think when we
5 put "required," I don't know if we want to put
6 language in there. We should think about
7 language. Right now there's not a -- you know,
8 and I hate to say this -- there's not a billing
9 mechanism. And so we need to make sure that
10 both Department and AHCA have a mechanism for
11 reimbursement to participate in this care
12 coordination. And I think that's a big, right
13 now, kind of -- probably the biggest reason that
14 I hear is why folks do not participate, there's
15 no way to bill for that. And so we've got to
16 figure out a way for folks to get reimbursed for
17 their time. So that might be, you know,
18 something that we put in here.

19 CHAIRMAN GUALTIERI: That has to come from
20 CCM or, I mean, who -- some of that's -- some of
21 that's Medicaid funded and the -- is --

22 DEPUTY SECRETARY BABCOCK: Not all care
23 coordination is -- funded is billable.

24 CHAIRMAN GUALTIERI: Right.

25 DEPUTY SECRETARY BABCOCK: So --

1 CHAIRMAN GUALTIERI: So where does it have
2 to change? Is that -- is that a state level
3 change or a federal level change?

4 DEPUTY SECRETARY BABCOCK: It can be state.
5 It can be state. We can come up with --

6 CHAIRMAN GUALTIERI: State.

7 DEPUTY SECRETARY BABCOCK: -- billable
8 codes for care coordination and specify both.

9 COMMISSIONER CARROLL: I think part of the
10 request upfront was to consider adding funds to
11 the system. To me, the funds should be added in
12 the -- into the system specifically to improve
13 care coordination.

14 CHAIRMAN GUALTIERI: Right.

15 COMMISSIONER CARROLL: So it would allow --
16 if they did that, it would allow you to create
17 the billing mechanism, then to draw down those
18 funds. So you would tie this recommendation to
19 your recommendation for more funding.

20 CHAIRMAN GUALTIERI: So could you -- and
21 wherever -- so here could you change -- instead
22 of entities receiving state funding to meet
23 this, could we change it to say the legislature
24 should provide or the legislature should
25 authorize the state funding --

1 COMMISSIONER CARROLL: Sure.

2 CHAIRMAN GUALTIERI: -- to -- should
3 authorize state funding and require -- take out
4 the "to" -- require participation in.

5 Does that work? Because that's where it's
6 got to come from, the legislature, is what your
7 saying. The legislature has to authorize this?

8 Legislature should authorize state funding
9 and require participation in care coordination
10 with other public and private providers,
11 especially school-based providers, etcetera.

12 DEPUTY SECRETARY BABCOCK: Or do you want
13 to put it up in Recommendation 1 where the
14 legislature should consider additional mental
15 health funding specifically for services and
16 care coordination and require entities to, you
17 know, to report on that?

18 CHAIRMAN GUALTIERI: I don't -- I don't
19 care. Wherever. It doesn't matter to me, I
20 mean.

21 COMMISSIONER CARROLL: But how that's
22 written is accurate.

23 CHAIRMAN GUALTIERI: What's that?

24 COMMISSIONER CARROLL: I said how that's
25 written right now is accurate. But I do think

1 you could put it both places.

2 CHAIRMAN GUALTIERI: So put it up there in
3 number 1 also?

4 COMMISSIONER CARROLL: Yeah. Because to
5 say increase mental health funding, that's a --
6 that's a big, broad ask, and the money could go
7 places where it doesn't have any impact on what
8 we're talking about.

9 COMMISSIONER HARPRING: But the increased
10 funding here is directly related to something
11 that we're going to recommend now will be
12 required that, you know, heretofore is not.

13 CHAIRMAN GUALTIERI: All right.

14 COMMISSIONER HARPRING: I think they're
15 exclusive. I would just prefer leave it here
16 because it's directly related to some outcome
17 we're requesting occur that currently doesn't.

18 COMMISSIONER CARROLL: True. Okay.

19 CHAIRMAN GUALTIERI: All right. So do we
20 want it -- want to leave it where it is, or we
21 want to change it?

22 COMMISSIONER CARROLL: I think where it is
23 spells out the need to specifically fund this
24 and make it a billable --

25 CHAIRMAN GUALTIERI: Okay.

1 COMMISSIONER CARROLL: -- thing, but once
2 you do that, you can establish expectations and
3 performance measures around it, so I think...

4 CHAIRMAN GUALTIERI: All right. So we're
5 okay with it where it is? Okay.

6 COMMISSIONER LARKIN-SKINNER: I have a
7 question. Number 2, when I originally saw it, I
8 thought it was sort of a way to compel school
9 districts to allow State-funded entities in to
10 be part of the threat assessment to provide
11 services. We kind of took a different turn
12 here.

13 So I'm just wondering if we should have a
14 recommendation. I mean, I would recommend it.
15 Because one of the challenges is a lot of times
16 specific schools will not allow providers in or
17 to participate, and they should be compelled to
18 do so. I mean, we have high -- as high level
19 background checks as school personnel do, so to
20 be able to get State funding, we have those
21 background checks for every single point --

22 CHAIRMAN GUALTIERI: So could you add that
23 by "The legislature should authorize State
24 funding and require provider participation in
25 care coordination with other public and private

1 providers, especially school-based providers"?

2 COMMISSIONER LARKIN-SKINNER: So --

3 COMMISSIONER CARROLL: I would ask not to
4 do that here. But I understand the
5 commissioner's point, and I think that should be
6 a stand-alone.

7 COMMISSIONER LARKIN-SKINNER: With a
8 recommendation?

9 COMMISSIONER CARROLL: Yeah. The next one.

10 CHAIRMAN GUALTIERI: All right.

11 COMMISSIONER CARROLL: Because if --
12 because, otherwise, it's going to convolute the
13 meaning of this.

14 But I absolutely agree that schools ought
15 to be mandated to be working in concert, in
16 collaboration, with community mental health
17 providers to provide a continuum of service and
18 effective communication across treatment. Right
19 now that happens in some places, but doesn't in
20 most.

21 CHAIRMAN GUALTIERI: Okay. All right. So
22 we have got number 1. We got number 2. Let's
23 see if we can add that in at number 3 where you
24 want it. It says -- number 3 is: The Managing
25 Entities should establish and require the

1 implementation -- what?

2 SERGEANT SUESS: I'm sorry, sir. Real
3 quick, on recommendations to the last line, I
4 got a little sideways at the end of it. Is the
5 wording on that accurate?

6 CHAIRMAN GUALTIERI: Well, I think it'd
7 be -- the language needs a little tweaking. So
8 expectations and performance measures should be
9 established for all providers of the plan.

10 COMMISSIONER CARROLL: I would -- I
11 wouldn't put of the plan. I would just put
12 for --

13 CHAIRMAN GUALTIERI: Yeah.

14 COMMISSIONER CARROLL: -- for coordination
15 of care.

16 CHAIRMAN GUALTIERI: There you go.
17 Expectations and performance measures should be
18 established for all providers for continuation
19 of care coordination. And then a few word
20 tweaks we can fix in there later.

21 All right. So moving on to number 3:
22 Managing Entities should establish and require
23 implementation of master case management systems
24 in all seven reason -- regions.

25 So maybe that should not -- you know, and

1 from the discussion here, maybe that shouldn't
2 be that the Managing Entity should be required,
3 maybe it should be somebody else, either the
4 legislature or DCF or somebody, or should that
5 be with the Managing Entities, you know?

6 COMMISSIONER LARKIN-SKINNER: So if it's
7 with the Managing Entities, it only covers
8 people they're responsible for, which is --

9 CHAIRMAN GUALTIERI: Right.

10 COMMISSIONER LARKIN-SKINNER: -- equal to
11 who DCF's responsible for, and it wouldn't
12 include any kids with Medicaid.

13 CHAIRMAN GUALTIERI: So I think with that,
14 it's probably -- in order for that to happen
15 effectively, probably going to require coming
16 out of the legislature. So, I mean, now, and
17 based on this discussion, I'd say changing that
18 to "The legislature should establish and require
19 implementation of master case management systems
20 throughout Florida."

21 Is that -- what do y'all think?

22 COMMISSIONER LARKIN-SKINNER: I think
23 that's a better way to say it because it does at
24 least capture all the different possibilities.

25 CHAIRMAN GUALTIERI: Commissioner Carroll,

1 do you --

2 COMMISSIONER CARROLL: Well, again, because
3 I don't want to make it so broad that folks
4 misunderstand what we're trying to say. Because
5 what we really want this master case management
6 around is high utilizers. And so if we say
7 "require the implementation of master case
8 management for high utilizers of acute care in
9 all seven regions," so that would get at the --
10 like the Baker Act issue or whether it be
11 assessed and that type stuff.

12 CHAIRMAN GUALTIERI: So you want -- so the
13 legislature should establish and require the
14 implementation of master case management systems
15 for --

16 COMMISSIONER CARROLL: High utilizers --

17 CHAIRMAN GUALTIERI: -- high --

18 COMMISSIONER CARROLL: -- for acute care.

19 CHAIRMAN GUALTIERI: -- high system
20 utilizers in all seven managing entity regions.

21 COMMISSIONER CARROLL: But I would -- me, I
22 would put high utilizers of acute care
23 because --

24 CHAIRMAN GUALTIERI: Okay. Acute care.

25 Okay.

1 COMMISSIONER CARROLL: -- if somebody's
2 engaged in treatment and they're going to
3 treatment all the time, that's a good thing.
4 It's if they keep showing up at emergency rooms
5 and Baker Act facilities --

6 CHAIRMAN GUALTIERI: That's --

7 COMMISSIONER CARROLL: -- that's a bad
8 thing --

9 CHAIRMAN GUALTIERI: No. It's a great
10 point.

11 COMMISSIONER CARROLL: -- you know.

12 CHAIRMAN GUALTIERI: I certainly appreciate
13 that input. So -- because we want to be as
14 specific as possible and have everybody
15 understand what we're talking about here within
16 the terminology that's used within that system.

17 Go ahead. Yeah.

18 DEPUTY SECRETARY BABCOCK: I would put
19 statewide versus seven managing entity regions.

20 CHAIRMAN GUALTIERI: Okay.

21 DEPUTY SECRETARY BABCOCK: That that's
22 specific to us.

23 CHAIRMAN GUALTIERI: So change that for
24 high utilizers of acute care statewide. Okay.

25 Is everybody good with that?

1 Okay. So we move on to the next one.

2 Baker Act providers need a system.

3 COMMISSIONER CARROLL: Can we --

4 CHAIRMAN GUALTIERI: -- to identify --

5 COMMISSIONER CARROLL: Can we go back,
6 Sheriff, on --

7 CHAIRMAN GUALTIERI: Yeah.

8 COMMISSIONER CARROLL: Because I want to
9 make sure Commissioner Skinner's recommendation
10 gets in there. We want to make a separate
11 recommendation around --

12 COMMISSIONER LARKIN-SKINNER: That compels
13 school districts to allow community-based
14 providers who receive State funding in the
15 schools to participate in treatment teams, IEPs,
16 threat assessments, all of those things that --

17 CHAIRMAN GUALTIERI: So this is a
18 legislative action, so the legislature should --
19 go ahead.

20 COMMISSIONER LARKIN-SKINNER: Compel or --

21 CHAIRMAN GUALTIERI: Require.

22 COMMISSIONER LARKIN-SKINNER: -- require
23 school districts to allow community -- to
24 partner with and allow community-based providers
25 in the schools to take part in threat

1 assessments and provide services for kids who
2 need them.

3 CHAIRMAN GUALTIERI: So the school -- so
4 the legislature should require that -- should
5 require that school districts permit. Try it
6 that way.

7 COMMISSIONER LARKIN-SKINNER: Yeah, that's
8 good.

9 CHAIRMAN GUALTIERI: The legislature should
10 require that school districts permit community
11 mental health providers.

12 COMMISSIONER LARKIN-SKINNER: Who receive
13 State funding.

14 CHAIRMAN GUALTIERI: Who receive State
15 funding.

16 COMMISSIONER LARKIN-SKINNER: Because then
17 you know for a fact that they -- every single
18 one of them has the high-level background check
19 because the State requires it.

20 CHAIRMAN GUALTIERI: To participate on in
21 what?

22 COMMISSIONER LARKIN-SKINNER: So in the
23 threat assessment teams, for instance. I
24 mean --

25 CHAIRMAN GUALTIERI: I don't know about in

1 the threat assessment teams themselves, I mean.

2 So, you know, I don't know about that.

3 COMMISSIONER LARKIN-SKINNER: If we're a
4 provider, I mean, if we're providing services to
5 the kid --

6 CHAIRMAN GUALTIERI: Right. Well, yeah.

7 COMMISSIONER LARKIN-SKINNER: -- that's the
8 right thing to do.

9 CHAIRMAN GUALTIERI: I think that that's
10 okay, you know. Okay. Fair enough.

11 COMMISSIONER LARKIN-SKINNER: I'm not
12 suggesting that they allow us in to do it just
13 for any kid that we have nothing to do with.
14 But, I mean, if we're providing services to a
15 kid or a kid's been Baker Acted, that's the way
16 you're going to get the data that you need to
17 determine what is the level of threat.

18 CHAIRMAN GUALTIERI: To participate in --
19 okay. So you could say "to participate in
20 threat assessments of students for whom the
21 provider is currently treating or has treated"
22 or something like that.

23 COMMISSIONER LARKIN-SKINNER: Something
24 like that, yeah.

25 CHAIRMAN GUALTIERI: Yeah. So the

1 legislature require the school district permit
2 community mental health providers who receive
3 State funding to participate in threat
4 assessments of students for whom the provider is
5 currently treating.

6 But do you want to go -- since we're on
7 this topic and we're going here, is, is that I
8 think it's also appropriate if we're going to do
9 that, that they allow -- and I'm thinking about
10 staffings that are not threat assessments, so
11 there may be -- you know, the whole goal of all
12 this is to avoid having to do a threat
13 assessment --

14 COMMISSIONER LARKIN-SKINNER: Right.

15 CHAIRMAN GUALTIERI: -- and to catch these
16 things at the earliest possible time for
17 intervention. So if you have a kid that is
18 receiving in-school services and let's say the
19 school and the social worker, psychologist, or
20 whoever, let's say they're having a staffing as
21 it relates to that kid but the kid is also
22 receiving out-of-school services, it'd be a good
23 idea to engage those out-of-school services and
24 the community-based provider in that staffing
25 before it raises -- rises to the level of threat

1 assessment.

2 COMMISSIONER LARKIN-SKINNER: Absolutely.

3 CHAIRMAN GUALTIERI: So I think that -- I'm
4 not sure what the right wording is.

5 COMMISSIONER CARROLL: Can I -- can I make
6 a suggestion?

7 CHAIRMAN GUALTIERI: Sure.

8 COMMISSIONER CARROLL: Because if we go up
9 and say school districts -- get rid of the word
10 "permit." I don't like that. But school
11 districts engage community mental health
12 providers who receive State funding in the
13 coordination of treatment plans and threat
14 assessments of students for whom the provider is
15 currently treating.

16 So -- because I agree with the sheriff, I
17 want them engaged before.

18 COMMISSIONER LARKIN-SKINNER: Right.

19 COMMISSIONER CARROLL: If they're more
20 engaged in the coordination of treatment plan --
21 plans and treatment, there's less likelihood it
22 will end up moving to a threat assessment. But
23 if there is a threat assessment, they need to
24 participate in that clearly.

25 CHAIRMAN GUALTIERI: You know --

1 COMMISSIONER LARKIN-SKINNER: And maybe if
2 I offer an example. So we have a CAT team in a
3 county and there were two schools in that county
4 that would not allow the staff on campus.

5 CHAIRMAN GUALTIERI: Well, one of the
6 things that I think we got to be careful with
7 this as far as the -- as far as the threat
8 assessment teams, because one of the things that
9 I don't want to have happen here is make this
10 recommendation and it gets, you know, adopted --
11 obviously, it's got to go through a legislative
12 process and see if they agree with it anyway and
13 it would get tweaked, but we got to make sure
14 that the threat assessment team process doesn't
15 get bogged down. Because there are some
16 providers that are not going to get there and
17 timely engage in the threat assessment, so I am
18 concerned about having this a requirement as far
19 as the threat assessment.

20 So let's look at this. The legislature
21 should require the school districts engage --
22 and I think that's a good word, Commissioner
23 Carroll -- engage community mental health
24 providers who receive State funding to
25 participate in the coordination of treatment

1 plans.

2 COMMISSIONER CARROLL: Put it in, threat
3 assessments as appropriate of students for whom
4 it provides. I think -- I think the legislation
5 around threat assessments, though, says that the
6 community mental health provider that's treating
7 them -- they're not included in that?

8 CHAIRMAN GUALTIERI: No. It's the
9 school -- they're only required -- the required
10 personnel on a behavioral threat assessment team
11 are school mental health providers. There has
12 to be a mental health provider on it, but it's
13 the school-based personnel.

14 COMMISSIONER SWEARINGEN: That is a
15 recommendation, though, under the threat
16 assessment pieces that these people be involved,
17 so we're going to have it kind of in two places.
18 It is a -- it is under --

19 CHAIRMAN GUALTIERI: In two? It is in
20 there in that chapter --

21 COMMISSIONER SWEARINGEN: Yes.

22 CHAIRMAN GUALTIERI: -- as well?

23 COMMISSIONER SWEARINGEN: It is.

24 CHAIRMAN GUALTIERI: So, yeah, we need to
25 be careful about that, because I can see where

1 that's going to cause problems and it's going to
2 bog down the process if we -- if somebody picks
3 this up and requires that the community --
4 because with just scheduling and everything
5 else, we don't want that process to be halted
6 because a community-based provider can't get
7 there, so court --

8 COMMISSIONER SWEARINGEN: Yeah.

9 Recommend -- I'm sorry -- Recommendation 2,
10 under threat assessment, says community-based
11 mental health provider should also participate
12 on threat assessment teams and when they have
13 unique knowledge of the person who is the
14 subject of the assessment.

15 CHAIRMAN GUALTIERI: So --

16 COMMISSIONER CARROLL: Yeah. So we should
17 say, "when appropriate."

18 CHAIRMAN GUALTIERI: So I think what we can
19 probably do is let's get it right here and just
20 eliminate that one. When we get to it, we'll
21 just take that out. Let's settle on that here
22 and just include it here, and then we'll take it
23 out of that one when we get there.

24 So --

25 COMMISSIONER LARKIN-SKINNER: Mr. Chair, I

1 was going to suggest maybe what we could do is
2 remove threat assessment from here, leave this
3 one without that --

4 CHAIRMAN GUALTIERI: Yeah.

5 COMMISSIONER LARKIN-SKINNER: -- and then
6 leave that one.

7 CHAIRMAN GUALTIERI: Okay. All right. We
8 can do that too. So let's just take threat
9 assessments out for now.

10 So the legislature should require districts
11 engage community mental health providers who
12 receive State funding participate in the
13 coordination of treatment plans of students for
14 whom the provider is currently treating.

15 Does that does work for -- how's that sound
16 for those -- go ahead, Commissioner.

17 COMMISSIONER DODD: Yeah. I mean, it
18 all -- would it almost be better to say the
19 legislature should require community mental
20 health providers who receive State funding to
21 engage the school districts. I mean, I think
22 it's -- you know, I feel like our school
23 district is open to that. Is -- are school
24 districts standing in the way.

25 COMMISSIONER LARKIN-SKINNER: Absolutely.

1 SECRETARY MARSTILLER: Yes.

2 COMMISSIONER LARKIN-SKINNER: Actually,
3 it's actually not districts. It's individual
4 schools. So individual schools, essentially
5 principals, are allowed to decide who can come
6 on campus and who can't or who can provide
7 services and who can't.

8 So the example I gave is the county that I
9 was talking about probably has around between 50
10 and 60 schools. There were two where a CAT team
11 had clients, and they wouldn't let us come on
12 campus, and so we're trying to help.

13 And I agree, this one -- this
14 recommendation here is very much preventative,
15 and so if we can provide the services --

16 CHAIRMAN GUALTIERI: Right.

17 COMMISSIONER LARKIN-SKINNER: -- and we're
18 allowed to provide the services, then we have a
19 greater chance of not having to get to the
20 threat assessment piece if that makes sense.

21 CHAIRMAN GUALTIERI: And here, too, one of
22 the things, the key words here, and I think it's
23 a good word, is "engage." Because it doesn't
24 say -- because at least they have to do is
25 engage. And that could be, you know, ideally is

1 getting everybody sitting down at the table and
2 everybody's discussing. But let's say at least
3 they have to do is reach out, and if the
4 provider says, "Well, here's some information,
5 but I can't come," it's not bogging the process
6 down.

7 So "engage" is probably a good word to use
8 because it's not saying that you're trying to
9 force somebody to the table where they just
10 can't meet that.

11 And, again, we got to remember, Florida's a
12 very diverse state, and you get into some of
13 those North Florida counties that, you know, the
14 mental health provider is providing service
15 maybe three counties away. So we have to be
16 very aware of all that. I think that we got to
17 provide some flexibility and local control over
18 this.

19 COMMISSIONER DODD: I mean, we've been
20 opening the doors to community health providers.
21 They go through a contract process that actually
22 comes to the board that, you know, make sure
23 they're meeting all the requirements of law. So
24 that is something that we've been doing. But I
25 wasn't --

1 COMMISSIONER LARKIN-SKINNER: Not all the
2 districts operate that way.

3 CHAIRMAN GUALTIERI: So is everybody okay
4 with this? I think this is broad enough and
5 gives enough flexibility to just try to make the
6 point is, is let's open the door and get
7 everybody talking. And I think that does that
8 without being overly constraining as well.

9 Any objections to that?

10 Okay. So let's try and move on here. So I
11 think we're at 4. The Baker Act providers need
12 a system to identify and alert a responsible
13 entity of those individuals who are repeatedly
14 Baker Acted, and the responsible entity must
15 develop a course of action to address why the
16 person is repeatedly Baker Acted.

17 You know, that's just saying that, you
18 know, with all us sitting here trying to figure
19 it out is to be specific as to who. We're
20 just -- somebody needs to own this and somebody
21 needs to figure this out is the gist of that.
22 But for us to sit here and figure out, you know,
23 who specifically in the system and where that
24 responsibility needs to be placed, etcetera, I
25 don't think we can do that.

1 But I do think a recommendation should be
2 that somebody should do that, so -- and that's
3 what that's trying to get at. So I realize
4 there's some generalities in there, but I think
5 there have to be as a recommendation coming out
6 of this commission.

7 COMMISSIONER SWEARINGEN: There's a
8 spelling change in that on the second --

9 CHAIRMAN GUALTIERI: Where?

10 COMMISSIONER SWEARINGEN: Responsibility.

11 CHAIRMAN GUALTIERI: Okay.

12 COMMISSIONER SWEARINGEN: It should be
13 change responsibility to...

14 CHAIRMAN GUALTIERI: Yeah. You see the
15 spelling, John, in the responsibility?

16 COMMISSIONER HARPRING: Sheriff, just to
17 elaborate briefly on what you said, I understand
18 perhaps the need for the vague generality, but
19 I'm concerned that we're providing a
20 recommendation with little or no guidance as to
21 who the responsible entity is.

22 And I do not at this stage necessarily want
23 to go down the list of potential responsible
24 entities, but I do have a, you know, concern
25 that we're saying that it should be done without

1 any direction that the legislature should do
2 something such as evaluate and identify it, you
3 know, create a work group, something along those
4 lines. I totally agree with the -- with the
5 premise and the idea. That's just my thought
6 for what it is.

7 CHAIRMAN GUALTIERI: Then --

8 COMMISSIONER CARROLL: Part of the issue
9 goes back to the lack of tracking system. You
10 might want to or we might want to consider
11 changing this to AHCA and DCF, the capability to
12 be able to identify and drill down on folks
13 with -- you know, once they get to a certain
14 threshold, because then it would be sent to
15 the -- might be sent to DJJ, DCF, AHCA, whoever
16 that responsible party is.

17 But somebody at that -- I still wouldn't
18 leave it up to the Baker Act provider because
19 they might not be the only receiving facility
20 that the kid is going to. Do you know?

21 CHAIRMAN GUALTIERI: Okay. So I think --
22 so the point, again, this is more passive voice,
23 make it more active in getting to Commissioner
24 Harpring's point is, is -- is that DCF and
25 AHCA --

1 COMMISSIONER CARROLL: I think we throw DJJ
2 in there.

3 CHAIRMAN GUALTIERI: Everybody.

4 COMMISSIONER CARROLL: I don't have to do
5 it, but they all work well together. But AHCA,
6 DJJ, DCF develop --

7 CHAIRMAN GUALTIERI: Should develop --
8 should develop a system.

9 COMMISSIONER CARROLL: -- alert system that
10 would identify. Because --

11 CHAIRMAN GUALTIERI: Yeah.

12 COMMISSIONER CARROLL: -- I can tell you we
13 didn't have it in the Department when I was
14 there. We were flying blind a lot. But it sure
15 would be nice to have.

16 CHAIRMAN GUALTIERI: So DJ -- DCF, DJJ,
17 AHCA should develop an alert system. Got it,
18 John? Go back to the beginning. DCF, DJJ, and
19 AHCA should develop an alert system to identify.

20 COMMISSIONER CARROLL: Those individuals
21 who are repeatedly Baker Acted.

22 CHAIRMAN GUALTIERI: There you go. To
23 identify those individuals who are repeatedly
24 Baker Acted, period.

25 The...

1 COMMISSIONER LARKIN-SKINNER: I think that
2 just starting the next sentence at "The" and
3 leaving it like that is good.

4 CHAIRMAN GUALTIERI: What's that now? I'm
5 sorry.

6 COMMISSIONER LARKIN-SKINNER: I think that
7 if we just -- the next sentence, if we just
8 start it at "The," erase the -- or delete the
9 "and," and the responsible entity must develop a
10 course of action.

11 CHAIRMAN GUALTIERI: Okay. Yeah. Just
12 take the --

13 COMMISSIONER LARKIN-SKINNER: I think
14 that's perfect.

15 CHAIRMAN GUALTIERI: -- "and" out, John.
16 Take the "and" out, capital the "T." And so it
17 will read: The responsible DJJ -- local board
18 system -- The responsible entity must develop a
19 course of action to address why the person is
20 repeatedly Baker Acted.

21 That seems to work.

22 Go ahead.

23 SERGEANT SUESS: Sheriff, if I may?
24 There's some discussion over here. Do you want
25 to make this a legislative recommendation?

1 CHAIRMAN GUALTIERI: Well, we're going to
2 go through -- some of these are and some of
3 these not. I mean, we're not -- we're not going
4 to delineate now what is a legislative
5 recommendation. It's going to have to come --
6 that -- well, maybe not. I don't know. Let's
7 not get into what needs legislative session
8 stuff at this point.

9 That is -- that is something, I think, and
10 you guys could do that on your own.

11 SECRETARY MARSTILLER: Exactly.

12 CHAIRMAN GUALTIERI: You don't need the
13 legislature to do that.

14 SECRETARY MARSTILLER: Correct.

15 CHAIRMAN GUALTIERI: Correct.

16 So, again, DCF, DJJ, and AHCA should
17 develop an alert system to identify those
18 individuals who are repeatedly Baker Acted. The
19 responsible entity must develop a course of
20 action to address why the person's repeatedly
21 Baker Acted.

22 Any other changes to that?

23 Okay. All right. Let's move on to number
24 5. There should be established program to close
25 the gap when high-risk children transition into

1 adulthood as it relates to services.

2 COMMISSIONER CARROLL: I don't disagree
3 with this, but it is so broad --

4 CHAIRMAN GUALTIERI: Yeah.

5 COMMISSIONER CARROLL: -- I don't know what
6 it's referring to.

7 CHAIRMAN GUALTIERI: Right. I agree.

8 COMMISSIONER CARROLL: And I know in this
9 case, at least initially, there was a question,
10 particularly with DCF's involvement, because we
11 did not do a child abuse investigation because
12 the child in this case had -- wasn't a child,
13 they had turned 18, so it defaulted into the
14 adult abuse investigation which is much
15 different than child abuse investigations.

16 And if you look at child welfare, there is
17 a pretty defined process to transition kids and
18 their Medicaid. If a dependent kid turns 18,
19 their Medicaid coverage or their health coverage
20 continues.

21 COMMISSIONER HARPRING: Are we talking more
22 about continuity of services as opposed to
23 some --

24 COMMISSIONER CARROLL: Well, that's what
25 I -- is it the continuity of mental health and

1 behavioral health services? Because there's a
 2 real gap there, because you do fall off a cliff.
 3 And so I think if we put that there, if that's
 4 we want to do, there should be established -- be
 5 some formal --

6 COMMISSIONER HARPRING: An established
 7 program --

8 COMMISSIONER CARROLL: -- substance abuse,
 9 mental health --

10 COMMISSIONER HARPRING: -- to provide for
 11 continuity of --

12 COMMISSIONER CARROLL: -- transition
 13 programs for kids --

14 COMMISSIONER HARPRING: -- services.

15 COMMISSIONER CARROLL: -- that age out of
 16 the system.

17 CHAIRMAN GUALTIERI: Transition from --

18 COMMISSIONER CARROLL: I don't think we
 19 have that.

20 CHAIRMAN GUALTIERI: Transition from the
 21 child system to the --

22 COMMISSIONER CARROLL: Yeah.

23 CHAIRMAN GUALTIERI: -- adult system?

24 So there should be established a better
 25 transition.

1 COMMISSIONER HARPRING: I would suggest
2 that there should be established programs to
3 provide continuity of services when high-risk --
4 or mental health services when high-risk
5 children --

6 COMMISSIONER CARROLL: Yeah.

7 COMMISSIONER HARPRING: -- transition into
8 adulthood.

9 COMMISSIONER CARROLL: And I would say,
10 "continuity of behavioral health services,"
11 because I would include mental health and
12 substance abuse with that, so...

13 COMMISSIONER LARKIN-SKINNER: Just one
14 piece of information here. When we started the
15 process and the investigation, this was
16 definitely an issue, but that first year
17 legislature funded CAT teams in every county.

18 CHAIRMAN GUALTIERI: Right.

19 COMMISSIONER LARKIN-SKINNER: And the age
20 that they serve kids up to is age 21, so all of
21 the kids that are high needs that are already
22 part of a CAT team, that transition actually now
23 exists because they're allowed to stay on the
24 team until they're 21.

25 I just wanted to point that out because the

1 legislature did address that issue with that
2 funding and designating that every single county
3 has to have a team that serves it. It's the
4 kids that -- so here's the challenge. Kids like
5 the murderer in this case, he wasn't part of a
6 CAT team, he wasn't Baker Acted, so even some of
7 the work that we're doing, which I think is
8 important, wouldn't have addressed the issue
9 with him. If you -- you know what I mean?
10 Because he didn't get on a CAT team and he
11 didn't get Baker Acted. But these things are
12 important to prevent future murderers. So I
13 just kind of wanted to throw that out for the
14 commission to consider.

15 CHAIRMAN GUALTIERI: So who should
16 establish these programs?

17 COMMISSIONER LARKIN-SKINNER: Well, I think
18 they're already established.

19 CHAIRMAN GUALTIERI: Right.

20 COMMISSIONER LARKIN-SKINNER: And that's
21 the CAT teams.

22 CHAIRMAN GUALTIERI: Right.

23 COMMISSIONER LARKIN-SKINNER: The issue is
24 are the right kids being referred to those teams
25 and then carrying on with treatment. I would

1 like to think so. But in the case of the one
2 that was Baker Acted 35 times, clearly that
3 didn't happen.

4 CHAIRMAN GUALTIERI: So should we say that
5 programs should be enhanced --

6 COMMISSIONER LARKIN-SKINNER: Could do
7 that.

8 CHAIRMAN GUALTIERI: -- to provide better
9 continuity of behavioral health services to
10 close the gap when high-risk children transition
11 into adulthood?

12 COMMISSIONER LARKIN-SKINNER: I think
13 that's --

14 CHAIRMAN GUALTIERI: Would that be more
15 accurate?

16 COMMISSIONER LARKIN-SKINNER: Yes.

17 CHAIRMAN GUALTIERI: Okay.

18 COMMISSIONER CARROLL: I just want to be --
19 while I agree with the commissioner, I -- CAT
20 teams is a good solution. I am a big proponent
21 of CAT teams, but they do not serve the whole
22 population.

23 COMMISSIONER LARKIN-SKINNER: No.

24 COMMISSIONER CARROLL: While they --
25 while --

1 CHAIRMAN GUALTIERI: Right.

2 COMMISSIONER CARROLL: While they're --
3 they may be widespread now, they don't meet the
4 need in terms of a capacity issue, so --

5 CHAIRMAN GUALTIERI: So program should be
6 enhanced, comma, and expanded where necessary
7 because of the expansion to...?

8 COMMISSIONER CARROLL: Right.

9 CHAIRMAN GUALTIERI: I think that addresses
10 that.

11 COMMISSIONER CARROLL: You can -- and I
12 don't even care if you put in there that the
13 CATs are a good -- CAT teams are a good example
14 of it, but -- because I think they are. I
15 just -- they're just not -- they just don't meet
16 nor do they serve everybody that we're talking
17 about here. So if that's your vehicle, there's
18 not enough capacity.

19 CHAIRMAN GUALTIERI: So you could do
20 programs, comma, such as CAT teams, comma,
21 should be enhanced, comma, and expanded where
22 necessary to provide better continuity.

23 And we can work out the commas and all that
24 stuff. But that gets you -- that gets set in
25 there.

1 How's that work? Okay.

2 All right. Let's move on to 6.

3 COMMISSIONER LARKIN-SKINNER: Can I talk
4 about this one since it's mine?

5 CHAIRMAN GUALTIERI: Sure.

6 COMMISSIONER LARKIN-SKINNER: I thought
7 that might help.

8 CHAIRMAN GUALTIERI: Yep.

9 COMMISSIONER LARKIN-SKINNER: I actually
10 was rereading it and thinking that it was
11 passive, like you mentioned about one yesterday.

12 CHAIRMAN GUALTIERI: Yep.

13 COMMISSIONER LARKIN-SKINNER: And I would
14 like to potentially revise it to start with
15 require evidence-based prevention.

16 CHAIRMAN GUALTIERI: So just tell John what
17 you want. Do it slowly so he can -- he can type
18 it.

19 COMMISSIONER LARKIN-SKINNER: Yeah. So I
20 would take out "There should be a greater focus
21 on" and just start with "Require evidence-based
22 prevention..."

23 So my -- for those of you who were -- heard
24 me last time, I do believe the long-term answer
25 to many of these problems that we're having with

1 violence and suicide and addiction as well is
2 really prevention and teaching kids from very
3 early, before kindergarten even -- and I don't
4 know, Chancellor Oliva told me people get
5 twitchy about the words "social-emotional
6 learning," but character development prevention,
7 whatever you want to call it, the important
8 thing here is that we're teaching kids very
9 early to develop empathy for other human beings
10 and how to problem solve, how to resolve
11 conflict, how -- all the skills that you need to
12 get through life to thrive, and so that is the
13 reason behind this recommendation.

14 Right now we do prevention, but it's in
15 pockets and it's only in schools where the
16 principal allows it, and I believe that it
17 should be -- every single year there should be
18 some element of this type of learning for every
19 child in Florida's school system.

20 CHAIRMAN GUALTIERI: Chancellor Oliva, this
21 is like -- this is similar to what you're doing
22 in tier 1, is it not?

23 CHANCELLOR OLIVA: Well, it can be. So the
24 conversation is flipping a little bit from
25 mental health services to mental health

1 education, which is a relevant topic, to
2 emphasize some points from Commissioner
3 Larkin-Skinner.

4 If this is part of the findings, this is
5 something that Commissioner Corcoran and First
6 Lady DeSantis has been very innovative and
7 proactive in, in encouraging the State agencies
8 to collaborate and work together.

9 So to add to this -- and this wouldn't
10 necessarily be a recommendation, but recently
11 there is required health instruction that's in
12 Florida Statute 1003.42. And we have gone to
13 the State board to expand on health instruction
14 to include mental health requirements, and the
15 State board has recently adopted a rule to have
16 a minimum of five hours of mental health
17 education be required in grades 6 through 12,
18 and in K through 12 require substance abuse
19 prevention education, and also in K through 12
20 human trafficking prevention education.

21 And not only do school districts and
22 schools have to develop plans on how they're
23 going to implement that, but they're going to be
24 required to report how and which courses and who
25 taught those classes, and we'll have that first

1 report this summer by July 1st of 2020.

2 CHAIRMAN GUALTIERI: So from what -- from
3 hearing you -- and this is in the
4 recommendation, of course, this is not a
5 finding, this is in a recommendation -- is, is
6 that this seems consistent with what you're
7 saying. So I don't see anything in there. I
8 think we can and should include it because it is
9 consistent, but I think the point is, is that
10 this is already in the works.

11 But does anybody see any problems or have
12 any concerns?

13 Commissioner Dodd.

14 COMMISSIONER DODD: Yes. Before you made
15 the change, I was going to take out the word
16 "prevention" and put "mental health" because I
17 felt like we need to address mental health
18 education. But it doesn't sound good to me --
19 it doesn't sound right, "Require prevention to
20 every child..."

21 Would it be "Require evidence-based
22 prevention, character development, social -- to
23 be taught to every child in Florida," or we're
24 requiring evidence-based mental health
25 prevention or --

1 COMMISSIONER LARKIN-SKINNER: I see.

2 COMMISSIONER DODD: The word "prevention"
3 is kind of throwing me. Because when I -- you
4 know, I think about prevention, you know,
5 especially for drug and alcohol abuse and those
6 things that we already -- what we have in
7 schools, but, you know, I don't see the word
8 "mental health" in there, which I -- which I
9 think the focus should be included.

10 COMMISSIONER LARKIN-SKINNER: I get your
11 point. Because most people, when they hear
12 about prevention, automatically think addiction
13 like --

14 COMMISSIONER DODD: Right.

15 COMMISSIONER LARKIN-SKINNER: -- prevention
16 substance abuse, and aren't even thinking about
17 the fact that we can prevent mental health
18 issues as well. So -- and the sentence doesn't
19 make sense, you're right, since we changed that.
20 So I'm fine if we add mental health.

21 CHAIRMAN GUALTIERI: Okay. So require --

22 COMMISSIONER LARKIN-SKINNER: And we need
23 to rewrite. So "Require evidence-based mental
24 health prevention," and then after the comma,
25 behind "social-emotional learning," it would

1 need to be taught is what you were suggesting,
2 right?

3 COMMISSIONER DODD: Well, that -- I just
4 thought of that in a brainstorm. I don't know.
5 Maybe someone else can wordsmith that better.

6 COMMISSIONER LARKIN-SKINNER: It's the --

7 CHAIRMAN GUALTIERI: Yeah. Not there.

8 COMMISSIONER LARKIN-SKINNER: Behind
9 "social-emotional learning" --

10 CHAIRMAN GUALTIERI: There you go.

11 COMMISSIONER LARKIN-SKINNER: -- after that
12 comma, "to be taught to every child in Florida
13 schools."

14 CHAIRMAN GUALTIERI: Secretary Marstiller,
15 go ahead.

16 SECRETARY MARSTILLER: I am fully behind
17 this, by the way, because a lot of what I see
18 and hear translates and transfers to prevention
19 programs that DJJ provides, and these items also
20 address many of the risk factors, right, for
21 juvenile delinquency, so I wholeheartedly
22 embrace those.

23 My question is do we want to limit it --
24 you know, evidence-based, yes -- do we want to
25 limit it to mental health or do we want to say

1 mental health and behavioral? Because a lot of
2 this stuff --

3 CHAIRMAN GUALTIERI: Yeah.

4 SECRETARY MARSTILLER: -- is behavioral,
5 and a lot -- and I see kids who come into my
6 programs haven't learned any of this.

7 COMMISSIONER LARKIN-SKINNER: I think that
8 probably --

9 CHAIRMAN GUALTIERI: Yeah. Yeah. It --

10 COMMISSIONER LARKIN-SKINNER: -- completely
11 aligns with what we've already talked about.

12 CHAIRMAN GUALTIERI: Yeah.

13 COMMISSIONER LARKIN-SKINNER: So,
14 definitely.

15 SECRETARY MARSTILLER: Yeah.

16 CHAIRMAN GUALTIERI: And it -- it's
17 absolutely correct. For some people, that
18 nuance is lost. But there is a difference
19 between mental health and behavioral health.

20 SECRETARY MARSTILLER: Yeah.

21 CHAIRMAN GUALTIERI: So -- but -- and we
22 should add that. So it "Require evidence-based
23 mental health and behavioral health" or --

24 SECRETARY MARSTILLER: Yeah.

25 COMMISSIONER HARPRING: I think you should

1 change "prevention" to "education." I just --
 2 the prevention side doesn't make sense to me
 3 because it's --

4 CHAIRMAN GUALTIERI: I don't know if --

5 COMMISSIONER HARPRING: -- saying we're
 6 requiring evidence-based mental and behavioral
 7 health.

8 CHAIRMAN GUALTIERI: This is your
 9 recommendation, so...

10 COMMISSIONER STEWART: I don't think we
 11 want to prevent mental health --

12 CHAIRMAN GUALTIERI: No, no.

13 COMMISSIONER STEWART: -- or prevent
 14 behavior, and so I also --

15 CHAIRMAN GUALTIERI: Require evidence-based
 16 mental health --

17 COMMISSIONER STEWART: -- struggle with the
 18 word "prevention."

19 COMMISSIONER LARKIN-SKINNER: So it's
 20 about --

21 CHAIRMAN GUALTIERI: Yeah.

22 COMMISSIONER LARKIN-SKINNER: -- preventing
 23 specific behaviors and preventing mental health
 24 issues in the future, depression, anxiety,
 25 whatever.

1 CHAIRMAN GUALTIERI: So what you're saying
2 is "Require evidence-based mental and behavioral
3 health education" --

4 COMMISSIONER LARKIN-SKINNER: That's fine.

5 CHAIRMAN GUALTIERI: -- "also known as
6 Character Development or Social-Emotional
7 Learning," which -- to be taught. That makes
8 sense.

9 COMMISSIONER STEWART: Yeah.

10 CHAIRMAN GUALTIERI: Anything else,
11 Commissioner Stewart?

12 COMMISSIONER STEWART: The only other thing
13 that I would say is that there is a connotation
14 with social-emotional learning.

15 COMMISSIONER LARKIN-SKINNER: That's what
16 he said.

17 COMMISSIONER STEWART: And I think that if
18 what you're trying to get at is certainly
19 something that would be acceptable everywhere,
20 but that word connotes something else. So if
21 there could be character development or social
22 responsible behavior, something along those
23 lines better represent what you're meaning
24 rather than what that term usually connotes.

25 COMMISSIONER LARKIN-SKINNER: Do you know

1 what that connotes? Is it the word "social," or
2 is it the word "emotional"?

3 CHAIRMAN GUALTIERI: What if you took it
4 out of --

5 COMMISSIONER STEWART: I think it's --

6 CHAIRMAN GUALTIERI: -- caps? What if you
7 put it in lower case as opposed to -- because
8 that character development and social-emotional
9 is, when it's in caps, is define -- is
10 identifying that particular concept as opposed
11 to -- as opposed to the broad term. So maybe
12 you split it by just taking it out of caps as
13 opposed to -- be -- identify this in a specific
14 context.

15 COMMISSIONER STEWART: Or perhaps we could
16 restate "mental health well-being." I think if
17 you -- if you try to promote social-emotional
18 learning, it will get -- it will reach barriers
19 in trying to move forward.

20 COMMISSIONER LARKIN-SKINNER: What is the
21 new term that's being used; do you know?

22 COMMISSIONER STEWART: I don't know. I
23 don't know.

24 COMMISSIONER LARKIN-SKINNER: Because I --
25 like my school district is talking about

1 social-emotional learning. So I don't know -- I
2 don't know what the -- what is negative about
3 it, so I don't know how to reword it.

4 COMMISSIONER STEWART: It's just my
5 caution.

6 COMMISSIONER LARKIN-SKINNER: Yeah.
7 Chancellor Oliva shared the same thing with me,
8 so I just don't know what else to call it.

9 COMMISSIONER CARROLL: Can I? If we
10 simplify this and just write "Require
11 evidence-based mental health and -- mental and
12 behavioral health education designed to..., " and
13 then cut everything right down to where it says
14 "...designed to help youth develop empathy for
15 others, learn how to..., " and so you include
16 all the detail without naming it, would that --

17 COMMISSIONER STEWART: Works for me.

18 CHAIRMAN GUALTIERI: Go ahead.

19 DEPUTY SECRETARY BABCOCK: I just have a
20 semantics. Mental and behavioral health.
21 Behavioral health is mental health and substance
22 abuse.

23 CHAIRMAN GUALTIERI: Right.

24 DEPUTY SECRETARY BABCOCK: So are you
25 talking about behavior when you say "behavioral

1 health," or are you talking about mental health
2 and substance abuse? I think it should just be
3 behavioral health if that's what you're talking
4 about.

5 COMMISSIONER LARKIN-SKINNER: I think
6 Secretary Marstiller's point was to keep --
7 include behavior by itself, so I think it
8 probably should read "Require evidence-based
9 mental health and behavioral education..."

10 DEPUTY SECRETARY BABCOCK: There you go.

11 SECRETARY MARSTILLER: Yeah, there you go.
12 That works.

13 CHAIRMAN GUALTIERI: Okay.

14 COMMISSIONER LARKIN-SKINNER: And then I
15 think Commissioner Carroll's point is a good
16 one. We could just take out the names for it
17 and just say "designed to..."

18 CHAIRMAN GUALTIERI: Yeah. Go ahead, John.

19 SECRETARY MARSTILLER: To help youth
20 develop.

21 CHAIRMAN GUALTIERI: So "Require
22 evidence-based mental health and behavioral
23 education designed to..."

24 COMMISSIONER CARROLL: And get rid of it,
25 designed to, and just get to what it's designed

1 to.

2 CHAIRMAN GUALTIERI: Designed to develop
3 empathy for others?

4 COMMISSIONER CARROLL: There it is, yes.

5 CHAIRMAN GUALTIERI: That? That? Okay.
6 Where -- and take out the "to be taught" and all
7 that. Yeah, there you go.

8 So we've got "Require evidence-based mental
9 health and behavioral education designed to
10 develop empathy for others, learn how to make
11 decisions, problem solve, resolve conflict,
12 advocate for themselves in an appropriate way,
13 develop self-esteem, and identify and handle
14 their emotions, period. It's important we help
15 youth..., " it should start with "Pre-K and
16 continue through 12th grade."

17 How's that?

18 COMMISSIONER LARKIN-SKINNER: So --

19 COMMISSIONER CARROLL: Go ahead.

20 COMMISSIONER LARKIN-SKINNER: -- "designed
21 to help youth develop," right after "designed
22 to," right after the red, "help youth develop
23 empathy for others..."

24 DEPUTY SECRETARY BABCOCK: For students.

25 COMMISSIONER LARKIN-SKINNER: And then I

1 would take out the sentence that says "It is
2 important we help youth..."

3 CHAIRMAN GUALTIERI: Yeah, there you go.
4 It is kind of choppy.

5 All right. Anything else?

6 Sheriff Ashley.

7 COMMISSIONER STEWART: Help youth, not
8 health youth.

9 COMMISSIONER LARKIN-SKINNER: Oh, help,
10 yeah.

11 SHERIFF ASHLEY: I guess my question is, is
12 the commission recommending a new core
13 curriculum course for our schools or --

14 CHAIRMAN GUALTIERI: No.

15 SHERIFF ASHLEY: What are we require --
16 what are we recommending?

17 CHAIRMAN GUALTIERI: This is just
18 recommending, again, that this be -- this is
19 something that's really got to be done by DOE
20 and by the districts and let them figure it out.
21 This is just a general recommendation. I don't
22 think we can get or shouldn't try and get any
23 more specific with this.

24 SHERIFF ASHLEY: I think the lack of
25 specific, we may end up with a new course. I

1 mean, if I'm reading this as a legislator or
2 somebody else, I'm like what are -- what are we
3 actually -- are we recommending a new class in
4 school? Where do you learn this at, if not at
5 home, and you're going to learn it at school and
6 we're recommending it be learned at school?

7 CHAIRMAN GUALTIERI: But I think -- and
8 this is what Chancellor Oliva said -- I think a
9 lot of this is already in the works.

10 CHANCELLOR OLIVA: That's correct.

11 So health education is required
12 instruction. Mental health fits within the
13 parameters of health education. But the topics
14 and the skills that are outlined in this --
15 these recommendations can translate to other
16 courses and activity that align with the Florida
17 standards as well.

18 COMMISSIONER SCHACHTER: So, Sheriff?

19 CHAIRMAN GUALTIERI: Go ahead.

20 COMMISSIONER SCHACHTER: I think this might
21 have been my recommendation on --

22 CHAIRMAN GUALTIERI: I can't hear you.

23 COMMISSIONER LARKIN-SKINNER: It was mine.

24 COMMISSIONER SCHACHTER: I think I had made
25 a recommendation about something very similar to

1 this. And the thought process was after
2 Sandy Hook, they came up with three -- in their
3 after action report, they came up with three
4 recommendations that would have prevented that
5 tragedy. One of them was instituting a social
6 and emotional learning program.

7 CHAIRMAN GUALTIERI: Okay. We already got
8 off of that.

9 COMMISSIONER SCHACHTER: Okay.

10 CHAIRMAN GUALTIERI: You were out of the
11 room. We took that out.

12 COMMISSIONER SCHACHTER: Okay.

13 CHAIRMAN GUALTIERI: It's too -- there's
14 controversy over that. We took out those --

15 COMMISSIONER SCHACHTER: No, no. I
16 understand that. But all of the other things in
17 there will teach that and hopefully will be able
18 to prevent bullying and --

19 CHAIRMAN GUALTIERI: Right. Yeah. We went
20 through that while you were out of the room,
21 so...

22 So -- okay. So we need to try and move on
23 with this. Is there anything here that anybody
24 can't live with?

25 Okay. All right. So those are the

1 recommendations in Chapter 12. Let's take a
2 break, and we'll come back and begin again in 10
3 minutes, come back, and we'll begin with Chapter
4 7, which is the school hardening chapter and try
5 and get through the rest of this.

6 (Recess from 10:35 a.m. to 10:58 a.m.)

7 CHAIRMAN GUALTIERI: All right. Let's go
8 ahead and get started again. I know it's cold
9 in here, and we're working on it. It appears
10 that the air is either on or off and there's no
11 in between, so we've asked them to monitor it.
12 I know that FDLE staff is working on it with the
13 hotel, so we're obviously very aware of the
14 temperature situation and know that it is being
15 worked on, so we'll try and --

16 SHERIFF JUDD: We're having no more luck
17 with this than we are with getting a tower in
18 Broward County.

19 CHAIRMAN GUALTIERI: You got a point with
20 that. That's very true, very true.

21 So Chapter 7, we only have a couple of
22 findings, three, and two recommendations, so
23 hopefully this one will go kind of quickly.

24 This is Chapter 7. It has to do with
25 School Hardening and the Safe School Assessment

1 Tool.

2 So the first finding is, is that the
3 Florida schools have underutilized -- remember
4 in this, I just remind you as you look at this
5 finding, is, is that there is two aspects to the
6 FSSAT: One is the school-specific one, and the
7 other is the districtwide one.

8 It says the Florida schools have
9 underutilized the FSSAT as a statewide physical
10 site security assessment instrument despite the
11 FSSAT having been mandated and funded by the
12 legislature since 2014.

13 And it is -- you know, if there are any
14 questions about that, I just ask you to reflect
15 back on the statistical information on
16 submissions and that there were many districts
17 that did not submit in previous years the FSSAT
18 as it was required. And this is the
19 discretionary school-specific one, there were
20 very, very few -- I believe the number was
21 around 16 -- that ever, ever used it.

22 So that's the basis of the finding. Does
23 anybody have any revisions to that or comments
24 on it?

25 Okay. The second one: Some school

1 districts failed to file their FSSATs with the
2 Department of Education as required by law.
3 That should speak for itself. It's true.

4 Okay. The third one is, is that the
5 revised -- and we, of course, had presentations
6 on that this year from DOE, the school-specific
7 and the districtwide FSSAT. We reviewed that
8 quite at length.

9 The revised FSSAT is superior to the old
10 tool and will lead to better assessments of
11 physical site security on Florida's K through 12
12 school campuses.

13 Any questions, concerns, revisions to that
14 one?

15 So the recommendations, first one is, is
16 that it's imperative that all Florida schools
17 assess their physical site security at least
18 annually and use the FSSAT to develop a remedial
19 plan that addresses deficiencies and improves
20 school hardening.

21 Any revisions to the first recommendation?

22 And then the second one. All schools and
23 school districts must comply with the law and
24 submit all school-specific and districtwide
25 FSSATs in a timely manner.

1 Anything on that one?

2 Sheriff Judd.

3 SHERIFF JUDD: I only think we need to add
4 a 3, that DOE can take disciplinary action
5 against the superintendent for failure to
6 comply.

7 COMMISSIONER STEWART: And that was -- I
8 was going to make a similar comment. I think
9 earlier we talked about maybe an overarching
10 comment that should these things in law that
11 pertain to Marjory Stoneman Douglas not be
12 followed, there be consequences in the district.

13 CHAIRMAN GUALTIERI: Right. All right.
14 Now, I think now -- and I have to go back, but I
15 believe that it -- again, because of what's in
16 7030 -- and I don't think it is specific. We
17 can certainly add this, Sheriff. There's no --
18 I agree that it must be done and there should be
19 consequences for noncompliance, and, frankly,
20 there's no excuse for noncompliance.

21 But there are, again, a number of schemes
22 and different portions of 7030 that provided the
23 Commissioner of Education and the State board to
24 impose sanctions at certain times under
25 certain -- because there's an overall

1 requirement that when there's -- when reports
2 are required, that does allow for some
3 sanctions.

4 But you're suggesting a specific one for
5 noncompliance with the FSSAT?

6 SHERIFF JUDD: Well, you know, past conduct
7 is a clear indicator of future behavior, and
8 it's been --

9 CHAIRMAN GUALTIERI: That's right.

10 SHERIFF JUDD: -- we're into the second
11 year now, and they're still not doing it.

12 So it's unfortunate that it's not enough
13 just to follow the law because that's what
14 they're supposed do, but it's kind of like our
15 last discussion with Commissioner Carroll who
16 got a -- when he said we have to separate mental
17 health from disciplinary -- or conduct. Right?

18 This is a disciplinary issue when they
19 don't comply with the rules. So we need to say,
20 look, you've had two years, you're still not
21 doing it, so there has to be consequences.

22 CHAIRMAN GUALTIERI: So what -- so for a
23 recommendation, so that we can develop it, give
24 us some ideas as to what you want to see and
25 what the commission wants to see as far as the

1 recommendation.

2 Just the general generic recommendation
3 that there should be -- that the Commissioner of
4 Education and/or the State board should have
5 sanction authority for noncompliance, or do you
6 want it to be more specific than that?

7 SHERIFF JUDD: I think, yes. I'm not sure,
8 you know, without reading 7030 and 7026, maybe
9 it says in the law there, so all you have -- you
10 could do more of a blanket thing to say there
11 has to be accountability and sanctions against
12 the superintendent who doesn't comply with those
13 two laws. Then we wouldn't have to talk
14 specifically about this, this nuance.

15 But that's the recommendation, is
16 Commissioner of Education and State board should
17 have the authority to sanction the
18 superintendent and/or school board for
19 noncompliance with the FSSAT.

20 CHAIRMAN GUALTIERI: So consistent with
21 Sheriff Judd's recommendation, John, just put in
22 there the Commissioner of Education and State
23 Board of Education should have sanction
24 authority over the superintendent and school
25 board for noncompliance with the FSSAT

1 submission requirements.

2 Is that -- that work?

3 SHERIFF JUDD: That's fine, unless we --
4 unless we can broaden it to cover all of 7026
5 and 7030 and this is specifically mentioned
6 there.

7 CHAIRMAN GUALTIERI: I think it's hard to
8 do that, and we talked -- I think it's very hard
9 to do that because there are so many different
10 provisions in there and so many different
11 places. Again, they're in the bills, but those
12 bills have a variety of different statutes, so
13 when they come out of the bills and they go into
14 the variety of statutes, it's all over the
15 place.

16 SHERIFF JUDD: And I'm okay with this,
17 because this is the mechanism and the tool to
18 ensure that we can enhance safety.

19 CHAIRMAN GUALTIERI: So any other
20 commissioners have any revisions to this?
21 Anybody have any objections to it?

22 Commissioner Dodd.

23 COMMISSIONER DODD: No, sir, I wasn't
24 objecting to that recommendation, but I had a
25 thought. I wanted to look at a finding, so when

1 that's --

2 CHAIRMAN GUALTIERI: Okay. We can go back.

3 So on this one, does anybody not concur
4 with this?

5 Okay. So which -- Commissioner Dodd wants
6 to go back to the one of the findings in this
7 section. Which one?

8 COMMISSIONER DODD: Well, I just wanted to
9 make sure, because, you know, sometimes I think
10 the public feels like there should be more
11 information shared on the FSSAT. I wanted to
12 say under a finding that it is -- the FSSAT is a
13 confidential document and it's not open for
14 public inspection. Now, that's in the law. I
15 know it's there.

16 But sometimes I feel like, you know, the
17 board has to approve -- the school boards have
18 to approve the submission of the FSSAT. Our
19 safe school specialist is required to bring that
20 to the board.

21 CHAIRMAN GUALTIERI: Right.

22 COMMISSIONER DODD: But yet we can't talk
23 about the confidential specifics of those
24 Florida Safe School Assessment Tools.

25 So I just -- you know, I want to keep that

1 out there that, you know, we go into closed
2 session and we talk about individual schools'
3 issues with deficiencies, but it is
4 confidential.

5 CHAIRMAN GUALTIERI: So you just want --
6 you were going to do -- just highlight that,
7 that -- just so that it's -- it's in the report,
8 obviously it's in the statute, and, you know,
9 most people don't know about it. But you --
10 you'd like to see that highlighted in that?

11 COMMISSIONER DODD: I would, yes.

12 CHAIRMAN GUALTIERI: So, I mean, I don't
13 have a problem with it unless any other
14 commissioners do. I don't have any -- you know,
15 is that you can just say that the finding is the
16 Florida Safe School Assessment Tool is
17 statutorily confidential and is not subject --
18 it and its contents are not subject to public
19 disclosure.

20 COMMISSIONER DODD: Yes.

21 CHAIRMAN GUALTIERI: That work?

22 COMMISSIONER DODD: That work.

23 CHAIRMAN GUALTIERI: Anybody have any
24 objections to that?

25 Okay. All right. So I think we're done

1 with Chapter 7.

2 CHANCELLOR OLIVA: Can I make a quick
3 comment on Finding 3?

4 That talked about how we've updated the
5 tool. The school safety specialists in the
6 Office of Safe Schools still have a work group
7 that are constantly reviewing and looking for
8 ways to continually improve the tool, so I don't
9 think it's necessarily a static instrument, but
10 it might be worth mentioning that it's still
11 continually being revised to be updated.

12 CHAIRMAN GUALTIERI: Okay. I think just
13 add in there just what Chancellor Oliva said.
14 You can kind of paraphrase it. The -- the...

15 Well, and by -- I think it's easy to say
16 that -- by -- the FSSAT is fine. It's a dynamic
17 document that is constantly being revised and
18 updated by the Office of Safe Schools.

19 CHANCELLOR OLIVA: There's a work group
20 with --

21 CHAIRMAN GUALTIERI: Right.

22 CHANCELLOR OLIVA: -- the school safety
23 specialists.

24 CHAIRMAN GUALTIERI: There you go. Does
25 that work? Okay.

1 Anybody -- anybody else on Chapter 7 before
2 we move on?

3 Okay. Chapter 8, Behavioral Threat
4 Assessments. And anybody have any -- anything
5 in the content of Chapter 8 as far -- before we
6 get to the findings? Anything in the text
7 portion of Chapter 8?

8 Okay. Hearing none, we'll move into the
9 findings. Finding 1 begins on page 98. And
10 that first one is, is that the Broward County
11 Public Schools had systemic failure with its
12 behavioral threat assessment process, period.
13 The failure was due, at least in part, to
14 ineffective implementation of its threat
15 assessment policy, a lack of training,
16 inexperience by school personnel, a lack of
17 accountability at the district level, and a
18 failure of school administration to emphasize
19 the importance of the threat assessment team.

20 Anybody have anything on that one?

21 I believe that the record is clearly
22 developed and supports all of that.

23 Okay. Next one. In June 2019, the Broward
24 County Public Schools revised threat
25 assessment -- yeah, in June 2019, Broward County

1 Public Schools revised threat assessment policy
2 provides the necessary remedial measures -- that
3 needs some language tweak there.

4 COMMISSIONER CARROLL: The June -- okay.
5 That's...

6 CHAIRMAN GUALTIERI: The June 2019 BCPS
7 revised threat assessment policy provides the
8 necessary remedial measures -- okay -- to
9 implement an effective threat assessment process
10 in the Broward County Public Schools, comma,
11 including oversight and accountability at the
12 district level.

13 It works. Okay.

14 Anybody have anything on that one?

15 Okay. Number 3. This is a result of the
16 information that had been brought forward
17 specifically about what at least had been
18 occurring in Broward County. Using -- it may
19 have been occurring elsewhere, but it was
20 occurring there, and this is what Sheriff Tony
21 brought forward and some other agencies.

22 Using patrol-assigned law enforcement
23 officers to respond to a call for service at a
24 school that asks them to, the officer, to serve
25 on a school's behavioral threat assessment team

1 is improper and inconsistent with the
2 requirement that law enforcement meaningfully
3 participates on each school's threat assessment
4 team.

5 And then we put in there because it either
6 has been or is in the process of being
7 remediated in Broward County.

8 Last I talked to people down there
9 recently, this problem seems to have been
10 corrected. It definitely was occurring, at
11 least to some degree. I do think it's
12 appropriate to remain as a finding, but we
13 should also note that it has either been fixed
14 or is in the process of being fixed.

15 Does anybody have any --

16 VICE-CHAIRMAN LYSTAD: Just add "in." Use
17 "in."

18 CHAIRMAN GUALTIERI: The issue has been or
19 is in the process of being remediated in Broward
20 County.

21 Anybody else see anything with any other
22 revisions?

23 All right. We'll move on.

24 Asking a law enforcement officer -- number
25 4 -- asking a law enforcement officer to ratify

1 a threat assessment after the fact is improper
2 and inconsistent with the requirements of
3 Florida law.

4 Again, same thing. What was happening
5 was -- and at least in some cases and there were
6 reports of it -- a patrol officer was being
7 dispatched to a school, being handed the
8 completed threat assessment document, asked to
9 sign it after the fact, and not participating in
10 the team. But that issue, again, is either
11 fixed or is in the process of being fixed, and
12 there's no information that that is currently
13 occurring, so...

14 Anything else on that one or anything on
15 that one?

16 Number 5: The statewide threat assessment
17 instrument implemented by DOE on August 1st is
18 an effective tool to evaluate concerning
19 behavior, and the commission supports the use of
20 this instrument by all 67 Florida school
21 districts and charter schools.

22 We had a chance to review that. It was
23 implemented. And I know DOE, in rolling out
24 that instrument, also rolled out a process. It
25 did a train the trainer and -- here in Orlando

1 back in August -- and had representatives of
2 every district here.

3 Correct, Chancellor Oliva?

4 CHANCELLOR OLIVA: There was three overall,
5 but yes.

6 CHAIRMAN GUALTIERI: Right. And so
7 everybody's been trained on it, and it's been
8 implemented.

9 And I don't know what your plan is and what
10 the Department's plan is on this, but I'll just
11 say that I would hope -- I know that the
12 instrument is based largely on the state of
13 Virginia's model. I know that there's a work
14 group that's in place that has to have a report
15 by December 31st of 2019 on a statewide database
16 and the framing of that, including costs.

17 One of the things I do think is important
18 is, though -- and I know this instrument was
19 required kind of quickly, and it has been
20 implemented -- that we, you, use caution in
21 making too many changes too fast. Let this
22 instrument take effect and take hold and
23 evaluate it as opposed to coming back very
24 quickly.

25 Because I can tell you -- and it's not a

1 bad thing, but there was delays for us and in
2 some other counties this year this summer when
3 the schools came back in, in for us like
4 implementing the status sharing pilot and some
5 other things, because they had to go and train
6 every school administrator. And in the big
7 districts, it was a lot. And they just finished
8 the training like in the last week.

9 So to now take it and change it again, I
10 think you should let it bake for a while before
11 you make any changes. Well, just throw that
12 out.

13 All right. Number 6. This has to do with
14 the portal or the integrated data repository.
15 It was required by law and the responsible State
16 agencies used their best efforts and fulfilled
17 their obligations. However, the richest and
18 most beneficial data to threat assessment
19 process is housed in the myriad of local law
20 enforcement, school, and mental health provider
21 databases across Florida. It's not possible to
22 include these very data -- these various
23 databases within the FSSP. It has limited value
24 and should not be the sole source of school data
25 used in a threat assessment. Chapters 9 and 10

1 review SESIR and the Integrated Data System in
2 detail.

3 Anybody have anything on that one?

4 COMMISSIONER LARKIN-SKINNER: I don't have
5 anything on that one. But I wonder if we want
6 to reword number 4, because it's that passive
7 approach, again, to say some schools were asking
8 a law enforcement officer to ratify a threat
9 assessment after the fact, period. And then
10 this is improper --

11 CHAIRMAN GUALTIERI: Sure.

12 COMMISSIONER LARKIN-SKINNER: -- and
13 inconsistent.

14 CHAIRMAN GUALTIERI: And make -- because --
15 yes, because it narrows it, and it wasn't like
16 blanket across the board. So that's -- I think
17 that's appropriate. That's a good point.

18 Some schools were asking a law enforcement
19 officer to ratify a threat assessment after the
20 fact, and that is improper and inconsistent.

21 There you go.

22 All right. Anything else on Chapter 8?

23 Commissioner Schachter, go ahead.

24 COMMISSIONER SCHACHTER: This is -- so --
25 and this is just a summary of a -- this is just

1 a finding from what we put in the -- you know,
2 above the findings, the explanation.

3 It says: An outside auditor determined
4 that Cruz's botched threat assessment was merely
5 one example of a systemic problem executing
6 threat assessment --

7 CHAIRMAN GUALTIERI: Where -- where do
8 you -- is this a new recommend -- or new
9 finding, or are you reading from --

10 COMMISSIONER SCHACHTER: This is a finding
11 that was from our -- you know, the Chapter 8
12 that you wrote.

13 CHAIRMAN GUALTIERI: Okay. So we're in
14 Chapter 8, and we have -- right now, what we
15 have, six findings in Chapter 8. Are you on --

16 COMMISSIONER SCHACHTER: Correct.

17 CHAIRMAN GUALTIERI: -- one of those
18 specific numbers?

19 COMMISSIONER SCHACHTER: I'm sorry?

20 CHAIRMAN GUALTIERI: Are you talking about
21 one of the -- we have --

22 COMMISSIONER SCHACHTER: No. No, no. This
23 is a new finding.

24 CHAIRMAN GUALTIERI: So this is --

25 COMMISSIONER SCHACHTER: Yeah. I'm not --

1 CHAIRMAN GUALTIERI: So you're asking --
2 you're asking us to consider this as a new
3 finding?

4 COMMISSIONER SCHACHTER: Yes, sir.

5 CHAIRMAN GUALTIERI: Okay. Go ahead.

6 COMMISSIONER SCHACHTER: John's going to
7 put it up, but I'm going to read it. So it
8 says: An outside auditor -- and this is just a
9 summation. This is coming straight from the
10 text earlier. I can find it at the beginning of
11 Chapter 8.

12 It says: An outside auditor determined
13 that Cruz's botched threat assessment was merely
14 one example of a systemic problem executing
15 threat assessments throughout Broward County
16 Public Schools.

17 There it is.

18 For example, 65 percent of the audited
19 threat assessments' samples included exceptions
20 and were incomplete. A.

21 B says: Not a single high-level threat
22 assessment from any Broward County High School
23 was completed properly.

24 CHAIRMAN GUALTIERI: Okay. Why are we --
25 we're going to repeat in the findings. These

1 are findings. So you're just asking for a
2 complete repeat of what's in the text in the
3 chapter.

4 And look at number 1, it says that they had
5 systemic failure. That's the finding. The
6 Broward County Public Schools had systemic
7 failure with its behavioral threat assessment
8 process. I mean, I --

9 COMMISSIONER SCHACHTER: Correct.

10 CHAIRMAN GUALTIERI: -- don't think we
11 should be just taking everything that is in the
12 chapter and repeating it in the findings.

13 COMMISSIONER SCHACHTER: Well, we've done
14 that in other chapters, not --

15 CHAIRMAN GUALTIERI: But to include all of
16 this and here --

17 COMMISSIONER SCHACHTER: Okay. It just
18 didn't mention anything about, you know, our
19 RSM. It didn't mention anything about --

20 CHAIRMAN GUALTIERI: So we can -- so we can
21 add it if you want. Look at number 1, is, is
22 that based upon the determination by an outside
23 consultant, outside auditor, or we could name
24 RSM by name if you wanted to -- based in part, I
25 should say, because it isn't totally, because

1 some of it's our work as well -- so based in
2 part upon the determination by an outside
3 consultant, comma, the Broward County schools
4 had systemic failure. I don't -- I mean, that's
5 a pretty strong characterization, and it was
6 systemic failure.

7 COMMISSIONER SCHACHTER: Okay.

8 CHAIRMAN GUALTIERI: So we can certainly
9 add that if you want. By -- based in part by --
10 upon the determination by an outside consultant,
11 the Broward County Public Schools had systemic
12 failure.

13 So that to beef that up or strengthen it or
14 do any -- there's anything you want added to
15 that -- more to that?

16 COMMISSIONER SCHACHTER: I mean, I think C
17 is important. Currently, there's no normalized
18 process or follow-up to monitor the threat
19 assessment process to assess the documents.

20 I think it's -- I think it's okay. I think
21 what -- I think what you got -- I just -- I just
22 wanted to do --

23 CHAIRMAN GUALTIERI: Because that's not
24 true, because it says "currently."

25 COMMISSIONER SCHACHTER: Yeah. Well, we'd

1 have to change it.

2 CHAIRMAN GUALTIERI: Because now --

3 COMMISSIONER SCHACHTER: Yeah.

4 CHAIRMAN GUALTIERI: Because they changed
5 it.

6 COMMISSIONER SCHACHTER: Yeah, we have to
7 change it.

8 CHAIRMAN GUALTIERI: They do have now --

9 COMMISSIONER SCHACHTER: Yeah.

10 CHAIRMAN GUALTIERI: Their process now
11 is...

12 Okay. So we good?

13 COMMISSIONER SCHACHTER: Yes, yes.

14 CHAIRMAN GUALTIERI: Okay. Is there
15 anything else in Chapter 8?

16 Moving on. Okay. We need to --

17 COMMISSIONER DODD: I'm sorry. We just
18 went through the recommendations. I did -- I
19 wanted to point out one item on the
20 recommendations.

21 CHAIRMAN GUALTIERI: Hang on a second.
22 We're -- because right now we're, well, in
23 findings in Chapter 8. Now, we're going to go
24 into the recommendations in Chapter 8.

25 COMMISSIONER DODD: Okay. Very good.

1 CHAIRMAN GUALTIERI: All right. So I was
2 talking about anything else in findings in
3 Chapter 8.

4 Okay. So let's move into recommendations.

5 So law enforcement and schools must work
6 collaboratively to implement effective,
7 meaningful, and timely threat assessment process
8 using properly training personnel. Only threat
9 assessment trained officers or deputies should
10 participate on the threat assessment team, and
11 patrol officers or deputies should never be
12 dispatched to a school as a call for service to
13 participate on a team.

14 Anybody have anything with that one?

15 Okay. Number 2: School behavioral threat
16 assessment teams should have permanent members,
17 including mental health practitioners, to ensure
18 consistency in the process. Community -- this
19 is where we get into this one, Commissioner
20 Swearingen, we were talking about before --
21 Community-based mental health providers should
22 also participate on threat assessment teams when
23 they have unique knowledge of the person who is
24 subject of the assessment.

25 You know, there is some concern, and I know

1 we talked about it and I know others in the
2 schools have concern about this, maybe to --
3 and, Commissioner Larkin-Skinner, you had raised
4 this -- maybe community-based mental health
5 providers should participate, when feasible,
6 when available, to the -- to the -- something
7 along those lines.

8 I think we need to put some words in there
9 if we're going to leave this here that provides
10 flexibility, because it's not feasible in some
11 places, and we don't want to hold up the threat
12 assessment process and constrain it; but at the
13 same time, if the community-based provider has
14 relevant information, we also don't want some
15 school somewhere excluding them from the
16 process. So there just needs to be -- we need
17 to strike a good balance with this somehow.

18 Chancellor Oliva, go ahead.

19 CHANCELLOR OLIVA: I think one of the
20 qualifiers that we had in the other section that
21 helped with that is the community-based mental
22 health providers that receive State funding,
23 because that was a part of the input that you
24 had where that there's -- those folks have
25 screening requirements.

1 CHAIRMAN GUALTIERI: Well, you know, I
2 mean, you know, you know, let's say you got
3 someone and -- you know, maybe from the school
4 perspective, you all speak up -- because, I
5 mean, again, we've talked about this. You got
6 community-based that provide -- community-based
7 providers that receive State funding and largely
8 DCF-funded providers, you got Medicaid
9 providers, then you have private providers.

10 But I know as I sit here, you know, I'd
11 suggest to you that if you have a private
12 provider even that has relevant knowledge, I
13 wouldn't want to see a school exclude that
14 private provider that's willing to sit at the
15 table and contribute. But at the same time, I
16 don't think that we should compel it or we
17 shouldn't hold up the process because either
18 they're unavailable or they don't want to.

19 So maybe we say mental health providers
20 should also participate on threat assessment
21 teams -- what -- I --

22 COMMISSIONER HARPRING: Couldn't we just
23 take the language from 12? We took -- we
24 crafted that language --

25 CHAIRMAN GUALTIERI: Was -- can you do

1 that, John?

2 COMMISSIONER HARPRING: -- in Chapter 12.

3 CHAIRMAN GUALTIERI: Go back. Go back and
4 grab it. There you go. Okay.

5 COMMISSIONER CARROLL: I think the way this
6 is written is fine. If you just add after, on
7 threat assessments, "if feasible, when they have
8 unique knowledge," because then it doesn't make
9 it mandatory.

10 CHAIRMAN GUALTIERI: Yeah. That's what
11 we're just trying to do here. Okay. Require
12 participate -- yeah, maybe this -- we don't --
13 maybe we don't need that Chapter 12 language.
14 Is that -- yeah, just -- school behavioral
15 threat assessment teams should have permanent
16 members, blah, blah, blah. Mental health -- I
17 think we need to be clear on that, though,
18 because now I'm reading it, it just say mental
19 health providers. I think it should say
20 non-school mental health providers. Non-school
21 mental health providers should also participate
22 on threat assessment teams.

23 What do we want to say? Where feasible?
24 Where available? Where -- I mean, what are --
25 what are the -- what's the right modifier words

1 on that?

2 CHIEF ASSISTANT BARTLETT: Why don't you
3 just start it out by saying "If possible,
4 non-school" --

5 CHAIRMAN GUALTIERI: There you go.

6 CHIEF ASSISTANT BARTLETT: -- "mental
7 health" --

8 CHAIRMAN GUALTIERI: Okay.

9 CHIEF ASSISTANT BARTLETT: --
10 "providers" --

11 CHAIRMAN GUALTIERI: There you go.

12 CHIEF ASSISTANT BARTLETT: -- "shall
13 participate"?

14 CHAIRMAN GUALTIERI: There you go. If
15 possible. There you go. That's works.

16 If possible, non-school mental health
17 providers should also participate on threat
18 assessment teams when they have unique knowledge
19 of the person who is the subject of the
20 assessment.

21 I think that's good. I believe that's --
22 and that gives everybody the flexibility they
23 need. So it is not mandated, but it gives them
24 the ability to participate.

25 Anybody have any other changes on that one?

1 Secretary Marstiller.

2 SECRETARY MARSTILLER: What I'd like to
3 recommend probably shouldn't be included in this
4 recommendation and might be -- and maybe should
5 be a separate one.

6 My thought is -- and this is really an
7 outgrowth of the case that we've been talking
8 about earlier with the 14-year-old -- is that
9 when threat assessments are being done on
10 students who either are or have been DCF or DJJ
11 involved, that representatives -- and I hate to
12 be speaking for my sister agency here, but that
13 representatives from whichever one of those
14 agencies or both, as appropriate, should be
15 participating on the threat assessment team,
16 because I think from the team's perspective,
17 there's more information that can be had from
18 the agencies who have case management
19 information.

20 On the other end of that, the fact that the
21 threat assessment has been done helps our
22 agencies make better decisions moving forward on
23 these kids.

24 CHAIRMAN GUALTIERI: I think -- John, you
25 don't need a new one. I think just go back to

1 the old one. I think you -- I think you can fit
2 it right in here.

3 It says: If possible, non-school mental
4 health providers and DJJ --

5 SECRETARY MARSTILLER: DJJ and/or DCF.

6 CHAIRMAN GUALTIERI: -- and DCF
7 representatives should also...

8 SECRETARY MARSTILLER: Yeah.

9 CHAIRMAN GUALTIERI: I think you can put it
10 right in here. I think that's a good point. I
11 mean, because certainly with that kid, there
12 were --

13 SECRETARY MARSTILLER: Yeah.

14 CHAIRMAN GUALTIERI: -- a whole bunch of
15 others that wouldn't have been called to the
16 table that had information.

17 SECRETARY MARSTILLER: Right.

18 CHAIRMAN GUALTIERI: And as we're hopefully
19 doing a better job of bringing the information
20 to the threat assessment team, you know,
21 previously they wouldn't even know that DJJ or
22 DCF had extensive information, but now that we
23 are going to be hopefully identifying that, they
24 would have an indication in front of them. But
25 they wouldn't have a representative from DCF or

1 DJJ to participate in the process, and that's
2 what this --

3 SECRETARY MARSTILLER: Right.

4 And so as my agency moves forward with this
5 particular youth, the fact that the threat
6 assessment has been done and it exists not only
7 informs our decision-making but our
8 recommendation to the court, because the court,
9 in my mind --

10 CHAIRMAN GUALTIERI: Yes.

11 SECRETARY MARSTILLER: -- also needs to be
12 aware that this has been done.

13 CHAIRMAN GUALTIERI: Right. Sure. Okay.

14 SECRETARY MARSTILLER: Yeah.

15 CHAIRMAN GUALTIERI: Anybody have any
16 concerns with that? I think it's a great idea.

17 Okay. All right. So now we go over to
18 number 3. In order to ensure that all
19 statutorily required threat assessment team
20 members meaningfully participate in the threat
21 assessment process from beginning to end and
22 that nobody, quote, "signs off" on a threat
23 assessment after the fact, the legislature
24 should amend this Florida statute to state that
25 all statutorily required members of the threat

1 assessment team must be involved in the threat
2 assessment process from start to finish.

3 COMMISSIONER HARPRING: In that regard,
4 Sheriff, the only question I have is the -- is
5 the involved portion and does that potentially
6 leave it open to somebody not physically being
7 present but reviewing something after the fact.

8 CHAIRMAN GUALTIERI: You know, you know, if
9 people want to manipulate the words, that goes
10 back to like, you know, when they said "assigned
11 to a campus," and you had people that went
12 out -- and so if you can think a word than
13 "involved," you could use "participate," you
14 could use -- I don't know what the right word
15 is. But, unfortunately, when people want to
16 manipulate words, they're going to manipulate
17 them.

18 COMMISSIONER HARPRING: And that's the
19 genesis of my concern. And my question is, is
20 for -- maybe it's a comment -- for a valid
21 threat assessment team evaluation to occur,
22 everyone should be present.

23 CHAIRMAN GUALTIERI: So to state that all
24 statutorily required members of the threat
25 assessment team be present?

1 COMMISSIONER HARPRING: Well, I think
2 that's probably more --

3 CHAIRMAN GUALTIERI: Okay.

4 COMMISSIONER HARPRING: -- to be at the
5 very end. Instead of involved, have be present
6 in the involved portion.

7 CHAIRMAN GUALTIERI: So you could say be
8 present and involved. Sad that we even have to
9 have that discussion. Really, it is. It's a
10 sad commentary.

11 COMMISSIONER HARPRING: It's just past
12 actions are driving --

13 CHAIRMAN GUALTIERI: I get it.

14 COMMISSIONER HARPRING: -- driving that
15 comment.

16 CHAIRMAN GUALTIERI: You're right. But
17 it's pathetic that we even have to consider
18 that, but we do, so...

19 All right. Anything else on that one?

20 Okay. Number 4: Because it's impossible
21 to include the information-rich local databases
22 in the Florida Safety School Portal, it's
23 imperative that local threat assessment teams
24 establish processes to ensure all relevant
25 information is obtained so that information

1 important to the threat assessment teams's
2 decision-making process is not omitted. Law
3 enforcement agencies should consider committing
4 a dedicated analyst familiar with data gathering
5 to conduct the research necessary for an
6 effective threat assessment process.

7 Y'all okay with that? Like it? Don't like
8 it? Okay with it? All right. Any changes to
9 it?

10 All right. And then the last one is the
11 legislature -- number 5 -- the legislature
12 should amend Florida law to include a -- as a
13 criminal offense any spoken word threat to
14 conduct a mass shooting.

15 So just remember that prior to this Senate
16 Bill 7026, the law in Florida was is that if you
17 wrote a threat is that it contained what became
18 shorthand as the transmission requirement. So
19 if you wrote a threat, "I'm going to shoot up
20 the school, I am going to do something bad to
21 you," is that you could write it on the bathroom
22 wall, you could write it in a notebook, you
23 could write it someplace, but unless you
24 transmitted it -- so you could pull up the
25 e-mail and write it, but unless you push Send,

1 it wasn't a crime.

2 So in 7026, the legislature removed the
3 transmission requirement. So if somebody walks
4 into the bathroom at the local elementary school
5 and writes "I'm going to shoot up this school,"
6 it's now a crime. If somebody does -- at least
7 my view -- what we heard yesterday from the
8 major from Baker County and writes in a
9 composition notebook his plan to shoot up the
10 school, it is a second-degree felony. It
11 violates Florida law.

12 But what it stopped short of doing and what
13 we are seeing across the state -- I know
14 Commissioner Dodd's had this in Citrus County
15 and a whole bunch of us have seen this in a
16 myriad of places around the state -- is we see
17 situations occurring where we have these verbal
18 threats.

19 So to give you an example is that somebody
20 calls the local middle school and they say on
21 the phone "I'm going to blow up the middle
22 school, I'm going to plant a bomb, I'm going to
23 blow up the school" or they call the mall and
24 say "I'm going to shoot up" -- or "I'm going to
25 blow up the mall," then that is a crime in

1 Florida for making that verbal threat to place a
2 destructive device. That's a crime, it's a
3 felony, has been for a long time.

4 But if you call the same school where you
5 said, "I'm going to plant a bomb and blow up the
6 school" and you say verbally "I'm going to shoot
7 up the school," that's not a crime in Florida,
8 and that's the problem we're running into with
9 these verbal threats.

10 So this proposal is to amend that same
11 statute, the same statute that deals with
12 threatening to place a destructive device,
13 threatening to place an explosive device. And
14 under the case law which has developed under
15 that statute is it has to be intended to cause
16 harm. So that statute has been litigated. It's
17 been upheld by the appellate courts. And so
18 we're just suggesting adding to that statute
19 that if you threaten a mass shooting, a
20 terrorist type event, that it would be illegal
21 to make that verbal threat.

22 I can tell you that the Florida Sheriffs
23 Association -- so I think this is important for
24 this commission to consider this and if the will
25 of the group here is to adopt this as a

1 recommendation, I can tell you the Florida
2 Sheriffs Association has already adopted this as
3 a priority for the association this year in our
4 legislative agenda.

5 And, in fact, a bill in the House has
6 already been filed by Representative Massullo
7 out of Citrus County to implement this. So it's
8 already in the works. It's on that path. But I
9 think that it would also be good to have the
10 support of this commission to support that bill.

11 Does anybody -- go ahead.

12 VICE-CHAIRMAN LYSTAD: I assume this will
13 apply also in Baker County.

14 CHAIRMAN GUALTIERI: Well, it should apply
15 in Baker County, unless somebody disagrees.

16 COMMISSIONER DODD: I'd just like to take a
17 second just to explain to the commission what we
18 face in Citrus County.

19 CHAIRMAN GUALTIERI: Sure.

20 COMMISSIONER DODD: And, of course, we're a
21 small county, but it was front page news on our
22 Citrus County Chronicle, and it was very
23 concerning to our community. We had a
24 34-year-old male who was upset with the
25 government and was leaving court and made a

1 threat to shoot up a local elementary school
2 that's adjacent to a high school. And the
3 individual was in custody, and he was on his way
4 to the jail. And then he mentioned to another
5 deputy as we -- they drove by the area that this
6 is what he wanted to do. And then there were
7 other conversations that he had made. And there
8 was a lot of issues with -- his psychologist had
9 thrown up some red flags issue with -- talked
10 about being psychotic. This was all published
11 in our newspaper. The school district decided
12 to obviously alert all the parents at both the
13 primary school and the high school of the
14 incident.

15 And what was concerning obviously, too, was
16 that there were no charges filed because under
17 the current law, it was not a crime. And so
18 verbal threats are not covered under the law. I
19 appreciate page 90 -- I'm sorry -- page 97 gave
20 a good description of the verbal threat issue.
21 But, you know, considering the world we live in
22 today, whether it's submitted electronically or
23 if it's verbalized, we need to be able to have
24 the ability to address that as a crime and give
25 the -- give the authorities the ability to make

1 an arrest.

2 So that's what took place in our county,
3 and I appreciate this backing up. Our
4 Representative Ralph Massullo is working on it
5 with the Florida Sheriffs Association, so it's
6 on a lot of radar, a lot of individuals' radar,
7 but it is important.

8 CHAIRMAN GUALTIERI: Okay.

9 COMMISSIONER LARKIN-SKINNER: I just wanted
10 to add we've experienced something similar in my
11 county. A gentleman was going to blow up his
12 work. It was verbal. The FBI got involved. He
13 got Baker Acted.

14 CHAIRMAN GUALTIERI: Go figure.

15 COMMISSIONER LARKIN-SKINNER: And part of
16 it was because they were trying to gather
17 evidence, you know, be able to arrest him. So I
18 think anything to stop people from this nonsense
19 is important.

20 CHAIRMAN GUALTIERI: Good. All right. So
21 we'll -- if everybody's good, we'll keep that as
22 a recommendation.

23 And Commissioner Swearingen.

24 COMMISSIONER SWEARINGEN: One question,
25 Bob. Just knowing how the judge focused on

1 semantics in the Baker County case, and we
2 address spoken word here, do we want to expand
3 that so that she can't -- this was a written
4 threat, so if you played semantics and he didn't
5 speak it to somebody, just throwing -- playing
6 devil advocate's here because we know they'll
7 use semantics.

8 CHAIRMAN GUALTIERI: So what do you -- what
9 do you --

10 SHERIFF JUDD: Sign language.

11 COMMISSIONER SWEARINGEN: It's awful to
12 have this conversation, but whether it's spoken,
13 written, electronic.

14 CHAIRMAN GUALTIERI: Yeah. And the bill's
15 already drafted. I think we captured it pretty
16 well in the bill.

17 Go ahead.

18 CHIEF ASSISTANT BARTLETT: That's my point,
19 is that, you know, we ought to somehow
20 prioritize this, though, because this is a very
21 large problem.

22 CHAIRMAN GUALTIERI: Right.

23 CHIEF ASSISTANT BARTLETT: And it causes
24 law enforcement -- and you know this -- to run
25 around and try to figure out some other way

1 to --

2 CHAIRMAN GUALTIERI: Right.

3 CHIEF ASSISTANT BARTLETT: -- to make
4 criminal responsibility for the actions of the
5 person making the statements. And it's not just
6 kids. It's older people sometimes that --

7 CHAIRMAN GUALTIERI: It is.

8 CHIEF ASSISTANT BARTLETT: -- are mentally
9 a little bit off. And, you know, this needs to
10 be something that needs to be acted on for sure
11 in this legislative session to fix it.

12 CHAIRMAN GUALTIERI: Yep.

13 CHIEF ASSISTANT BARTLETT: So I don't know.
14 It just kind of trails down here by itself in a
15 little bit of a statement. I don't know how you
16 could highlight it and move it up to the top.

17 CHAIRMAN GUALTIERI: Well, we could, I
18 mean, and I don't have any problem with it at
19 all. It is extremely important, is, is that you
20 can take this -- take this as Recommendation 5,
21 move it up to Recommendation 1. It would
22 highlight it as people look at this chapter. We
23 could just swap it and move it up to the first
24 recommendation. Because it is a big problem.

25 While you do that, John, just take it and

1 move it up to 1.

2 CHIEF ASSISTANT BARTLETT: It should be a
3 legislative priority to amend --

4 CHAIRMAN GUALTIERI: Yep.

5 CHIEF ASSISTANT BARTLETT: -- for this
6 year.

7 CHAIRMAN GUALTIERI: It should be -- so and
8 then change it to it should a priority for the
9 Florida Legislature to --

10 SHERIFF JUDD: Communicate any threat, I
11 mean, of a mass shooting. Just say communicate.
12 So, I mean, communicate means written, verbal,
13 sign language.

14 CHAIRMAN GUALTIERI: So it should be a
15 priority case -- should be a priority for the
16 Florida Legislature to amend -- it should be
17 priority for the legislature to amend Florida
18 law to include as a criminal offense any --
19 what -- any communication?

20 CHIEF ASSISTANT BARTLETT: Well, spoken.
21 You start that communication now, then you're
22 getting into what Commissioner Swearingen talked
23 about.

24 COMMISSIONER HARPRING: Can't you make it
25 broad and just say any type of threat?

1 CHIEF ASSISTANT BARTLETT: To make any kind
2 of a threat. Because then they're going to say
3 how do you communicate. You going to have to be
4 telling it to somebody or --

5 COMMISSIONER HARPRING: But, you know,
6 there are a lot of those nonverbal things where
7 you have the kid in the classroom who makes a
8 gun out of his finger or whatever and does
9 something. And if it's just simply broad and
10 include as a criminal offense any type of threat
11 to conduct a mass shooting or so on...

12 CHAIRMAN GUALTIERI: Right. I don't know.
13 Go ahead, Judd.

14 SHERIFF JUDD: We're just trying to tweak
15 the law that's already there, and this seems
16 like it would be a slow pitch. But we tried
17 this when we originally -- when the governor
18 originally called us all together for the
19 formation of all of this, and it didn't go
20 anyplace. And we were trying to tell them then
21 that why do we have to write it and deliver it.
22 If you write it or say it and show up tomorrow
23 and shoot somebody and then we're standing there
24 saying, "Well, you didn't deliver it, so we
25 didn't do anything yesterday." That's insanity.

1 CHAIRMAN GUALTIERI: So let me just tell
2 you, so maybe this will help, because this is
3 the bill that Representative Massullo has filed.
4 It is filed in the House, and it's an amendment
5 to 790.162, and it says here: Threats involving
6 a firearm, weapon, or destructive device. It is
7 unlawful for any person to threaten the use of a
8 firearm or any weapon or to throw, project,
9 place, or discharge any destructive device with
10 the intent to do bodily harm to any person or
11 with the intent to do damage to any property of
12 any person.

13 So I think -- I think the bill gets it.
14 The bill is right. We got it right. And we
15 gave this language to Representative Massullo.
16 So I think that we are doing -- I was focused on
17 the bill, and I -- we didn't probably get it as
18 artfully as we should have in the
19 recommendation, but I think that the bill covers
20 what you're talking about.

21 COMMISSIONER PETTY: Should we reference
22 the bill then rather than trying to re-create
23 the language?

24 CHAIRMAN GUALTIERI: We could do that. We
25 should. And maybe -- we can certainly do that.

1 It should be a priority for the Florida
2 Legislature to amend Florida law -- you know, we
3 can come up with it and then just reference --
4 instead of getting into wordsmithing this, and
5 then we can just come up with referencing this
6 house bill number as filed by Representative
7 Massullo and then do it that way.

8 COMMISSIONER PETTY: If he's already got it
9 right, then --

10 CHAIRMAN GUALTIERI: Yeah.

11 COMMISSIONER PETTY: -- probably best to
12 reference it.

13 CHAIRMAN GUALTIERI: All right. So
14 everybody good with doing it that way as opposed
15 to sitting here trying to get that to conform to
16 this? Since I think this is good.

17 Okay. We'll just do that.

18 John, just make a note of it in there, and
19 then as we revise this for the final report,
20 we'll get the right language in there that are
21 references it.

22 Okay. All right. Anything else in Chapter
23 8?

24 If not, we'll move on to Chapter 9. So
25 Chapter 9, SESIR. In the narrative portion of

1 it, before we get to the findings on page 108,
2 does anybody have any revisions to the fact
3 section of Chapter9?

4 DEPUTY SECRETARY BABCOCK: I have just a
5 quick one. On your table on page 104, the
6 fighting, you have Duval County, I don't think
7 your percentage of incidents reported to LE is
8 correct. You have 3844 as the SESIR incidents.
9 38 through -- 34 is reported to law enforcement,
10 but the percentage is only .2 percent. I think
11 it's close to 99 percent.

12 CHAIRMAN GUALTIERI: Okay. We take a look
13 at that? That's in the chart?

14 DEPUTY SECRETARY BABCOCK: Yes, sir.

15 CHAIRMAN GUALTIERI: Yeah. Okay. We made
16 note of that. Thank you. We'll make that
17 correction.

18 CHANCELLOR OLIVA: We noted that as well
19 and we were planning on --

20 CHAIRMAN GUALTIERI: Did you? Okay.

21 CHANCELLOR OLIVA: -- telling the team.

22 CHAIRMAN GUALTIERI: Okay. Thanks.
23 Appreciate you pointing that out.

24 All right. So we'll go over now to page
25 108 as far as the findings.

1 COMMISSIONER SCHACHTER: Sheriff?

2 CHAIRMAN GUALTIERI: The first finding,
3 number 1 --

4 COMMISSIONER SCHACHTER: Sheriff?

5 CHAIRMAN GUALTIERI: Yes.

6 COMMISSIONER SCHACHTER: Can I just ask you
7 one question? And that is the, you know, we
8 gave the Commissioner of Education the authority
9 to withhold the superintendent's salary. Is
10 there anything more that we should be doing to
11 give them more authority concerning this, or
12 does he -- does he have enough --

13 CHAIRMAN GUALTIERI: Yeah.

14 COMMISSIONER SCHACHTER: -- authority to
15 make sure that --

16 CHAIRMAN GUALTIERI: You know, as we know
17 right now, that the SESIR reporting is required
18 three times a year by the districts. It now has
19 a provision in the law that the superintendent
20 is accountable and responsible for ensuring the
21 timely and accurate submission of the SESIR
22 reports. It provides the Commissioner of
23 Education the authority to direct the school
24 board to withhold the superintendent's salary if
25 those reports are not submitted accurately and

1 timely.

2 I think that we need to let it take hold
3 and take effect and see what happens and look at
4 the most recent reports and the next. And when
5 we meet again, we look at it. I don't think we
6 should do any -- or need to do anything. I
7 would expect that the -- that we'll get a
8 hundred percent compliance and hope that we do,
9 and we don't need to worry about it.

10 COMMISSIONER SCHACHTER: Do we have any
11 data since we passed this?

12 CHAIRMAN GUALTIERI: No.

13 COMMISSIONER SCHACHTER: No, not yet?

14 CHAIRMAN GUALTIERI: No.

15 COMMISSIONER SCHACHTER: Okay.

16 CHAIRMAN GUALTIERI: Is that the next
17 reporting is due this month, and so we need to
18 wait and see what they report. And I know that
19 there is a -- also -- and Chancellor Oliva can
20 speak to this, if you -- if you know, but I
21 believe that the -- there's a work group that's
22 been put together between the Department, I
23 know, and the superintendents association, or at
24 a minimum, I know the superintendents
25 association has a work group that's dedicated to

1 this topic. So they got the message.

2 And I know that there's commitment on the
3 part of the Department, I know there's
4 commitment on the part of the superintendents to
5 fix this, so we need to let them take it and fix
6 it. And then we'll come back and look at it,
7 and, of course, what we expect and hope and we
8 all want is, is that it's right and we have a
9 hundred percent compliance and we have accurate
10 data.

11 COMMISSIONER SCHACHTER: When are they
12 supposed to report SESIR?

13 CHAIRMAN GUALTIERI: It's three times a
14 year. Is there's one in October, I believe
15 April, and I forgot what the third month is.
16 It's three times a year that it's reported. So
17 there's another one coming up now. And I think
18 by -- we'll have two cycles by the time we meet
19 again, should have two cycles, so that we'll be
20 able to look at this current cycle, the next
21 cycle, look at the reports. So before we meet
22 again, we should have a good picture as to
23 whether there's compliance.

24 COMMISSIONER SCHACHTER: In the last
25 meeting we talked about how the Office of Safe

1 Schools was hiring 10 auditors. Would they be
2 the ones that are going to be looking to make
3 sure that this is accurate?

4 CHAIRMAN GUALTIERI: Well, I know that the
5 Office of Safe Schools was authorized by the
6 legislature for additional positions. I know
7 that they're in the process of hiring 10 people
8 for the field, etcetera, and filling other
9 positions. They had -- up to this point, they
10 only had one person. Remember, there was only
11 one person forever in the Department of
12 Education that had anything to do with the
13 training and the oversight of SESIR. So I know
14 they're in the process of building that up and
15 making it more robust.

16 I don't know if you want to add anything to
17 that, Chancellor Oliva, or not.

18 CHANCELLOR OLIVA: That's correct. So some
19 of those 10 positions have been filled, and some
20 people are being onboarded by the -- by next
21 month that team should be in place. But that --
22 some of those folks will be housed in
23 Tallahassee and some of them will be housed
24 regionally. But part of their tasks will be to
25 go into schools and look at SESIR, FSSAT

1 compliance with all of the requirements with
2 safe schools.

3 COMMISSIONER SCHACHTER: Is there anything
4 else you think this commission should be doing
5 to help you?

6 CHANCELLOR OLIVA: I think to go back to
7 Chair's point about the work group revisiting
8 SESIR, the codes and definitions, that that's --
9 it's almost the same group that's been looking
10 at the other tools that includes the Office of
11 Safe Schools to school safety specialists. They
12 have another meeting coming up in December, and
13 I'm tracking the progress they're making. If
14 some of those recommendations require
15 legislative fixes, this may be a good platform
16 to support their recommendations.

17 CHAIRMAN GUALTIERI: Yep. Sounds good.

18 So we'll just wait and see. And we'll have
19 two cycles by the time we meet again, and we'll
20 also have an opportunity for this work group to
21 meet and make any recommendations and then we
22 can help facilitate anything that they need help
23 with at that point.

24 COMMISSIONER SCHACHTER: Great.

25 CHAIRMAN GUALTIERI: So let's look at the

1 recommendations on page 108. You know, the
2 first one is -- under the findings, I'm sorry,
3 on page 108, that there's been underreporting,
4 nonreporting, and overreporting of SESIR
5 incidents by school districts across Florida.

6 I think the facts bear that out. I don't
7 think that needs any change unless anybody sees
8 anything they want to revise.

9 Number 2: The misreporting is the product
10 of definitional ambiguity, misinterpretation of,
11 and confusion over the reporting guidelines,
12 inadequately trained personnel tasked with
13 compiling SESIR data, and the lack of
14 accountability in the reporting process.

15 Anybody have anything on that one?

16 So moving over to recommendations. SESIR
17 guidelines should be changed to eliminate
18 confusion over what incidents require -- all
19 right. This is where this whole thing starts
20 getting all over the board, very divergent, and
21 just messes everybody up about this whole
22 consultation with law enforcement versus what is
23 required to be reported.

24 It's so nuanced, but it is so important,
25 because it takes you down different courses and

1 different paths.

2 So SESIR guidelines should be changed to
3 eliminate confusion over what incidents require
4 consultation with law enforcement versus
5 incidents that are required to be reported to
6 law enforcement. Any required action should be
7 tracked and reported so that compliance can be
8 measured. If there is requirement consultation,
9 then that should be documented and report.

10 Remember now, consultation -- and this is
11 why we can't tell whether there's compliance,
12 because consultation could be passing you in the
13 hallway and, hey, what do you think about X, and
14 it doesn't require that there be any reporting
15 of that or any documentation that it occurred.
16 So that's a big problem.

17 If an incident is required to be reported,
18 then whether the official report was generated
19 by the officer should be documented. Officer
20 discretion is important. So this is not a
21 recommendation to mandate that officers take
22 action, only that if they are required to be
23 told under SESIR that the result be reported.

24 So we'd -- again, we don't want to take
25 away the discretion, and we're not saying that

1 if a cop comes in contact with a kid and he's
2 got, you know, half a joint of marijuana that he
3 no longer has discretion about what to do that.
4 That's not what this is saying. But if it is
5 required that it be reported, then there should
6 be some documentation of it.

7 So does anybody have anything with
8 recommendation number 1 you want to change?

9 SHERIFF ASHLEY: I don't know about
10 changing, Sheriff, but from everything we've
11 discussed about this, trying to identify the
12 purpose and goal of SESIR data, it keeps
13 escaping me on if there's nothing attached to
14 that purpose and prioritizing or identifying a
15 problem area or whatever, how do you hold
16 somebody accountable for reporting or
17 underreporting or nonreporting if there's no
18 goal attached or purpose attached to the SESIR
19 data to begin with?

20 CHAIRMAN GUALTIERI: Well, the way I
21 understand is, is that it's not an option
22 because it's required under federal law that
23 they -- that this be -- they have to do it in
24 some fashion. You know, is there -- but -- and
25 also remember that the SESIR incident categories

1 are broader than just crimes. So if it's done
2 right, I do think it serves a purpose. I think
3 it gives all of us in the community and public
4 as they're looking at schools for their kids,
5 etcetera, does give a snapshot of what is
6 occurring or not occurring in various school
7 campuses.

8 So I don't think it's -- it's definitely
9 not just a duplication of UCR reporting or crime
10 reporting because there are other things that
11 are required to be reported, you know, but it's
12 got to be done right. And when it hasn't been
13 done right, it is totally useless. It's
14 total -- been totally useless, and it doesn't
15 give you any accurate picture, so -- but I don't
16 think it's an option to not do it.

17 SHERIFF ASHLEY: I guess I'm looking more
18 towards the incentives. What is the incentive
19 for these folks to get it right?

20 CHAIRMAN GUALTIERI: Well, right now is, is
21 that as a result of 7030 this year, there's a
22 huge incentive because the superintendent
23 doesn't want to lose his salary, and the
24 commissioner of education can direct the school
25 board to withhold the superintendent's salary if

1 it's not timely and accurate.

2 So, you know, I would be shocked, but I've
3 been shocked before, I'd be shocked is that if
4 this -- in this next iteration of reporting,
5 given that this will be the first time that
6 we're, in this state, under the authority of the
7 commissioner to direct the school board, not
8 ask, but direct them to withhold the
9 superintendent's salary, I'd be shock if we
10 don't have accurate and timely reporting.

11 Okay. And, you know, I don't speak for
12 him, but I know him, and anybody who thinks that
13 this commissioner won't exercise that authority
14 is kidding themselves, because he will and he
15 should.

16 Commissioner Schachter.

17 COMMISSIONER SCHACHTER: In regard to
18 Commissioner Ashley's comments, I think that in
19 the United States we -- the reason the school
20 shootings continue to happen is I think it's
21 that mindset that most of America has that it's
22 not going to happen here. I know that Parkland
23 had that mindset. And the mindset is fostered
24 by, number one, Parkland was rated the 15th
25 safest place to live in this country several

1 days prior to the tragedy; and, number two,
2 schools inherently do not report violence on
3 their campus. They underreport violence on
4 their campus. And if we knew, had accurate
5 data, that this will hopefully provide and tell
6 us what's happening on campus, I think that the
7 parents and community members would be outraged
8 and they would demand change.

9 So I think it's critical that SESIR is
10 reported accurately so we know what's happening
11 on campus.

12 And then, lastly, we know that -- so US
13 Secret Service is going to come out with their
14 new school attack study for the first time since
15 2004. It's going to analyze -- it's going to
16 look -- do what we did and look at all the
17 attacks on K through 12, but it's going to go
18 even a lot more depth. It's going to identify
19 commonalities. And I think what we're going to
20 see is that a lot of these school mass murderers
21 were bullied. Well, if we can identify that
22 ahead of time through SESIR, hopefully we'll be
23 able to stop school mass murder, we'll be able
24 to reduce suicide on campus, and we know that
25 suicide is the homicide issue. So if we can

1 stop the suicide, we can stop the homicide as
2 well.

3 CHAIRMAN GUALTIERI: All right. So let's
4 go to recommendation number 2. To ensure proper
5 reporting, SESIR guidelines should require the
6 gathering and reporting of law enforcement data,
7 including the date, time of law enforcement
8 notification, and name of the officer who is
9 notified. If a case report incident number is
10 generated, that should be included in the data
11 gathered through SESIR reporting.

12 Again, this just goes to the issue of when
13 it's required to be reported, that there is
14 appropriate documentation of it.

15 Does anybody have anything on that one?

16 COMMISSIONER LARKIN-SKINNER: I just have a
17 question. I'm assuming since we put that in
18 here, that is not currently a requirement.

19 CHAIRMAN GUALTIERI: Right.

20 COMMISSIONER LARKIN-SKINNER: Okay. My
21 second question is -- and maybe we went over
22 this, but I don't remember -- are charter
23 schools also required to do this? Because if
24 not, they should be, and that should be --

25 CHAIRMAN GUALTIERI: Yeah, I believe they

1 are.

2 COMMISSIONER LARKIN-SKINNER: -- one of our
3 recommendations.

4 CHAIRMAN GUALTIERI: Yeah. I mean, just I
5 got to think about that for a second, but --

6 SHERIFF JUDD: Charter schools are public
7 schools.

8 CHAIRMAN GUALTIERI: Yeah, they're public
9 schools. They are. Yes, correct, Commissioner?

10 COMMISSIONER STEWART: There was a portion
11 of law that charter schools do no fall subject
12 to, but it -- they fall subject to all laws
13 related to school safety.

14 CHAIRMAN GUALTIERI: Yeah. And that was
15 changed actually -- well, it wasn't just
16 changed, but yes, because I had to think about
17 it for a second, but it was clarified.

18 COMMISSIONER LARKIN-SKINNER: Okay.

19 CHAIRMAN GUALTIERI: There's a -- there was
20 a portion of 7030 that made clear -- because
21 there was questions being raised about the FSSAT
22 about the safe school officers, about all this,
23 and they took -- the legislature took, in 7030,
24 that took all of this related to school safety
25 and all these various statute numbers and

1 specifically said in there that it's applicable
2 to charters. So the answer is yes.

3 COMMISSIONER LARKIN-SKINNER: I just wanted
4 to be sure. Thank you.

5 CHAIRMAN GUALTIERI: Yeah. So -- okay.

6 So number 3: The two groups of SESIR data
7 which are expected to include consultation with
8 law enforcement, which there's 21 and those
9 which may not need to include consultation with
10 law enforcement, which there's 5, require
11 clearer direction to school faculty.

12 Again, this is very confusing to everybody.

13 The category that includes the 21 more
14 severe incidents should direct that staff will
15 notify law enforcement and that the less severe
16 incidents may not need to include notification.

17 So is this a recommendation to provide some
18 clarity to this, the -- remove ambiguity to
19 remove confusion because of this whole thing now
20 about consultation and reporting. So the
21 recommendation here is, is that it be changed so
22 that staff are explicitly told, as opposed to
23 reporting in consultation as to 21 is, is that
24 you will notify law enforcement. As to these 5
25 is that it may not need to include notification

1 to law enforcement. So it's just a way to try
2 and clear up some of this ambiguity.

3 So whatever y'all think. We can modify
4 this, we can leave it, we can get rid of it and
5 let somebody else figure out how to clear up the
6 ambiguity. It's just trying to provide a
7 suggestion as a way -- ultimately, somebody else
8 is going to make the decision on this. It's
9 probably going to come out of that work group
10 that is being put together. And ultimately, I
11 think the Department has the authority -- this
12 doesn't require legislative action -- I believe
13 the Department has authority to amend these
14 definitions.

15 So what do y'all think on 3? You want to
16 leave it, change it, get rid of it?

17 CHIEF ASSISTANT BARTLETT: I think you
18 should leave it. I mean, this whole SESIR thing
19 is so screwed up with the definitions of battery
20 and physical attack don't even mirror what -- I
21 mean, it makes no sense. I don't know who the
22 person as that wrote this originally, but they
23 sure as heck didn't know much about the law.

24 CHAIRMAN GUALTIERI: It's all -- a lot of
25 it's circular.

1 CHIEF ASSISTANT BARTLETT: Yeah.

2 CHAIRMAN GUALTIERI: You walk away from the
3 SESIR stuff just with your head spinning, and if
4 we're doing that, think about what the school
5 staff is doing.

6 Do you have any issues with that,
7 Chancellor?

8 CHANCELLOR OLIVA: No. I think that this
9 is timely for the work group to get the input of
10 the commission so --

11 CHAIRMAN GUALTIERI: Okay.

12 CHANCELLOR OLIVA: -- that we can
13 incorporate that in their work.

14 CHAIRMAN GUALTIERI: All right. All right.
15 Number 4: As currently defined within SESIR,
16 acts of violence against another could be
17 classified either as a battery or physical
18 attack or fighting. These categories should be
19 consolidated to two categories which closely
20 mirror the criminal definition of battery and
21 aggravated battery. Both of these categories
22 should fall under the category that mandates
23 staff to notify law enforcement.

24 Anybody have any concerns with that one?

25 CHIEF ASSISTANT BARTLETT: You can make the

1 first category broad, which is the fighting.
2 Then you can make the second category battery,
3 which is illegal touching. And then the third
4 category is aggravated battery.

5 CHAIRMAN GUALTIERI: Right.

6 CHIEF ASSISTANT BARTLETT: Because the
7 first category doesn't get reported.

8 CHAIRMAN GUALTIERI: Right.

9 CHIEF ASSISTANT BARTLETT: That's just a
10 school fight, so...

11 CHAIRMAN GUALTIERI: Right, right. It is,
12 is just that to provide something to them. They
13 can figure it out exactly, so...

14 All right. So we're done with Chapter 9,
15 so -- unless anybody's got anything else. All
16 right. So we already did 12, so we're going to
17 get -- we've got 10, 11, 13 to go. 10 has a lot
18 in it, a lot of stuff in it as far as the
19 findings are concerned.

20 And so what I suggest we do at this point,
21 it's noon now, lunch is available, if it's all
22 right with everybody, what I suggest we do is,
23 is that we keep it to -- I think we can get
24 through this in fairly short order, but if we
25 keep this break to a tight 30 minutes, just get

1 it and come back even if you want to eat in
2 here, keep it a tight 30 minutes, we'll start
3 again at 12:30. I think we can probably wrap
4 the rest of it -- when we come back, I think we
5 can probably wrap this up in about an hour when
6 we come back.

7 Does that work for everybody?

8 Okay. So we'll just break for -- it's noon
9 now. We'll start again right at 12:30, and then
10 we'll go to Chapter 10, then 11 and 13, and
11 whatever other business you want to discuss, and
12 then we'll adjourn.

13 All right. So we'll see you at 12:30.

14 (Luncheon recess from 12:01 p.m. to 12:37
15 p.m.)

16 CHAIRMAN GUALTIERI: All right. We'll go
17 ahead and get started again. We're on Chapter
18 10, which is the Integrated Data Systems and
19 Social Media Monitoring.

20 Does anybody have any changes to the facts
21 section, the narrative section, in Chapter 10?

22 Okay. All right. So we'll move to, in the
23 report, page 116 and begin with the findings.
24 The first one is that the creation of a true
25 centralized integrated data repository requires

1 that legal authority and the technological
2 capability exists to combine a plethora of data
3 sources and put them in one place, and such
4 authority and resources do not exist.

5 Anybody have anything on that?

6 Number 2: The Florida safety school
7 porter -- portal is not a centralized integrated
8 data repository that allows for a unified query
9 capable of searching all relevant data, and in
10 parentheses, named data sets as well as the data
11 that is within each of the 67 counties various
12 data systems, in one place. This is impossible
13 given the legal and technological limitations
14 that exist.

15 So anything on Finding Number 2 that
16 anybody has, any changes, modifications?

17 So number 3: SESIR FortifyFlorida, and
18 social media data that can be queried by all
19 members of the threat assessment team, comma, as
20 they are all granted system privileges as school
21 officials.

22 So SESIR, FortifyFlorida, and social media
23 data can be queried by all members of the threat
24 assessment team.

25 On that one?

1 All right. Number 4: Other than the
2 FortifyFlorida and social media data in the
3 portal, members of the threat assessment teams
4 will only have access to data from systems that
5 they already have access to as education, law
6 enforcement, or mental health professionals.

7 Any changes on Finding 4?

8 Social Media Monitoring tool is not
9 monitored live or in real time and has
10 limitations in what it can capture and monitor.

11 Anything on that one?

12 Number 6: E-mail notifications are only
13 available to agencies using the tool who have
14 worked with the vendor to configure their e-mail
15 addresses.

16 So on number 6, though, John, we need to
17 say in there "E-mail notifications from the
18 Social Media Monitoring Tool," to be clear what
19 that is. I think we need to be clear with that.
20 "E-mail notifications from the Social Media
21 Monitoring tool are only available..., "
22 etcetera.

23 Other than that, does anybody have anything
24 on that one?

25 VICE-CHAIRMAN LYSTAD: Can you combine 6

1 and 5?

2 CHAIRMAN GUALTIERI: Yeah, we could. Yeah.
3 Want to try and combine those, 6 and -- 6 and 5?

4 So you can say "The Social Media Monitoring
5 was not monitored in real time. It has
6 limitations in what it can capture and monitor."

7 And then you just -- you don't need to add
8 the -- you can just say "E-Mail notifications
9 are only available to agencies....," you can take
10 out from "The Social Media Monitoring tool..."
11 then with that combination.

12 Mr. Petty.

13 COMMISSIONER PETTY: This may be a
14 question, and I'm not sure if I saw it in here.
15 But, I mean, even we use the term "real time"
16 has a specific meaning, and e-mail's not always
17 monitored, so depending on where that e-mail's
18 going...

19 CHAIRMAN GUALTIERI: Well, Social -- so
20 "Social Media Monitoring tool is not monitored
21 live or in real time..."

22 So as all of this -- let's say you have a
23 key word such as "shoot" --

24 COMMISSIONER PETTY: Right.

25 CHAIRMAN GUALTIERI: -- and "Citrus High

1 School." Is there's nobody sitting anyplace,
2 and as that hits on "shoot" and "Citrus High
3 School" is that nobody's sitting there seeing
4 that.

5 COMMISSIONER PETTY: Right.

6 CHAIRMAN GUALTIERI: So what you have do is
7 you'd have to ask the system administrator to
8 send you an e-mail if you got hits on what
9 you have put into the system.

10 So e-mail notification, so you can go in
11 and query that. So if somebody checks it once
12 every three days, you may have had three days
13 ago "shoot" and "Citrus High School." But
14 unless you configure it and ask them to
15 configure it so that somebody in the district is
16 getting e-mail notifications, they're only
17 available to agencies using the tool have worked
18 to configure their e-mail addresses, so if
19 everything that you have put in there that you
20 want hits on, you have to configure it so these
21 5 people, these 10 people or whoever get the
22 notifications of that.

23 COMMISSIONER PETTY: Yeah. So I understand
24 that's a limitation. But even the recipient on
25 the recipient's side, depending on whether or

1 not the e-mail address at the agency is a
2 monitored e-mail address, you know, sometimes
3 they --

4 CHAIRMAN GUALTIERI: Oh, so that's --

5 COMMISSIONER PETTY: -- sometimes I go
6 several hours --

7 CHAIRMAN GUALTIERI: Okay. So yes.

8 COMMISSIONER PETTY: -- ignoring my e-mail.
9 Right?

10 CHAIRMAN GUALTIERI: I mean, that's right,
11 too, is, is that somebody -- the e-mail could be
12 sent, but unless somebody's monitoring their
13 e-mail, that's correct. Then there could be a
14 delay in them getting it if they don't have the
15 e-mail configured so that they get it on a
16 mobile device, etcetera, right away.

17 COMMISSIONER PETTY: Or a group of people
18 or somebody assigned to take action on it in a
19 near real-time basis. Otherwise, it's just an
20 e-mail that sits in an in-box.

21 CHAIRMAN GUALTIERI: So you want to add
22 something there that talks about -- is that what
23 you're saying, you want to add something in
24 there?

25 COMMISSIONER PETTY: I think so. Somebody

1 needs to receive the message and act on it in
2 addition.

3 CHAIRMAN GUALTIERI: So, you know, we could
4 deal with that in the recommendations. Just
5 remember, just bring it up here in a couple
6 minutes.

7 COMMISSIONER PETTY: If I remember.

8 CHAIRMAN GUALTIERI: Yeah.

9 Yes, go ahead.

10 DEPUTY SECRETARY BABCOCK: Do you want to
11 put anything in there about the portal,
12 especially on our side of the house, it's not
13 real time -- it's not real time either. In
14 fact, it may be a couple months behind, if not
15 more.

16 So you have on number 5, you know, the
17 monitoring -- the tool is not monitored live or
18 in real time. Well, neither is the data that
19 probably a lot of us are submitting to it.

20 CHAIRMAN GUALTIERI: So you talk -- what --
21 so from a DCF standpoint, what is -- what is
22 accessible? Tell me what are you thinking about
23 that would be accessible? Because it requires a
24 link, you know, from the portal. All it is is a
25 link, and only the mental health providers that

1 have access to it can access it anyway.

2 DEPUTY SECRETARY BABCOCK: Right. So it --
3 then that's part of what we're trying to think
4 about, how we can incorporate more real-time
5 data into this threat assessment process and
6 into this repository, because the -- you know,
7 if you think about what we're putting into it,
8 so it's only the exams and it's not current
9 information either, a live information.

10 And I don't know that you want to put
11 anything in there. It's just something to throw
12 out for folks to know.

13 CHAIRMAN GUALTIERI: Yeah. I'm just
14 looking here and trying to figure this out
15 where -- it probably needs a -- yeah, we
16 combined 5 and 6, but it probably needs a
17 different finding, because I don't see how we
18 should incorporate that in with the social
19 media.

20 We could -- just do a new one, John, a new
21 6.

22 DEPUTY SECRETARY BABCOCK: Or do you want
23 to just put it in number 2? The Florida Safe
24 School Safety Portal is not a centralized or
25 real time integrated date repository.

1 CHAIRMAN GUALTIERI: Okay. We can do that.

2 SERGEANT SUESS: Sheriff, Donna's looking
3 at Finding 14 and saying it's relevant to this
4 discussion current.

5 DEPUTY SECRETARY BABCOCK: Yep.

6 CHAIRMAN GUALTIERI: Okay. Why don't we --
7 we can do that at 14. Okay. We'll just -- when
8 we get to 14, we'll cover it there. Okay.

9 All right. So we're at 7: Social Media
10 Monitoring Tool does not include all social
11 media sites; however, new sites can be added.

12 So that's pretty self-explanatory.

13 Number 8: Social media searches within the
14 portal do not allow you to query a student's
15 username, which is rarely known, only the
16 student's true name.

17 Number 9: School districts are required to
18 work with a vendor to input school-specific
19 terminology such as abbreviated names and slang
20 to optimize the social media searches. The
21 school name is only -- is the only default key
22 word that is used for threat detection.

23 Anybody on any of those last three?

24 Number 10: The tool will detect threats
25 made inside the geo-fence, but threats must

1 include the school specific key words to be
2 detected outside of the geo-fence.

3 Number 11: The location and identity,
4 which is the username, of the individual making
5 the threat is not recorded unless the threat is
6 made inside the school's geo-fence.

7 Number 12: Statewide FortifyFlorida data
8 can be queried via the portal, but the
9 percentage of people using this tool versus the
10 school population is still low. As we know,
11 since the August 2019 commission meeting, there
12 has been an uptick in the use of the school
13 based -- or the tool based on the requirements
14 in 7030 to put FortifyFlorida on school-issued
15 devices and websites.

16 So, yeah, we know that that problem is what
17 it talks about. FortifyFlorida is one reporting
18 platform, but many districts have others, like
19 Sandy Hook Promise, etcetera, and some were
20 promoting more of those other platforms than
21 FortifyFlorida. Now the law requires that they
22 promote FortifyFlorida and, again, that they be
23 installed on these school-issued devices. So
24 there has been some uptick.

25 Number 13: SESIR data is part of the

1 system, but only updated three times a year, and
2 the commission has previously established that
3 it, meaning SESIR, has significant data quality
4 issues.

5 Anything on that one?

6 We go into -- now, this is number 14 where
7 we can add this. Some mental health data is
8 available through the portal, but is only
9 accessible by mental health professionals. The
10 portal adds nothing new to anyone's ability to
11 obtain information.

12 So do you want to say in here that the data
13 is not -- the data -- the mental health data
14 available through the portal is not real-time
15 data or something to that effect?

16 DEPUTY SECRETARY BABCOCK: Yeah. There you
17 could just add "but is only accessible by mental
18 health professionals and is not real-time data."

19 CHAIRMAN GUALTIERI: It is not what?

20 DEPUTY SECRETARY BABCOCK: Real-time data.

21 CHAIRMAN GUALTIERI: Real-time data. Okay.
22 That'll work.

23 Okay. 15: Law enforcement data, while
24 accessible on CJNET, it is not accessible within
25 the portal due to legal constraints. Other than

1 the statewide data sharing system, which is
2 called LInX, and the Florida Crime Information
3 Center, there is no integration of law
4 enforcement data.

5 Anything there?

6 There are three pillars of behavioral
7 threat assessment management: Identify, assess,
8 and manage. Collecting and analyzing
9 information to conduct a threat assessment is
10 important; however, the challenge will continue
11 to be managing the threat.

12 Anything on that that one? Okay. So --

13 COMMISSIONER PETTY: Mr. Chair?

14 CHAIRMAN GUALTIERI: Yeah.

15 COMMISSIONER PETTY: Just an observation.

16 I don't know if it rises to the level of a
17 finding. But I think, you know, the legislative
18 intent -- and it's called out in our report --
19 in 7026 was that everybody get together,
20 integrated data, no silos, sharing of
21 information in as near real time as possible.
22 That was the intent of all of this.

23 CHAIRMAN GUALTIERI: Right.

24 COMMISSIONER PETTY: And while I think all
25 of our findings are absolutely a hundred percent

1 spot on and accurate, I'm wondering if we should
2 make a finding or not, at least call out as an
3 observation, that the intent of 7026 is still --
4 we're not seeing the forest for the trees to a
5 certain extent. I don't know that there's a
6 fix. It -- very clearly, we call out the
7 problem of technology, we call out the problem
8 of access, we call out the problem of data not
9 being real time. I don't know that there are
10 fixes that we could recommend as I sit here
11 right now, but this is a massive problem that,
12 you know, unless there's some other, I would
13 guess, legislative activity or some other
14 action, this isn't going to -- this isn't going
15 to get any better.

16 CHAIRMAN GUALTIERI: Well, I don't -- and I
17 don't think that there's any legislative action
18 that can fix this. I think a couple things.
19 One, in a previous chapter, remember that we
20 said and made a finding that those within the
21 State government that were tasked with doing
22 this fulfilled the ask and their obligation.
23 And in some respects they were asked to do
24 something that's impossible to do and they were
25 asked to do the impossible, but they did the

1 best they could with the requirement that they
2 were given.

3 And as we have seen, trying to do this is
4 impossible because there is so much diverse data
5 that is primarily at the local level, and that's
6 where the richest information is, the most
7 timely information is.

8 And you can look at counties such as
9 Broward where they have at least eight different
10 records management systems just for law
11 enforcement and then you've got legal
12 constraints on individuals who can access
13 certain information.

14 So it's the right thing to do, but it's
15 impossible to do. And this is where at least I
16 come back to is, is that the best solution is to
17 have in every community an identification of
18 those myriad of data resources, law enforcement,
19 in our cases school and mental health.

20 And as we look at -- I know as Commissioner
21 Swearingen and FDLE looks at it that way, their
22 mandate outside of the schools about the
23 statewide threat assessment process, it's the
24 same thing, is, is that even if it's not a
25 student in school is, is you got to have

1 somebody in that community as it relates to that
2 person that can go to the plethora of sources
3 and draw it in, but it's no way that you're
4 going to be able to consolidate the plethora of
5 sources. And when you look at -- as I said,
6 just in our county for law enforcement, it's 18
7 different databases. Then you include the
8 schools and there are five, six, seven. Then
9 you look at mental health and there is a laundry
10 list.

11 So really the only way to do this and to
12 minimize the effect of the silos -- because you
13 can't get away from the silos, you can minimize
14 the effect of them by having a comprehensive
15 process that makes sure that everybody knows
16 what's out there and you glean it. That's
17 really the only way to do this. There's nothing
18 for the legislature to do in this. There's
19 no -- there's no one-button fix.

20 COMMISSIONER PETTY: Yeah. I tend to be a
21 an optimist, particularly with regards to
22 technology. I mean, I can get on my computer
23 and my phone and almost anywhere and type a
24 search term in and have a set of results that
25 are customized to me based on things that I've

1 done in the past within a matter of
2 milliseconds.

3 It's certainly a large information systems
4 problem. I don't know if we're ready to tackle
5 it. I don't know if it's a legislative issue.
6 It seems like it's feasible. It would take a
7 lot of work, a lot of effort, a lot of dollars.

8 CHAIRMAN GUALTIERI: Oh, no question. You
9 know, I mean --

10 COMMISSIONER PETTY: The question is should
11 we do it.

12 CHAIRMAN GUALTIERI: -- you know, maybe in
13 that high-level, to some degree, pie in the sky.
14 I mean, it's probably -- it probably is doable.
15 But is it realistically doable, and is it
16 affordable? Those are two different questions.

17 COMMISSIONER PETTY: Yeah.

18 CHAIRMAN GUALTIERI: So, you know, you
19 probably are correct that if there was unlimited
20 resources and you could bring everything
21 together. But is it realistically doable,
22 especially in the near future? I don't think
23 so. I don't see how this can happen.

24 I mean, we're trying to now -- and we'll
25 get to it here in a minute in the next chapter

1 with juvenile diversion. And the secretary is
2 taking great strides and making great efforts
3 just to give law enforcement access through FCIC
4 to juvenile diversion information and criminal
5 history information. And there's discussions
6 between the Department and FDLE in trying to
7 integrate their data into FCIC, but -- and I'm
8 not sure what it is, but I know there's a fiscal
9 on that that is not insignificant. And that's
10 just one system.

11 So it's massive. It's just a massive
12 undertaking, that putting in a bill and saying
13 to -- and they're well-intended. I --
14 absolutely no criticism of it at all. It was
15 trying to get it to a better place in very short
16 order, but it hadn't been fully vetted as to the
17 ability to do that and say, okay, let's just
18 create this integrated data repository. And
19 then when they got into it, it was, oh, my God,
20 this is just -- it's too much and you can't do
21 it. Then you -- and then you run into not just
22 the technological which bring fiscal
23 impediments, but the legal impediments to it.
24 So, again, they did the best they could.

25 I don't see anything here to recommend. If

1 anybody else does or you want to bring something
2 up, you know, we can certainly consider it. But
3 I think at this -- at this juncture the best
4 approach is for everybody to realize that you
5 need to do a better job of collecting all the
6 information.

7 COMMISSIONER PETTY: Yeah. I don't have a
8 specific one. Perhaps it would be that as
9 people take a look at these systems in the
10 future and they -- and they become obsolete or
11 there's technological enhancements or new
12 versions that come out that they look for
13 opportunities to open up their what are called
14 APIs or application programming interfaces so
15 that others can have -- more easily have access
16 to data. That would be -- that would be a
17 technology solution. But, again, the legal
18 barriers and the financial barriers still exist.

19 CHAIRMAN GUALTIERI: Okay. All right. So
20 let's go on here to page 119 for the next
21 section which deals with the local data wide
22 sharing. So the finding -- the next finding is
23 Section 2.

24 Finding 1 is, is that to ensure that all
25 available -- this goes along with what we're

1 just saying -- to ensure that all available data
2 is collected for a threat assessment, agencies
3 should develop a checklist of systems to search
4 and designate the appropriate personnel who are
5 trained and have knowledge of those systems.

6 And that's exactly what we have just said.

7 Anything on that one?

8 Okay. Number 2: The average officer on
9 the street and the average school resource
10 officer do not have the knowledge, the ability
11 or the time or access to do this type of
12 analytical work.

13 So now we move into recommendations.

14 The first one -- the first recommendation
15 for Chapter 10 is, is to manage expectations and
16 eliminate false expectations. Threat assessment
17 teams need to be educated to understand the
18 limitations of the portal and its capabilities.

19 COMMISSIONER LARKIN-SKINNER: Mr. Chair,
20 just back to the Finding Number 1, it's written
21 in that way that we've changed in some others
22 where we're not actually making a statement that
23 there's like what's wrong.

24 CHAIRMAN GUALTIERI: So Finding Number 1
25 there is, again, what's the...?

1 SECRETARY MARSTILLER: You could probably
2 say "Agencies do not have a checklist of systems
3 to search" --

4 CHAIRMAN GUALTIERI: Okay.

5 SECRETARY MARSTILLER: -- "and
6 designate" --

7 CHAIRMAN GUALTIERI: I gotcha.

8 SECRETARY MARSTILLER: -- "in order to
9 ensure that all available data are collected."
10 Just move some phrases around.

11 CHAIRMAN GUALTIERI: Yeah. So it's more of
12 a finding?

13 COMMISSIONER LARKIN-SKINNER: Yeah.

14 CHAIRMAN GUALTIERI: Yeah. Okay.

15 So, John, why don't we -- yeah, why don't
16 we tweak that? Go ahead.

17 That's a good way to do it, is, is that --
18 yeah, that's fine.

19 Agencies do not have a checklist of systems
20 to search and designate -- so agencies do not
21 have a checklist of systems to search and have
22 not designated the appropriate personnel who are
23 trained...

24 SECRETARY MARSTILLER: Yeah.

25 CHAIRMAN GUALTIERI: Yeah, you got to --

1 we're going to have to play with that one. But
2 I get the point. Okay. Just that one's --
3 we're just going -- we just need to rework the
4 wording in it. We'll take care of that, because
5 I get the -- the gist of it needs to be more of
6 a finding, so we can work through that one.

7 All right. So we're back into
8 Recommendation 1.

9 Recommendation 2: Agencies should consider
10 a dedicated research component that supports the
11 threat assessment teams to ensure comprehensive
12 data is acquired and available to the team.

13 COMMISSIONER LARKIN-SKINNER: And the only
14 question I have is are we specifically talking
15 about law enforcement agencies? If we are, we
16 might want say that.

17 CHAIRMAN GUALTIERI: You know, I don't
18 think we are.

19 COMMISSIONER LARKIN-SKINNER: Okay.

20 CHAIRMAN GUALTIERI: It wasn't my -- is
21 there? Because I say agencies is, is that
22 because you have, again, different disciplines,
23 so schools should do the same thing, mental
24 health should do the same thing, so it's really
25 all agencies should consider a dedicated

1 research component.

2 In the schools, you know, I don't -- I can
3 tell you like in ours, there's -- in our
4 district, I think there's, like I said, five,
5 six, seven different databases. So, again, that
6 that one principal or that one administrator
7 who's assigned to the threat assessment team,
8 they're in the same boat the cop is. They don't
9 know all that stuff. So they should have
10 somebody that is charged within their area of
11 responsibility that is going to gather all that
12 information.

13 COMMISSIONER LARKIN-SKINNER: Okay.

14 CHAIRMAN GUALTIERI: So 3 is the Social
15 Media Monitoring Tool should be renamed to
16 reflect that it's not actively monitoring social
17 media.

18 I don't know.

19 Mr. Petty.

20 COMMISSIONER PETTY: Shouldn't it be fixed
21 instead of renamed?

22 CHAIRMAN GUALTIERI: What's that?

23 COMMISSIONER PETTY: Shouldn't the Social
24 Media Monitoring Tool be fixed so that it is
25 actively monitoring social media?

1 CHAIRMAN GUALTIERI: I don't know how you
2 do that. I mean, they have to assign somebody,
3 you know, full-time. And who's going to sit
4 there and do that?

5 COMMISSIONER SCHACHTER: There are
6 companies that do that.

7 CHAIRMAN GUALTIERI: Well, not with what
8 you're thinking. I don't -- you know, anyway
9 that's available to everybody. Again, you're
10 talking about statewide. You're talking about
11 from Key West to, you know, Pensacola and
12 everything in between with all the social media
13 platforms of Instagram, Snapchat, Facebook, you
14 know, Twitter, you name it, and sitting there
15 trying to actively live real time, you know, and
16 they are doing some of that in some instances in
17 some real-time crime centers, etcetera.

18 But, you know, I mean, Commissioner
19 Swearingen, you guys are looking at this and,
20 you know, personally I don't think it's feasible
21 to -- you would -- you would need a plethora of
22 personnel and some entity that's charged with
23 it, and you're sitting there live real time 24/7
24 looking at all the social media that's put out
25 there, I don't see it being realistic.

1 COMMISSIONER SWEARINGEN: No. And I can
2 tell you from my experience, we have gone out
3 and purchased some of these Social Media
4 Monitoring Tools. The elephant in the room here
5 is that there's maybe a misperception that
6 social media monitoring companies or social
7 media companies want to participate and help law
8 enforcement. And they do not.

9 CHAIRMAN GUALTIERI: No.

10 COMMISSIONER SWEARINGEN: The truth could
11 not be more to the other spectrum.

12 Every time we have purchased one of these
13 tools, I can tell you within a very short order
14 they pull the API from the most important
15 sources, with Twitter, the biggest feeds, and we
16 wasted a lot of money and get absolutely
17 nothing. So I don't view those tools right now
18 as being very productive simply because the
19 companies are not cooperative. And if that
20 attitude doesn't change -- and that's going to
21 have to be a forced change, they're not going to
22 do this on their own -- this is going to be
23 ineffective regardless.

24 CHAIRMAN GUALTIERI: Yeah. There are
25 some -- I mean, that's a, you know, very good

1 point. And some of them now -- and I know that
2 there's discussions on all levels, national
3 level, you have some that are either in the
4 process or have plans to encrypt their data to
5 the point that not only do we not have access to
6 it, but they don't have access to it --

7 COMMISSIONER SWEARINGEN: Right.

8 CHAIRMAN GUALTIERI: -- so that they
9 can't --

10 COMMISSIONER SWEARINGEN: Right.

11 CHAIRMAN GUALTIERI: -- give it to us
12 because they feel like they need to be
13 protecting those who are posting, and their
14 position is we can't give you that which we
15 don't have, and they're making it so they don't
16 even have access to it. So Facebook is one of
17 those, and those related companies.

18 COMMISSIONER SWEARINGEN: Yeah.

19 CHAIRMAN GUALTIERI: So it's -- actually,
20 they're trying to make it harder. I know
21 there's a lot of discussions ongoing in
22 Washington and at the various levels trying to
23 deal with this issue, so I don't think it's
24 anything that we can really, really tackle as
25 part of this commission.

1 COMMISSIONER SWEARINGEN: Right. They're
2 either moving to encryption or they're moving to
3 what's called self-blinding, which is what the
4 chair's talking about --

5 CHAIRMAN GUALTIERI: Right.

6 COMMISSIONER SWEARINGEN: -- where they
7 don't even allow themselves the access. So, in
8 other words, if law enforcement came to them
9 with legal process and said we want this
10 information, their response back would simply be
11 we can't give you that information because we
12 don't have access to it.

13 So -- and without some -- this would take
14 federal legislation. So to go back to the '90s,
15 and, Bob, you remember this when we worked, you
16 know, they had -- they had to pass CALEA,
17 which --

18 CHAIRMAN GUALTIERI: Right.

19 COMMISSIONER SWEARINGEN: -- mandated that
20 telecommunications companies, as they moved to
21 digital, provided law enforcement with the
22 ability to get access to telephone information
23 that we had always been able to get before.

24 If that's not done here in very short
25 order, there will be no ability for law

1 enforcement to gain access to any of this
2 information.

3 CHAIRMAN GUALTIERI: I know, Sheriff Judd,
4 you just went to a meeting in Washington on
5 that, and, you know, that's -- it's a big issue
6 out there.

7 And that's what happened in 1994, you're
8 right, with CALEA, the Communications Assistance
9 for Law Enforcement Act. We were in a position
10 then where with phone, you couldn't get access.
11 The phone companies -- the cellular phone --
12 cellular phone companies wouldn't provide it, so
13 Congress had to step in and mandate it.

14 So, you know, I don't -- again, I don't
15 think there's anything here that we can really
16 tackle. This is a very big issue at a bunch of
17 different levels and a bigger situation than
18 what we're facing here.

19 COMMISSIONER PETTY: Fair enough.

20 CHAIRMAN GUALTIERI: All right. So we're
21 on Recommendation 4. The social media search
22 should allow the portal user to run keyword and
23 username searches of the data.

24 Number 5: The school districts should
25 provide student social media user nicknames and

1 other relevant information to enhance the social
2 media tool.

3 So the reason why this is here, again, is
4 the -- really because it is important and to
5 call it out and to remind everybody that the
6 tool is not going to look for -- so if somebody
7 uses a nickname of, you know, Joey 1234, then
8 the tool isn't going to look for that, isn't
9 going to monitor, unless it's been submitted as
10 a nickname to look for.

11 So it's really important that the schools,
12 the threat assessment teams, the school safety
13 specialists, etcetera, is they know of certain
14 people, they know of certain names and nicknames
15 these people are using, to add that so they can
16 be monitored.

17 So the point is if you don't submit it,
18 it's not going to be monitored. So you have
19 somebody that uses whatever moniker that they
20 want to use, and if that's what they are using,
21 even when they're saying some things that are of
22 concern, you're not going to be monitoring it
23 unless you have submitted that moniker to the
24 system so that they can flag it and then send
25 you e-mails on it.

1 Sheriff Ashley.

2 SHERIFF ASHLEY: And I may be out in left
3 field on this, but we in law enforcement might
4 want to start listing these as A/K/As as well in
5 our systems, just another searchable database to
6 search for those usernames, because we put all
7 kinds of A/K/As in on as far as street names
8 goes, so I'm not sure why we couldn't do social
9 media.

10 CHAIRMAN GUALTIERI: Right.

11 So number 6 is SESIR data quality and
12 frequency needs to be improved if it is to be of
13 value to portal users.

14 You know, anyway, having SESIR part of the
15 portal is just -- it doesn't mean anything. You
16 know, it really doesn't. I mean, it's just --
17 anyway...

18 Number 7: Preparing for a threat
19 assessment meeting should be a ground up process
20 where agencies first collect the information
21 they have locally accessible and then use the
22 portal and other existing mechanisms to augment
23 with whatever else may be available.

24 Again, it just goes back to the richest
25 data is at the local level, it's in a variety of

1 sources, and don't start from the top down,
2 start from the bottom up in your information
3 gathering because that's where you're getting
4 the richest and most current information.

5 Number 8: Threat assessment team members
6 should have well-developed list of sources of
7 information and data from their discipline that
8 should be reviewed and prepared for the team
9 meeting. An example is this Pinellas County
10 pilot where such a list was created to ensure
11 that all databases and checked -- are checked
12 and no relevant information overlooked during
13 the process.

14 So remember I provided that to you all last
15 time -- it's in that packet -- is, is that in
16 each of the three areas, mental health, school,
17 and law enforcement, is that we put together a
18 group of all the stakeholders, everybody, and
19 everybody went through comprehensively and
20 identified every single potential database,
21 every single potential data source. So now when
22 the threat assessment teams convene is, is that
23 they're required to check off whether they have
24 information from that source.

25 So at the end of the threat assessment

1 process, that checklist is made part of the file
2 for the threat assessment. That way, we don't
3 end in up in a situation where down the road
4 something comes up, something bad happens and
5 somebody says, "Well, what did you know and what
6 didn't you know," we can go back and say, "We
7 checked everybody available database and there's
8 a record of it."

9 And the contrary is true as well. Because
10 if some team doesn't comprehensively check and
11 there was a whole bunch of data available that
12 they didn't check and then it was there, didn't
13 allow them to make a good decision and something
14 bad happens, then there's accountability for it.
15 So it's, again, creating this checklist, so...

16 Does anybody have any issues with including
17 that in there as a recommendation that there be
18 some process similar to this in the threat
19 assessment process? No.

20 All right. Number 9: It's highly
21 recommended that before additional money is
22 spent to consolidate data, time should be spent
23 to evaluate how the process is working with the
24 data currently available to the teams and the
25 systems that have been put in place.

1 And then last one: Further research to
2 determine the best way to manage students who
3 have been identified as threats. Includes what
4 resources will be needed to manage them and how
5 the management will be transferred when the
6 student ages out of the school system.

7 All right. Anything else as far as Chapter
8 10's concerned with those recommendations?
9 Anybody have anything new to add or any other
10 reviews?

11 All right. We'll move over to Chapter 11
12 with Juvenile Diversion, and we will go to the
13 first finding. But before we do that, does
14 anybody have any changes to the text section of
15 Chapter 11?

16 Secretary Marstiller.

17 SECRETARY MARSTILLER: I don't -- Sheriff,
18 I don't have a change to the text, but I did
19 want to drop a footnote or an update for the
20 commission -- for the commissioners.

21 The Broward County PROMISE program, I
22 received a draft amended agreement that I guess
23 is designed to address -- you know, to sort of
24 revamp that program, but it still is to some
25 extent, as it was before, what we all considered

1 to be a diversion program. What the draft
2 agreement does not -- still doesn't include is a
3 requirement that to the extent that it is a
4 diversion program that the data be reported to
5 Prevention Web.

6 As our findings -- or as the narrative here
7 indicates prior to now, DJJ has been a signatory
8 on that agreement. When I saw the draft
9 amendment and it didn't include the requirement
10 to report into Prevention Web, I wrote a letter
11 to the -- to the superintendent saying that DJJ
12 is not going to sign onto this until or unless
13 that requirement is in the revised agreement.
14 And, of course, I offered the technical
15 assistance of my staff to help the school
16 district get there.

17 But I just wanted you all to know that
18 that's kind of where that stands. So we're
19 still at a bit of a stand still with that
20 program.

21 CHAIRMAN GUALTIERI: Have you had any
22 response from the superintendent?

23 SECRETARY MARSTILLER: No.

24 CHAIRMAN GUALTIERI: No? Well, hopefully,
25 they'll respond and hopefully they'll get the

1 message and they need to be putting that in
2 Prevention Web for all the reasons that we
3 discussed previously. So I appreciate the
4 update on that, and hopefully they'll respond.

5 SECRETARY MARSTILLER: We'll see.

6 CHAIRMAN GUALTIERI: So in Chapter 11, page
7 127, we begin with the findings.

8 The Broward County Public Schools is a --
9 so that needs to get changed. There's a typo.

10 The Broward County Public Schools --

11 COMMISSIONER SCHACHTER: PROMISE program.

12 SECRETARY MARSTILLER: PROMISE program.

13 CHAIRMAN GUALTIERI: -- PROMISE program --

14 SECRETARY MARSTILLER: Yeah.

15 CHAIRMAN GUALTIERI: -- is a civil citation
16 or prearrest diversion program subject to the
17 requirements of 985.12.

18 Okay. Number -- anybody have anything else
19 on that one?

20 Number 2: Broward County Public Schools is
21 not entering criminal prearrest diversion data
22 in DJJ's Prevention Web as it should.

23 Anybody have anything on that one?

24 Number -- so I guess that's it. We only
25 have -- wait a minute. I'm sorry. Yeah.

1 Number 4 -- take that back -- it's number 3.

2 Entering prearrest diversion data in
3 Prevention Web and all diversion decision -- and
4 all diversion decision-makers having access to
5 that data is paramount to effective diversion
6 decision-making.

7 So Finding 3 is: Entering prearrest
8 diversion data --

9 SECRETARY MARSTILLER: Is missing some
10 words.

11 CHAIRMAN GUALTIERI: Yeah. It's missing
12 some words there. It's not flowing right.

13 SECRETARY MARSTILLER: I mean, I would
14 suggest "Entering prearrest diversion data in
15 Prevention Web is required by law." Because it
16 is.

17 CHAIRMAN GUALTIERI: It is.

18 SECRETARY MARSTILLER: And then the rest of
19 it is fine.

20 CHAIRMAN GUALTIERI: Don't make sense,
21 right?

22 SECRETARY MARSTILLER: Yeah.

23 CHAIRMAN GUALTIERI: So Entering prearrest
24 diversion data in Prevention Web is required by
25 law, and all diversion decision-makers having

1 access to that data is paramount to effective
2 diversion decision-making.

3 Yeah. That -- I think that flows and --

4 SECRETARY MARSTILLER: I think works.

5 CHAIRMAN GUALTIERI: -- that's right and --
6 okay. We got it.

7 Finding Number 4: The commission --

8 COMMISSIONER PETTY: Mr. Chair?

9 CHAIRMAN GUALTIERI: Yeah.

10 COMMISSIONER PETTY: Mr. Chair, would we
11 also want to add in 3 it's not just diversion
12 decision-making, it's threat assessment
13 decision-making, it's useful for all kinds of
14 decision-making, not just -- not just diversion.

15 CHAIRMAN GUALTIERI: Okay. So we could say
16 in there "and all diversion and having access to
17 the data is paramount to effective
18 decision-making regarding youth."

19 COMMISSIONER PETTY: Yeah. Juvenile
20 Justice or discipline or whatever, it's useful
21 for a number of reasons.

22 CHAIRMAN GUALTIERI: There you go. That's
23 fine. No, you're right.

24 Okay. And then Finding Number 4 is: The
25 commission concurs with DJJ's findings in its

1 July 11, 2019 report.

2 As I said, to the secretary, I think we
3 talked about this last time, I think DJJ did a
4 great job in that report, along with the
5 Department of Education, and it really hits the
6 mark and is very comprehensive analysis on
7 school-based diversion in Florida. I think we
8 all agreed that we concur with the Department's
9 findings. Without restating them, we can just
10 say this.

11 So just for the -- Broward County Public
12 Schools, my understanding is, is that they do
13 have your letter and that they intend on
14 responding sometime this week to it, so
15 hopefully you'll get a response to their letter
16 sometime this week and we can move forward with
17 them getting --

18 SECRETARY MARSTILLER: Okay.

19 CHAIRMAN GUALTIERI: -- the necessary
20 information into Prevention Web so that
21 everybody in Broward County and elsewhere -- I
22 want to be clear about that is, is that
23 everybody's participation in putting in
24 prearrest diversion civil citation data into
25 Prevention Web benefits everybody statewide.

1 Because statewide, good decisions -- good
2 decisions should be -- should be made. And
3 especially in the areas like Broward where you
4 have adjoining counties of Palm Beach and
5 Miami-Dade and others is, is that information's
6 not accessible unless it's in Prevention Web.

7 And the last thing we want, for all the
8 reasons we've discussed here today at length, is
9 we don't want kids slipping through the cracks
10 and having multiple bites at diversion when they
11 should have consequences and they should be
12 arrested but people don't know so they're not
13 making good decisions.

14 Mr. Schachter.

15 COMMISSIONER SCHACHTER: Are there any
16 other counties that are not putting their
17 information into DJJ's besides Broward?

18 CHAIRMAN GUALTIERI: And answer is no. But
19 there is nothing else in the state -- and that's
20 reflected in DJJ's report -- there is nothing
21 else in the state -- no place else in the state
22 that is like the PROMISE program. Now, there
23 are some variations and there's some -- so this
24 is the only program like this where the school
25 is handling it themselves.

1 So if you go over to, you know, Palm Beach
2 as an example, is, is that, yeah, they're doing
3 diversion, but it's being handled through the
4 police department --

5 SECRETARY MARSTILLER: The police
6 department.

7 CHAIRMAN GUALTIERI: -- and the police
8 department is entering it into Prevention Web.

9 So this -- Broward is very unique. And so
10 go back to the July 1st DJJ report for an
11 analysis of that, and they were very clear in
12 how they set it forth and articulated it.

13 This PROMISE program in the Broward County
14 Public Schools is unique, an anomaly of sorts,
15 and it's clear to all of us, and it should be
16 clear to them, that it is a prearrest diversion
17 program. It is not unlimited to only crimes.
18 It didn't used to before be limited to crimes.
19 It's now limited to crimes.

20 And if a kid commits a crime and you're
21 giving them some sanction other than --

22 SECRETARY MARSTILLER: Arrest.

23 CHAIRMAN GUALTIERI: -- an arrest or entry
24 into the Juvenile Justice --

25 SECRETARY MARSTILLER: Right.

1 CHAIRMAN GUALTIERI: -- it's a diversion
2 program. No matter how you slice it, dice it,
3 look at it --

4 SECRETARY MARSTILLER: Right.

5 CHAIRMAN GUALTIERI: -- and you can put
6 whatever spin or labels or whatever you want on
7 it, but it's in lieu of an arrest, it's in lieu
8 of a charge, it's in lieu of entry into the
9 Juvenile Justice system. And others should know
10 about it. So put it into the system so
11 everybody knows and they can make good
12 decisions. And it's really what needs to be
13 done, so --

14 COMMISSIONER SCHACHTER: What does
15 Miami-Dade do?

16 CHAIRMAN GUALTIERI: Same thing. See,
17 Miami-Dade has their own police department down
18 there, and, again, all that's being handled
19 through the cops. Because when a kid commits a
20 crime, they're referring it to the cop, and then
21 the cops are handling it and they're putting it
22 in.

23 Now, again, none of this is saying that
24 there isn't discretion being used in certain
25 circumstances. But when there is a crime and

1 somebody is formally entered into a program
2 that's in lieu of something else, then it needs
3 to be reflected as a diversion and entered into
4 JJIS Prevention Web.

5 COMMISSIONER SCHACHTER: But also
6 Palm Beach and Miami-Dade both have school
7 police departments --

8 CHAIRMAN GUALTIERI: Right.

9 COMMISSIONER SCHACHTER: -- that handle
10 their diversionary programs. Is that
11 information submitted to --

12 CHAIRMAN GUALTIERI: Yes.

13 COMMISSIONER SCHACHTER: Okay.

14 CHAIRMAN GUALTIERI: Because they're doing
15 it consistent with the community-based program.
16 Remember this, in each of the 20 circuits in
17 Florida, the state attorneys are required to
18 lead stakeholder groups to come up with a
19 criteria for each of those circuits, and they're
20 all being done consistently with the
21 community-based programs that are state attorney
22 led, because the cops are doing the same thing
23 in the schools that they're doing when -- if
24 it's at the mall.

25 So, again, this os just a very unique

1 situation in Broward.

2 COMMISSIONER SCHACHTER: So the law
3 enforcement, upon finding a child, you know, a
4 youth stealing something from a store can go on
5 and access th school police department records
6 to see if they've had an event, or are there
7 still silos in those?

8 CHAIRMAN GUALTIERI: There's silos with
9 that. I mean, the best -- the best thing -- and
10 this is what Secretary Marstiller's rolling out
11 now, and the training is either occurring or
12 it's coming up --

13 SECRETARY MARSTILLER: It's occurring.

14 CHAIRMAN GUALTIERI: It's occurring. So
15 there will be ways that the cops can check the
16 Prevention Web to be able to determine whether
17 that particular kid -- so the cop gets a call to
18 the mall, the kid stole a necklace, the cop has
19 to make a decision, do I arrest, do I divert.
20 What we don't want is the kid at school and a
21 whole bunch of other places have a whole bunch
22 of other bites at the apple other than arrest
23 and the cop looking it at, says, well, you seem
24 like a good kid, I don't find anything in my
25 system, and then they give them another

1 diversion when they got all the stuff in the
2 background.

3 So what the secretary is rolling out until
4 hopefully we can get to a point where there can
5 be integration of the data so the cop can
6 actually plug it into a computer and get
7 comprehensive information, but that's down the
8 road is that there will be a place that they can
9 go and they can make a query and say, okay, I
10 got Joe Smith, he just stole a necklace at the
11 mall, does he have prior diversions anywhere in
12 the state of Florida. But that query and the
13 whole point of this, too, is that query is only
14 as good --

15 SECRETARY MARSTILLER: As the data.

16 CHAIRMAN GUALTIERI: -- as the data that's
17 put into it.

18 SECRETARY MARSTILLER: Exactly.

19 CHAIRMAN GUALTIERI: So if Broward is not
20 putting all this school-based bites at the
21 apple, all the school-based diversion into that
22 system, then a cop in Plantation who comes
23 across a kid and the kid's been diverted three
24 times in PROMISE and in the school system and
25 now he's outside, the cop isn't going to know

1 that.

2 COMMISSIONER SCHACHTER: Or if he's in a
3 different -- if he's in Miami or Palm Beach.

4 CHAIRMAN GUALTIERI: Correct.

5 COMMISSIONER SCHACHTER: So they're
6 making --

7 CHAIRMAN GUALTIERI: And this is where
8 we -- you know, and with the secretary's help,
9 we made great progress over the last several
10 months and this is moving in the right
11 direction, but everybody has to contribute.
12 It's like any system. You only get out of it
13 what you put into it. Unless everybody's put it
14 in, you're not going to get it out.

15 SECRETARY MARSTILLER: Right.

16 CHAIRMAN GUALTIERI: So this is where it's
17 crucial that Broward public schools begin
18 putting all of their criminal diversions that
19 are through PROMISE into Prevention Web.

20 COMMISSIONER SCHACHTER: I mean, I think --
21 I think it's just ridiculous that Broward,
22 again -- you know, they took a year to even put
23 an active assailant response policy in place and
24 it wasn't in place until, you know, we put a
25 tremendous amount of pressure, and, again, they

1 are the only county that is -- that is not in
2 compliance and not sharing information, and I
3 think they're making the rest of the state --
4 you know, they're risking the safety and
5 security of everybody in the state because
6 they're refusing to share information.

7 COMMISSIONER PETTY: Mr. Chair, I'd like to
8 go a step further, but perhaps you want you want
9 to get through these recommendations. I've got
10 one for consideration.

11 CHAIRMAN GUALTIERI: Okay. So let's get
12 through these and then I'll take yours.

13 So page 128, Recommendations: The
14 commission supports DJJ's recommendation set
15 forth in the July report. A summary of the four
16 key recommendations included in the DJJ report
17 were...

18 And they're listed there 1 through 4. I'm
19 not going to read them. They come directly out
20 of the DJJ report.

21 Does anybody have any concerns with the
22 recommendation in number 1? And it gets to the
23 heart of the issue that we just discussed.

24 Number 2: DJJ should continue its efforts
25 to provide easy and direct access to Prevention

1 Web for all law enforcement, and the legislature
2 should support DJJ in its effort with necessary
3 funding.

4 Anybody on that one?

5 Okay. Mr. Petty, go ahead. You're up.

6 COMMISSIONER PETTY: All right. I've got
7 one up on the -- Detective Suess has got it up
8 on the -- I'd like to go a step further and
9 recommend that we ask the Florida state
10 legislature to prohibit schools and school
11 districts from creating and operating
12 independent -- that means separate from the
13 community-based -- civil citation or diversion
14 programs. Rather, that the legislature be
15 required to participate in the community-based
16 diversion and civil citation programs as
17 currently defined.

18 I have a whole preamble here and some
19 rationale. We've talked through this in the
20 mental health section today. We've talked
21 through it probably ad nauseam. So I'm happy to
22 read what I wrote.

23 But I think -- I think we have -- as
24 well-intentioned as the school-based programs
25 are, and I understand their goals are laudable,

1 we are taking kids who need help out of the one
2 system that we know can drive accountability --
3 and we saw this in the case with the killer at
4 MSD not being included or part of that system.
5 I would just recommend that school districts not
6 operate their own programs, that they come in --
7 into alignment with the community-based programs
8 and that we ask the legislature to clarify that.

9 SHERIFF ASHLEY: I think you got a lot of
10 support here for that.

11 CHAIRMAN GUALTIERI: What's that, Sheriff?

12 SHERIFF ASHLEY: I think he's got a lot of
13 support here for that.

14 CHAIRMAN GUALTIERI: Yeah.

15 SHERIFF ASHLEY: These secondary and
16 programs that are outside the norm, I think are
17 one of the issues we looked at with the PROMISE
18 program. I thought that maybe the state
19 attorney's office already, in our first report,
20 are required to sign --

21 CHAIRMAN GUALTIERI: They are.

22 SHERIFF ASHLEY: -- off on our --

23 CHAIRMAN GUALTIERI: And they do. And the
24 statute also talks about including public school
25 programs and public schools. In 985.12, it

1 addresses public schools. It just doesn't make
2 it mandatory. And there's nothing that
3 prohibits them now in the law, as Mr. Petty
4 points out, there's nothing that prohibits
5 them -- although they should also fall under the
6 state attorney community-based program. You
7 know, consistency is a good thing. Continuity
8 is a good thing.

9 I see no reason why the current system that
10 is in place shouldn't be the exclusive system
11 and that every entity, whether you're a school,
12 whether you're a city, whether you're a county,
13 whether law enforcement agency, no matter who
14 you are, that you fall under that
15 community-based state attorney-led paradigm, if
16 you will, that's in that county. Because every
17 circuit has the ability to establish its own
18 criteria for diversion.

19 And by having only one and not having some
20 run by a school or some run by somebody else,
21 then you have consistency which also leads to
22 fairness. It means you don't have a situation
23 where the school can run a program, you get
24 three bites at the apple, but the
25 community-based only gives you one, the

1 community-based program allows diversion for 15
2 crimes, the school program only for 3, or
3 whatever combination of scenarios you want to
4 create.

5 So having consistency in each circuit which
6 is why the legislature passed it that way, to
7 allow for local control, to allow for local
8 preferences, community tolerances, but at the
9 same time, at least in every circuit, you're
10 going to have consistency and continuity with
11 that state attorney-led stakeholder group's
12 decision.

13 But here, by Broward schools taking the
14 position and having -- being of the opinion that
15 they are not required to fall under 985.12, they
16 take the position that they can just operate
17 their own independent program, which is not
18 necessarily consistent with the community-based
19 program.

20 COMMISSIONER PETTY: It's not consistent,
21 Mr. Chair. And, you know, as we -- as we've
22 seen with the Broward County School District
23 PROMISE program, there are no graduated series
24 of consequences, there's no accurate reporting
25 of who's in there, there -- they couldn't

1 even -- in the case of Cruz, they couldn't even
2 tell whether he'd participated in the program or
3 not.

4 So, you know, absent that kind of graduated
5 series of consequences and that feedback, I
6 would argue we're -- they're not actually
7 helping the juveniles that they purport to help;
8 they're, in fact, neglecting them.

9 And I just think they should fall into -- I
10 think all school districts should fall into line
11 with the community-based. It's based on the
12 standards of the community. There's no reason
13 to operate these things independently of that
14 community program. In fact, when they do, they
15 set themselves up as quasi-law enforcement
16 agencies, and they're making decisions about
17 whether or not a crime has been committed, and
18 that is unacceptable in my view, and I think
19 it's contrary to community standards across the
20 state. So that's the basis for my
21 recommendation.

22 COMMISSIONER LARKIN-SKINNER: I just have a
23 clarifying question.

24 Commissioner Petty, are -- when you first
25 said it, I thought you were saying they

1 shouldn't operate any kind of program. But are
2 you actually saying --

3 COMMISSIONER PETTY: No.

4 COMMISSIONER LARKIN-SKINNER: -- they
5 should -- it's okay if schools do, but they need
6 to do it under the structure that's already been
7 defined by the legislature and statute and is
8 kind of overseen by the state attorney's office?

9 COMMISSIONER PETTY: I'm saying both
10 actually. They shouldn't operate their own.
11 They should fall under the community-based --

12 COMMISSIONER LARKIN-SKINNER: Okay.

13 COMMISSIONER PETTY: -- and civil citation
14 program.

15 COMMISSIONER LARKIN-SKINNER: And that
16 makes sense to me. The only thing I think we
17 need to consider is I think the school district,
18 in this case Broward, funded that program, and
19 so if we take away their ability to do that at
20 all, we may end up with zero programs because
21 funding doesn't magically appear for these.

22 COMMISSIONER PETTY: Well, there's a --
23 there's a -- in the 17th Circuit in Broward,
24 there is a community and civil citation program,
25 so they -- this recommendation, if the

1 legislature were to pass this into statute,
2 would just force Broward County School District
3 to fall under that --

4 COMMISSIONER LARKIN-SKINNER: Okay.

5 COMMISSIONER PETTY: -- existing program.

6 COMMISSIONER LARKIN-SKINNER: Okay.

7 CHAIRMAN GUALTIERI: And that's what's
8 being done in other districts around the state.
9 You get a kid, kid commits a crime on campus.
10 The SRO gets involved. They refer him to the
11 civil citation or prearrest diversion program.
12 Then they go into that program and they're
13 overseen by the same entity that would oversee
14 that if the kid had stolen something at the
15 mall, so whoever it is in that county or in that
16 circuit. And then you have consistency with
17 sanctions, you have consistency with all the
18 requirements for entering the program, etcetera.
19 So there's no difference between what happens
20 inside the school and outside the school, and
21 the kid still avoids an arrest, which is the
22 goal, and hopefully get the kid on the right
23 track.

24 COMMISSIONER LARKIN-SKINNER: With the
25 exception of Broward where it seems like they

1 were trying to divert them from the diversion
2 program.

3 COMMISSIONER PETTY: It's a prediversion
4 diversion program. It's probably the best way
5 you can describe it.

6 CHAIRMAN GUALTIERI: Mr. Schachter, go
7 ahead.

8 COMMISSIONER SCHACHTER: How -- what if
9 Broward County says that they're not a
10 diversionary program, which they already have,
11 how do we make sure that they're not --

12 CHAIRMAN GUALTIERI: This takes care of
13 that.

14 COMMISSIONER SCHACHTER: It does? Okay.

15 CHAIRMAN GUALTIERI: We can -- we can tweak
16 the language to this --

17 COMMISSIONER SCHACHTER: Okay. I just want
18 to --

19 CHAIRMAN GUALTIERI: -- a little bit.

20 COMMISSIONER SCHACHTER: I think that --

21 CHAIRMAN GUALTIERI: We've got the -- we've
22 got the spirit it -- probably good to tweak it a
23 little bit.

24 But what it -- what Mr. Petty's point is,
25 is that all Florida programs that allow kids to

1 do something other than be arrested fall under
2 985.12 and have to come under the auspices of
3 the community-based program and that schools, as
4 an example, don't operate independent programs.
5 Correct?

6 COMMISSIONER PETTY: Correct.

7 CHAIRMAN GUALTIERI: So, you know, with
8 some tweaking of that language, but that's the
9 gist of what he has up there.

10 Commissioner Dodd, then Sheriff Judd.

11 COMMISSIONER DODD: So I just want to make
12 sure I understand then. On the first
13 recommendation, would that then impact number 2
14 and 3 and 4, then, correct?

15 I mean, we'd have to -- that's the
16 Department of Juvenile Justice recommendations.
17 Am I missing something as far as the
18 school-based diversion program?

19 I'm sorry. It's Recommendation Number 1,
20 subsection 2.

21 CHAIRMAN GUALTIERI: You gave -- we're --
22 there's only one section of recommendations. So
23 you're talking about findings?

24 COMMISSIONER DODD: I'm sorry. The
25 findings -- no. I'm talk -- no, sir, I'm

1 talking about the recommendations.

2 CHAIRMAN GUALTIERI: Okay.

3 COMMISSIONER DODD: Number 2, subsection 2.

4 CHAIRMAN GUALTIERI: Oh, subsection 2.

5 Okay. Amending sections --

6 COMMISSIONER DODD: So would there not be a
7 definition for school-based diversion programs?

8 SECRETARY MARSTILLER: Right.

9 COMMISSIONER DODD: And would there not be
10 in 3 --

11 CHAIRMAN GUALTIERI: Yeah, I didn't read
12 all three -- through all these. It's been a
13 while since I looked through them, but -- so I
14 think that's probably what this gets at, what
15 the department has in their report.

16 Amending Sections 1006.13 and 985.126 to
17 provide a definition specifically for
18 school-based diversion programs and expressly
19 include such programs, among those for which
20 data must be entered into the Juvenile Justice
21 Information System Prevention Web.

22 I think Mr. Petty's -- okay. Now I see
23 what you're talking about. Mr. Petty's
24 recommendation takes it a step further where he
25 is proposing really that 1006.13 go away --

1 COMMISSIONER PETTY: Right.

2 CHAIRMAN GUALTIERI: -- that they not be
3 allowed to operate those programs under that
4 statute and that just everything come under 985.

5 COMMISSIONER PETTY: That's right.

6 CHAIRMAN GUALTIERI: So what do y'all want
7 to do? Do you want to recommend that or you
8 want to --

9 COMMISSIONER PETTY: Do you need a motion?

10 CHAIRMAN GUALTIERI: Sheriff Judd, go
11 ahead.

12 SHERIFF JUDD: I've got -- let me give this
13 illustration. I'm a teacher and I'm doing
14 hallway duty and Student A comes up and bumps
15 Student B and walks on. By the definition of
16 the law, that's battery. And the next thing you
17 know, we're rolling him into a prediversion
18 program. I mean, I may go up to the Student A
19 and said, "Keep your hands off Student B."

20 I don't want to create an environment where
21 we unnecessarily put people in a diversion
22 program for childish conduct that if you stretch
23 it long enough with a legal life -- with a legal
24 mind, that it's in the finite word a crime. So
25 that -- that's my only concern here.

1 I think if you're going to have a diversion
2 program and you're going to say, as the PROMISE
3 program did, look, if you steal stuff, if you,
4 you know, gather up your buddies and have a
5 fight, if you create an environment, then...
6 And I get that.

7 But I don't -- I don't want, in the purist
8 sense of the word, that we put language here
9 that forces a school district every time
10 somebody puts a hand on another guy and Doug
11 says, "By the way, I didn't like that and I
12 didn't appreciate it," so that's a battery. You
13 know, I just --

14 CHAIRMAN GUALTIERI: No. But I don't think
15 we're doing that.

16 SHERIFF JUDD: Well, I -- well, I don't
17 think we mean that. But if we start having to
18 put everything in a diversion pro --

19 CHAIRMAN GUALTIERI: No. Because what I
20 think -- and your point is correct. It's spot
21 on. This is why I said nothing takes away from
22 the discretion of school personnel or takes away
23 the discretion of law enforcement.

24 Just like on the street, see? So let's
25 call it the way it is. A cop comes across three

1 kids in a park and they got a joint. Not every
2 time when the cop comes across those three
3 16-year-olds in the park and they got a joint is
4 the cop going to issue a notice to appear, make
5 a physical arrest, or even refer them to formal
6 diversion.

7 Sometimes the cop is going to take the
8 joint, turn it in for destruction, and tell
9 those kids, "Look, you need to knock it off."
10 Or the same thing with a can of beer or the same
11 thing when you got a situation that could be any
12 one of...

13 So nobody is saying that that should change
14 at all.

15 Or same thing with a school administrator
16 that comes across a kid who picked up something
17 off another kid's desk and took their whatever
18 it is, okay, off their desk, and the school
19 administrator says to himself, you know, "This
20 is generally a good kid, this is just one of
21 those things, I'm just going to have a
22 discussion with him and let him go."

23 The only thing this is saying is that if
24 the decision is made to elevate it to something
25 formal, then if you're going to elevate it to

1 something formal, and "formal" includes some
2 type of official sanction, some type of official
3 diversion, some time of entry into something
4 other than making an arrest, is, is that that it
5 needs to be this and it needs to go into that
6 system.

7 SHERIFF JUDD: And I'm on board.

8 CHAIRMAN GUALTIERI: That's the only thing
9 this is saying. And that is extremely important
10 to be very clear, is, is that discretion at all
11 levels by a number of people, law enforcement
12 officers and teachers and administrators is
13 paramount. That's what we want people to do.
14 We want them to be empowered. That's why we
15 don't have robots. That's why we have people.

16 But if you're going to do something formal,
17 then it should be a consistent formal program.
18 That's all we're saying.

19 SHERIFF JUDD: Okay. So I'm good then.
20 If -- let's use the PROMISE program -- if you're
21 going to create a PROMISE program that -- and
22 divert criminal conduct there, minor criminal
23 conduct there --

24 CHAIRMAN GUALTIERI: Correct.

25 SHERIFF JUDD: -- then it has to go on the

1 Prevention Web.

2 CHAIRMAN GUALTIERI: That's all --

3 SHERIFF JUDD: I'm good. As long as --

4 CHAIRMAN GUALTIERI: That's the sum of it.

5 SHERIFF JUDD: -- we don't -- we don't make
6 everybody who lays hands on somebody --

7 CHAIRMAN GUALTIERI: No, no. And if you
8 get a kid that's got -- you know, you got a kid
9 that's got a couple cans of beers, nobody's
10 saying, "Oh, my God, now we must crack down and
11 every single can of beer has to go into
12 Prevention Web and has to be treated in a
13 formal" -- nobody's saying that.

14 It's the -- discretion's a good thing. And
15 sometimes with informal, you know, just like we
16 deal with a whole bunch of things from personnel
17 issues to whatever, is, is that, yeah, you know,
18 is that somebody's going to get a couple bites
19 at the apple.

20 But what we're saying is, is that we don't
21 want, if there's a been a formal entry into some
22 type of sanction and they've done community
23 service, restitution, etcetera, and they've done
24 this three times for what happened in the school
25 formally, then the cop's at the mall and he's

1 going to enter him into another formal diversion
2 program where now this is the fourth time in
3 some sort of formal thing but the cop doesn't
4 know about that, that they should know about it.
5 They're not going to know about the informal
6 stuff, and nobody's suggesting they would.

7 SHERIFF JUDD: And I'm solid there. I'm
8 good. Yeah. Okay.

9 COMMISSIONER PETTY: Yeah. And, in fact,
10 yeah, just to -- Sheriff Judd, just to
11 reiterate, nothing in what I'm suggesting would
12 take away discretion from a teacher, an
13 administrator, or a law enforcement officer at
14 that school, and that's certainly not my
15 intention.

16 In fact, I think this would have the effect
17 of reducing ambiguity and giving that
18 discretion -- making that discretion more clear
19 than it is today where a school runs their own
20 diversion program and creates ambiguity.

21 CHAIRMAN GUALTIERI: Mr. Schachter.

22 COMMISSIONER SCHACHTER: Commissioner
23 Petty, correct me if I'm wrong, and -- but I
24 think that we're at this place because the
25 Broward County School Board is refusing to share

1 information with Prevention Web. If they had,
2 you know, complied and were sharing information
3 with law enforcement and the entire state, this
4 commission would not be taking this position
5 because we were all working together. But it's
6 this other program when we already have a county
7 civil citation program and they're refusing to
8 cooperate.

9 CHAIRMAN GUALTIERI: I don't think it's
10 that strong, Mr. Schachter, because remember,
11 is, is that they had the PROMISE program. They
12 then took the position that they were going to
13 enter everything into Prevention Web, and when
14 they decided they were going to enter everything
15 into Prevention -- into Prevention Web, it was
16 overly broad. So they were entering things into
17 Prevention Web that were not crimes. So when
18 they realized that what they were entering was
19 overly broad, that's when they pulled it back.

20 And the reason why that -- and when you say
21 that the school board is doing this, it's an
22 interpretation of the statute by their lawyers,
23 and their lawyers are saying that they interpret
24 the law to allow them, under 1006.13, to have a
25 program that's outside the scope of 985.12.

1 As I said last time, and you just apply --
2 get into legalize and statutory construction,
3 985.12 was enacted after 1006.13, so what's
4 enacted later trumps what was previously enacted
5 under statutory construction. 985.12 does
6 say -- and does say that public schools will be
7 under 985.12. But their lawyers have taken the
8 position and have the -- offered the opinion,
9 which they're following, that they can get
10 outside of 985.12 and they can use 1006.13.

11 So, really, what we're saying is, is that
12 legislature, go on and clarify this to the
13 extent that it needs to be.

14 Personally, I don't think it needs to be,
15 just like some of these other things.

16 But it's legalese and legal interpretation
17 and legal opinion, and so what we're saying is,
18 is that let's just have one program, it all
19 comes under 985.12, and don't have different
20 programs that are other than the state
21 attorney-led community-based program under
22 985.12. Right?

23 COMMISSIONER SCHACHTER: Agree.

24 CHAIRMAN GUALTIERI: That's where --
25 that's --

1 COMMISSIONER SCHACHTER: That stops it,
2 yep.

3 CHAIRMAN GUALTIERI: -- what we're saying.

4 And so it's not -- again, and, you know, in
5 fairness to the Broward County Public Schools,
6 they have listened to our concerns, discussion,
7 and criticism of the PROMISE program. They have
8 made revisions to it. And, in fact, earlier
9 this year they reacted by, okay, let's just go
10 ahead and put everything in, but then they
11 realized that because the program at that point
12 had criteria in which you could go to PROMISE
13 for noncriminal activity, harassment,
14 bullying -- I think there were some other
15 things -- that are not crimes. So it's overly
16 broad.

17 So they revised the program to be only for
18 crimes. They scaled it back to the number of
19 times you can participate. So they have made
20 some changes to it. And then they come up
21 against these different statutes, and they have
22 legal advice and opinions that are given about
23 what they can do, can't do, and which statutes
24 apply.

25 Again, 985.12 comes after 1006.13, so it's

1 a difference. We really are just making a
2 recommendation to the legislature, take this
3 ambiguity away. This -- again, we're back to
4 arguable ambiguity. We're back to different
5 opinions. Let's just get this to one place in
6 every circuit; for whatever's done, everybody
7 follow it; doesn't take away anybody's
8 discretion; and just operate under one umbrella.

9 COMMISSIONER SCHACHTER: And the -- they
10 would operate under the civil citation program
11 currently in Broward County, right? They would
12 operate --

13 CHAIRMAN GUALTIERI: It would operate under
14 the state attorney-led stakeholder agreement
15 program, whatever that is --

16 COMMISSIONER SCHACHTER: Okay.

17 CHAIRMAN GUALTIERI: -- in Broward County,
18 yeah. Yes.

19 So we good?

20 COMMISSIONER DODD: Just one clarification.
21 On the creating and operating, the words
22 "creating" and "operating," so that -- does --
23 that's --

24 COMMISSIONER PETTY: No one's
25 grandfathered.

1 CHAIRMAN GUALTIERI: We're going to go in
2 and -- with this and run it by Mr. Petty before
3 we put it in the final report. You'll have a
4 chance to see this again. This -- we got the
5 gist of it. We're going to go in and fix this
6 recommendation. The recommendation you see will
7 not be worded exactly with what's up --

8 COMMISSIONER DODD: Okay.

9 CHAIRMAN GUALTIERI: -- on the screen.
10 Okay. We're going to get it consistent to what
11 we just talked about if everybody's good with
12 that, okay, and then you'll see it again. And
13 we'll make sure -- John, make sure you make a
14 note of that as we go through this. And we'll
15 get it to you before we put it in there, make
16 sure you're good with it.

17 Yeah, Secretary Marstiller.

18 SECRETARY MARSTILLER: Just one last thing.
19 If this recommendation is made -- and I,
20 frankly, don't have philosophical difficulty
21 with it -- I think to another commissioner's
22 point, the first recommendation here in the
23 draft which says "The commission is adopting" is
24 going to have to be revised, because this, in my
25 opinion, renders 1 -- or two little i, three

1 little ii, and little iv unnecessary under
2 Recommendation 1. So I think that everything
3 would have -- those two would have to be redone.

4 CHAIRMAN GUALTIERI: Reconciled it?
5 Because --

6 SECRETARY MARSTILLER: Yeah.

7 CHAIRMAN GUALTIERI: -- under
8 Recommendation 1, subsection ii --

9 SECRETARY MARSTILLER: Right.

10 CHAIRMAN GUALTIERI: -- it's got to be
11 revised.

12 SECRETARY MARSTILLER: Yeah.

13 CHAIRMAN GUALTIERI: We'll look it this and
14 tweak it. I get it. And we'll fix it and make
15 it all reconciled.

16 COMMISSIONER PETTY: Thank you.

17 CHAIRMAN GUALTIERI: Okay. All right.

18 So we'll move onto Chapter 13. Everybody's
19 favorite topic, FERPA.

20 COMMISSIONER SCHACHTER: And then, Chair,
21 after you're finished with 13, I would like to
22 address the commissioner's point on the plain
23 talk English.

24 CHAIRMAN GUALTIERI: That's fine.

25 All right. So anybody have anything in the

1 text fact section of Chapter 13?

2 All right. So we go over to page 151 and
3 findings.

4 FERPA and other privacy laws are important
5 to ensure the protection of individual privacy
6 interests. However, those laws, including
7 FERPA, are often misunderstood, overapplied, and
8 their exceptions underused.

9 Any questions on that or any thoughts or
10 comments?

11 Number 2: When FERPA and other privacy
12 laws are misapplied and/or their exceptions
13 underapplied, it adversely affects school
14 safety.

15 Hearing nothing, we'll move on to number 3.

16 Comprehensive training of school district
17 legal advisors and staff is necessary to ensure
18 that FERPA and other privacy laws are clearly
19 understood and applied equally across Florida.

20 Anything on that one?

21 Number 4: Some law enforcement officers
22 and agencies misunderstand FERPA and its
23 exceptions and erroneously believe they are
24 entitled to receive without restriction
25 otherwise FERPA protected information.

1 Disclosure of FERPA protected information under
2 applicable exceptions requires a case-by-case
3 analysis, and determination and private
4 information cannot be wholesale released to law
5 enforcement. Like school personnel, law
6 enforcement needs training to better understand
7 the applicable laws and exceptions.

8 Anything on that one?

9 5: The first determination is whether
10 FERPA applies, that is, whether information held
11 by an educational institution is a, quote,
12 "educational record" within FERPA's definitions.
13 If it is, then it requires the determination
14 whether the record fits within one of the
15 exceptions allowing disclosure.

16 Number 6: Some districts improperly cite
17 FERPA to deny law enforcement agencies live
18 real-time access to school security video that
19 is essential to effectively responding to an
20 on-campus active assailant or other emergency
21 situation.

22 So we still have some of that ongoing in
23 Florida.

24 SROs are, quote, "school officials" under
25 FERPA and, as such, are entitled to access

1 student records as part of their duties in that
2 capacity.

3 And then number 8: SROs may not disclose
4 FERPA protected information to other officers
5 unless the health and safety or another
6 applicable FERPA exception applies.

7 Sheriff Ashley.

8 SHERIFF ASHLEY: Just a question back on
9 the number 3 finding: Comprehensive training of
10 school district legal advisors and staff as
11 necessary to ensure FERPA and other privacy laws
12 are clearly understood and applied.

13 Wouldn't that be a recommendation?

14 SECRETARY MARSTILLER: Yeah.

15 CHAIRMAN GUALTIERI: Yep.

16 Let's so pull that out, John.

17 You're correct.

18 Yeah, it really goes -- we probably
19 don't -- I think we've got it in the first
20 recommendation.

21 DOE should prepare and present FERPA and
22 other privacy law training to all school
23 district and law enforcement legal advisors.

24 That pretty much covered it. You can
25 probably just ditch the other one, yeah.

1 COMMISSIONER STEWART: Sheriff?

2 CHAIRMAN GUALTIERI: Yes.

3 COMMISSIONER STEWART: I don't disagree
4 with this, but I also think there's an
5 association of school board attorneys that I
6 think it would be good for DOE or someone to
7 make the presentation to them as well.

8 CHAIRMAN GUALTIERI: Okay. So DOE should
9 prepare and present FERPA and other privacy law
10 training to all school district, comma,
11 school -- trying to think what --

12 COMMISSIONER STEWART: School board
13 attorneys, I think.

14 COMMISSIONER DODD: School board attorneys.

15 SHERIFF ASHLEY: All school district
16 attorneys.

17 COMMISSIONER LARKIN-SKINNER: I think you
18 would just say school district, comma, school
19 board, comma, and law enforcement legal
20 advisors.

21 CHAIRMAN GUALTIERI: Okay. That would
22 work, yeah. Yeah.

23 COMMISSIONER DODD: And my question, could
24 DOE prepare guidelines and then present FERPA
25 and other privacy law training or -- I mean,

1 we're going to do this training --

2 CHAIRMAN GUALTIERI: Well, the guidelines
3 are out there. The US Department of Education
4 came out with a guidance on this and a specific
5 law enforcement guidance on this earlier this
6 year. That guidance is referenced here in this
7 chapter and the guidance is available.

8 So I think that we wouldn't want to ask the
9 Florida Department of Education to yet come out
10 with another set of guidelines when the US
11 Department of Education has just come out with a
12 very comprehensive set of guidelines.

13 It's really about -- I think it's just
14 about educating everybody and ensuring that they
15 have full understanding of the application and
16 the exceptions.

17 COMMISSIONER DODD: So you think if the
18 legal advisors were educated now they would know
19 that they'd all kind of follow along?

20 CHAIRMAN GUALTIERI: I do.

21 COMMISSIONER DODD: Because right now we
22 get mixed, you know --

23 CHAIRMAN GUALTIERI: I do. I think it's
24 because people don't understand it and they
25 don't have -- law enforcement too. You know,

1 one of the biggest problems, biggest
2 misconceptions that law enforcement officer
3 have, especially SROs, is they have a hard time
4 with the concept is just because I know it, I
5 can't disclose it.

6 So if you have a cop that's on a threat
7 assessment team that as a school official has
8 access to student records and to FERPA
9 information and their sergeant says, "Hey, tell
10 us about this and give it to the burglary
11 detective," they can't do that, and they have a
12 hard time understanding that, because they have
13 access to it because they're a school official.
14 That burglary detective doesn't get automatic
15 access to it. It either -- it has to fall under
16 an exception.

17 So the cops need as much education about
18 this as others do and everybody across the
19 board, and I think if we educate the police
20 legal advisors and the school legal advisors and
21 it comes from that guidance and especially
22 coming from DOE, try to get everybody on the
23 same page, then we can move toward a better
24 place.

25 Because, again, it's overapplied because

1 it's misunderstood and the exceptions are
2 underapplied because it's misunderstood, and
3 they're misapplied across the board because
4 people don't understand it because it is
5 complicated.

6 GENERAL COUNSEL JONES: You might want to
7 change it from legal advisors to just either
8 legal counsel or attorneys since legal advisors
9 has more of a law enforcement connotation.

10 CHAIRMAN GUALTIERI: So DOE should prepare
11 and present FERPA and other privacy law training
12 to all school district, school board, and law
13 enforcement --

14 GENERAL COUNSEL JONES: Legal counsel.

15 CHAIRMAN GUALTIERI: -- yeah, legal
16 counsel. Just put legal counsel. That --
17 that's good. Okay.

18 All right. So Recommendation 2:
19 Legislature should require that Florida Safe
20 School Funding be tied to the lawful real-time
21 access to school security video by law
22 enforcement agencies and the proper sharing of
23 videos and photos by school districts with law
24 enforcement. In order for a district to receive
25 Safe School Funds, the district must:

1 Have arrangements that enable law
2 enforcement agencies that serve and respond to
3 incidents on a campus with access to school
4 video feeds if the law enforcement agency has
5 the desired technological capacity to receive
6 the video.

7 And require their legal -- you can say --
8 just change it to "counsel" -- require their
9 legal counsel and principals to attend FERPA
10 training and workshops developed by DOE.

11 What do y'all think about this?

12 COMMISSIONER SCHACHTER: I like it.

13 CHAIRMAN GUALTIERI: Everybody agree with
14 it? Good.

15 COMMISSIONER STEWART: I would -- I would
16 make it "administrators" instead of
17 "principals," because you've eliminated
18 superintendents and --

19 CHAIRMAN GUALTIERI: Okay.

20 COMMISSIONER STEWART: -- several others,
21 so I would make it "administrators."

22 CHAIRMAN GUALTIERI: Require their legal
23 counsel and administrators attend FERPA training
24 and workshops developed by DOE.

25 Okay. Because remember, these are security

1 cameras and these security cameras that fall
2 within the police units -- again, getting into
3 all this FERPA stuff -- are not under FERPA.
4 But live real-time access to these security
5 cameras are vitally important, and we all know
6 what happened at Stoneman Douglas when they
7 didn't have access to those cameras.

8 All right. Anything else on Chapter 13?

9 All right. So the only thing that is left
10 in the report, which we don't need to go over,
11 is the Glossary Terms and the Additional
12 Information and Resources section. It just lays
13 out where a lot of this came from.

14 So we'll take your request, Mr. Schachter,
15 and any other ones anybody has, we'll take
16 public comment, and then we'll be wrapping up.

17 So, Mr. Schachter, go ahead.

18 COMMISSIONER SCHACHTER: Thank you.

19 Yesterday you asked for examples of when
20 using codes were adverse or detrimental. Here's
21 several.

22 People confuse lockdown and lockout
23 extremely frequently. I had a discussion with
24 Guy Grace. You remember he testified in front
25 of our commission. He's the school safety

1 director of Littleton, Colorado. Littleton,
2 Colorado has had more school shootings in their
3 epicenter than anywhere in the entire country.
4 Guy Grace is a subject matter expert and also
5 helping the School Safety Clearinghouse that's
6 been developed in Washington, DC.

7 He reported to me that in the Arapaho
8 shooting, he put all schools on lockout except
9 for Arapaho after he knew that there was no
10 threat to any of the other schools. The
11 terminology was so close to lockdown that many
12 people were very, very confused and did not
13 implement what he wanted to.

14 Homicide and a suicide at a high school in
15 Georgia, here are the details. Though the
16 overall response went very well because they had
17 done a robust, full-scale exercise about a month
18 prior, they had problems with substitutes not
19 knowing what code red meant and what to do. In
20 a number of the classrooms, students had to tell
21 the substitutes what to do.

22 During the Brigham & Williams -- & Women's
23 Hospital shooting several years ago, a murderer
24 killed a cardiac surgeon named Michael Davidson
25 and then turned the gun on himself. In the

1 midst of chaos, a lot of things went right. And
2 one of the things that they attribute to the
3 fact that law enforcement was able to get on
4 scene quickly and they were able to clear five
5 million square feet of hospital space within 16
6 minutes is the fact that they had just changed
7 their policy to not use codes anymore. They
8 just switched to English. And when the shooting
9 started to happen, a announcement went over the
10 PA system: A life-threatening situation now
11 exists at Watkins Clinic B, all persons should
12 immediately move away from that location if it
13 is safe to do. If it is not safe to move away,
14 shelter in place immediately.

15 Under the old plan, this hospital would
16 have been met with a code gray. They feel that
17 this move to plain English saved a lot of lives.

18 A separate example, a murder-suicide with a
19 handgun occurred in a Georgia school restroom
20 several years ago. A number of teachers did not
21 recognize the code and failed to lock their
22 classroom doors. A teacher who was on the
23 school safety team responded to a code orange in
24 a classroom. Code orange was used for a general
25 emergency. Assuming it was a medical emergency,

1 the teacher ran into the room where he quickly
2 learned that there was a student with a gun
3 holding the teacher in class -- in class
4 hostage.

5 Additionally, I had a conversation with
6 Michael Dorn. His -- he's the executive
7 director of Safe Havens. They did the
8 vulnerability assessments on all Broward County
9 schools. Safe Havens has conducted over 8,000 K
10 through 12 school assessments. He said that in
11 Florida, Florida's the only state where they
12 still see widespread color-coded use.

13 During actual school crisis situations,
14 testing has shown that it is extremely common
15 for school officials to become confused and to
16 implement the wrong protocols even when -- with
17 regular training and drills are conducted to
18 teach staff what codes means.

19 And he went on to tell me that during a
20 approximately 200 different simulations of
21 school crisis situations using dynamic video and
22 scripted scenarios with scoring tools, many
23 employees did not recall what code was needed to
24 announce the appropriate life-saving protocol.
25 In fact, two building administrators

1 inadvertently ordered a lockdown for a scenario
2 of a tornado approaching their school.

3 So I've put up -- I'd like to withdraw what
4 I -- the finding and recommendation before and
5 present both of these new additions.

6 CHAIRMAN GUALTIERI: So the finding
7 yesterday, you want to use this to replace the
8 finding yesterday?

9 COMMISSIONER SCHACHTER: Correct.

10 CHAIRMAN GUALTIERI: So what chapter was
11 that in; do you -- do you remember?

12 COMMISSIONER SCHACHTER: 5.

13 SHERIFF JUDD: 5.

14 CHAIRMAN GUALTIERI: 5.

15 VICE-CHAIRMAN LYSTAD: That's the finding
16 from yesterday.

17 CHAIRMAN GUALTIERI: So that was
18 yesterday's finding. The recommendation was not
19 on the table, so it's only the finding. And the
20 finding yesterday was when communicating a
21 threat on campus using codes or anything other
22 than plain speech potentially leads to confusion
23 and inadequate response.

24 So now you want to go to -- bring up the
25 new one -- this? When communicating an active

1 threat on campus using emergency codes can
2 potentially lead to confusing and inadequate
3 responses. Officials and students can implement
4 the wrong protocol even when regular training
5 and drills are conducted. Codes can be one of
6 the weakest links in an otherwise sound school
7 crisis plan. During an active shooter
8 situation, there is no room for the
9 misunderstanding that using codes can create.

10 Okay.

11 COMMISSIONER SCHACHTER: That's it, yes.

12 That's what --

13 CHAIRMAN GUALTIERI: Anybody have any
14 problems with that?

15 COMMISSIONER HARPRING: Is that question --
16 is that finding still linked to the
17 recommendation?

18 CHAIRMAN GUALTIERI: No. There is no
19 recommendation on the table.

20 COMMISSIONER HARPRING: Okay.

21 CHAIRMAN GUALTIERI: That -- that's --

22 COMMISSIONER SCHACHTER: I'm going to --

23 CHAIRMAN GUALTIERI: I figured.

24 COMMISSIONER SCHACHTER: -- make a
25 recommendation.

1 CHAIRMAN GUALTIERI: But let's just deal
2 with the findings right now.

3 So what he's proposing is, is use that
4 finding.

5 Go ahead, Commissioner.

6 CHIEF NELSON: Is that based on information
7 that's in the report? And if not, is that an
8 issue?

9 CHAIRMAN GUALTIERI: I don't know. We'd
10 have to go back and look at that. But if not,
11 we can address that, you know, as far as --
12 because I'm not sure that there's anything in
13 the -- in the facts section of section -- in
14 Chapter 5 that would cover that, but we could
15 add something to take care of that problem.

16 COMMISSIONER LARKIN-SKINNER: I was just
17 going to mention, what I remember during all the
18 various testimony is that the captain from
19 Seminole actually raised this point. I
20 remember --

21 CHAIRMAN GUALTIERI: Yeah.

22 COMMISSIONER LARKIN-SKINNER: -- him doing
23 that. So if it's not in there, we should go
24 back to his testimony about all the color coding
25 and --

1 CHAIRMAN GUALTIERI: We can --

2 COMMISSIONER LARKIN-SKINNER: -- what a
3 problem it is, yeah.

4 CHAIRMAN GUALTIERI: We can add something.
5 It doesn't need to be long. We can add
6 something in there to take care of that.

7 I mean, does anybody -- so as it relates to
8 that finding, I mean, it seems pretty general.
9 You know, personally, I don't have a problem
10 with that. Does anybody have any problems with
11 it, concerns about it, and anybody have any
12 objections to it? Let's put it that way?

13 Okay. Commissioner Swearingen.

14 COMMISSIONER SWEARINGEN: Is that -- is
15 that going to create problems? In our first
16 report, didn't we require all schools to create
17 code red policies?

18 CHAIRMAN GUALTIERI: You know, and so I
19 would say to that is, is that it depends whether
20 you're using code red in, again, upper case or
21 lower case. Are you talking about the generic
22 active assailant response policy that, you know,
23 we're calling code red, or is it truly the upper
24 case C and upper case R Code Red? So, you
25 know --

1 SHERIFF ASHLEY: Did we specifically
2 identify code red, or was it just lockdown
3 procedures or evacuation procedures or -- I
4 don't think we --

5 CHAIRMAN GUALTIERI: You know, you know,
6 you know, there, again, remember, there is no
7 perfect with this. There are --

8 SHERIFF ASHLEY: I know.

9 CHAIRMAN GUALTIERI: There are inherent
10 problems with saying, "lockdown."

11 SHERIFF ASHLEY: I agree. I'm just --

12 CHAIRMAN GUALTIERI: There's problems with
13 just about anything. Okay. There's a guy with
14 a gun, he's shooting us. Okay. I get the
15 point.

16 I mean, and so like Sheriff Judd said
17 yesterday, and I wholehearted agree with it and
18 we know this from experience, is, is that when
19 it happens, people are just going to say what
20 they say. And you can have all this in place,
21 but when that adrenaline's pumping and it is
22 going south is that people are just going to
23 blurt it out, and that's the reality of it.

24 I think we're getting way too worked up
25 about this whole thing, be honest with you. But

1 I'm good with that, and we can do what you want.
2 I don't care. But I think we're beating a dead
3 horse with this thing.

4 SHERIFF JUDD: And I think, Mr. Schachter,
5 you know, you don't need to overbuy the
6 refrigerator -- I -- because I agreed. Our
7 emergency procedures already tell all of us to
8 go to plain talk --

9 CHAIRMAN GUALTIERI: Right.

10 SHERIFF JUDD: -- during an emergency.

11 COMMISSIONER SCHACHTER: In law
12 enforcement. Not in schools though.

13 SHERIFF JUDD: So -- but what I'm saying
14 is -- let me take that a step further. So all
15 we have to say is in an emergency tell the
16 schools to go to plain talk. Because that's --
17 we convert to that anyway. And I think that's
18 his whole point.

19 CHAIRMAN GUALTIERI: And I'm -- and I'm
20 absolutely good with that. I'm a hundred
21 percent good with it. I still maintain -- and
22 we'll see what your recommendation is and see
23 what the will of the body is. I still say that
24 that's a fine recommendation. But I don't think
25 it should be in law.

1 So let's see what your recommendation is
2 with it.

3 All Florida public schools shall utilize
4 plain talk or a singular emergency code in
5 conjunction with -- you know, I mean, there's a
6 little inconsistency. I mean, you're saying
7 that you shouldn't use codes at all, and now
8 you're saying that you should use a code red.
9 But anyway, it --

10 COMMISSIONER HARPRING: Well, that was my
11 argument yesterday --

12 CHAIRMAN GUALTIERI: Right. So all
13 Florida --

14 COMMISSIONER HARPRING: -- regarding the
15 previous one.

16 CHAIRMAN GUALTIERI: -- public schools
17 shall utilize plain talk or a singular emergency
18 code in conjunction with plain talk when
19 conducting drills in emergency incidents. All
20 subsequent announcements and communications
21 shall be given in plain talk.

22 And, again, this is just a commission
23 recommendation. This is not anything that we're
24 recommend be put in the statute. So this is
25 strictly a recommendation.

1 COMMISSIONER SCHACHTER: Obviously, I think
2 the safest, you know, and the way to go is to
3 use plain talk. That's what law enforcement
4 uses. That's what most states in the
5 United States use. We are the only state that
6 is, you know, attached to these codes when every
7 other best practice in every -- you know, FBI,
8 all these other agencies, FEMA NIMS, have gone
9 away from codes.

10 So -- but the reason I'm giving -- I put
11 this option in here, schools should either
12 utilize plain talk, but if they don't want to
13 only use -- go away from codes completely, this
14 gives them the option to still use a code red
15 plus the additional plain talk.

16 CHAIRMAN GUALTIERI: Well, if you -- go
17 back to the first one again. Go back to the
18 finding, John.

19 Because when communicating, school
20 officials and students can implement wrong,
21 codes can be one of the weakest links in an
22 otherwise sound -- I think anybody reading this
23 who picks up this report and sees that finding
24 and then sees in the recommendation, okay, use
25 plain talk but you could use codes, is going to

1 see a huge inconsistency between the finding and
2 the recommendation, you know.

3 I would say if we're going to do this is
4 that all Florida public schools shall utilize
5 plain talk and can -- and just leave it at plain
6 talk is my point.

7 COMMISSIONER SCHACHTER: Okay.

8 SHERIFF JUDD: Period, period.

9 CHAIRMAN GUALTIERI: Period. You know, I
10 don't think you want to get into that. I think
11 people are going to be confused by it. And it
12 makes your point.

13 COMMISSIONER SCHACHTER: I mean, the reason
14 I put that in there is because I got a lot of
15 pushback from, you know, completely going away
16 from codes. But I agree with you that that's
17 what --

18 CHAIRMAN GUALTIERI: And, again --

19 COMMISSIONER SCHACHTER: -- should be done.

20 CHAIRMAN GUALTIERI: -- because this is
21 merely a -- and there's validity to the point.
22 There's validity to the point. But this still
23 allow -- is a recommendation from this
24 commission, but it still allows each district,
25 each board, each superintendent, each district,

1 to accept or reject it. If they reject it and
2 this recommendation's out here and something
3 goes south because of it, my guess is somebody
4 will probably ask them about it, and that's --
5 but that's their choice, that's their decision.

6 As long as we're not saying put it in
7 Florida law, I'm good with it.

8 COMMISSIONER PETTY: Not to continue to
9 beat the dead horse, but since we don't have
10 statutory authority to mandate this, should it
11 be "should utilize plain talk"?

12 CHAIRMAN GUALTIERI: I think so.

13 COMMISSIONER HARPRING: I would just for my
14 part, I'm -- reiterate what I said yesterday,
15 I'm adverse to it. Because a single statement
16 in any emergency has with it a list of things
17 that you automatically do. You don't articulate
18 those.

19 For example, if we have an emergency and
20 somebody calls, at least in our agency, 1033
21 radio traffic, that has with it a whole list of
22 things that you don't do and you don't get on
23 the radio for.

24 Same thing here. I -- my personal opinion
25 is not to -- I don't think the board should make

1 a recommendation that suggests that schools go
2 away from a practice that they've been engaged
3 in for which there is no evidence or proof that
4 it has adversely affected anyone.

5 The issues with Marjory Stoneman Douglas
6 High School had to do with training and with
7 education of the staff as to who could or could
8 not do certain thing, i.e., call a code red.

9 That's just one commissioner's opinion.

10 CHAIRMAN GUALTIERI: So what's up --

11 COMMISSIONER HARPRING: That's why I'm
12 adverse to it.

13 CHAIRMAN GUALTIERI: -- there now -- what's
14 up there now looks fine, I think. It says: All
15 Florida public schools should utilize plain talk
16 when conducting drills and in emergency
17 incidents.

18 It's a good recommendation.

19 All subsequent announcements and
20 communications should -- John, change "shall" to
21 "should" -- should be given in plain talk.

22 And I think that the point's made. It
23 encompasses it. It gets it out there with what
24 your desire is, and it, again, still leaves
25 local control.

1 I do think that in light of, especially in
2 Broward County where they have come and where
3 they are today with all the drills, with all the
4 training, with the policy, and with everything,
5 if you try to go into the Broward County Public
6 Schools today with whatever, 230,000 people,
7 students, and you tried to tell them, okay,
8 today right now, from this moment forward, you
9 are prohibited from using code red or some -- I
10 think you cause more confusion.

11 You know, and so for some places where it
12 is so entrenched and so ingrained, I think you
13 could almost do more harm by trying to change it
14 than leave it the way it is.

15 COMMISSIONER SCHACHTER: You know, just
16 because this issue did not rear its ugly head at
17 the Marjory Stoneman Douglas shooting does not
18 mean that it should not be fixed. This is fixed
19 most all other places in our community. You
20 don't use codes. So that's why I'm addressing
21 it.

22 But to just move off this topic for one
23 second, to look at a bigger view here. I'll
24 give you an example. In Clark County, Nevada,
25 they've been doing fidelity testing of their

1 drills for almost a decade. What they do is a
2 district office team shows up at a school, they
3 inform the principal that they're about to have
4 a drill. The external team would pick an
5 employee and present a scenario. That team uses
6 several staff spread around the school to fill
7 out a 16-page scoring rubric to measure
8 performance.

9 Now, that is -- because you're doing these
10 drills, and what you do, hey, guys, we're going
11 to have a drill today, means absolutely nothing
12 compared to a guy walks on that -- on the
13 campus.

14 What needs to happen, in my view, is really
15 testing to see what we're doing, is it really
16 working. And this is how you go about doing
17 that is by testing these places, these fidelity
18 testing. You know, what we've done so far does
19 not even scratch the surface of what really
20 should be -- schools should be doing.

21 So I would like to add an additional
22 recommendation that the Office of Safe Schools
23 should develop an active assailant best
24 practices drill, so -- and methods to fidelity
25 test the understanding and implementation to

1 everyone on campus. We want to make sure what
2 we're doing is working, the kids are going to
3 understand it, and then under adverse
4 circumstances they're going to be able to react
5 and make the right decisions.

6 CHAIRMAN GUALTIERI: Mr. Schachter, I don't
7 even understand what you're asking. You want --
8 there are drills today, and the schools are
9 doing drills. So you want the Office of Safe
10 Schools to develop some standardized drill that
11 every school must do?

12 COMMISSIONER SCHACHTER: Sheriff, just
13 because we're telling kids to do it and teachers
14 to do a drill under perfect circumstances does
15 not mean they're going to be able to do it
16 accurately and make the right decisions during a
17 real-time active assailant situation. You and I
18 both know that.

19 CHAIRMAN GUALTIERI: Let's just -- what
20 happened to the thought of let's just get what
21 we got right before we impose new requirements
22 on these schools? I mean, they're still not
23 even there where they need to be with all this
24 stuff, and they're working on it. And is trying
25 to impose now something additional in

1 drilling -- let's just get right what we got.

2 COMMISSIONER SCHACHTER: We're way behind
3 the curve. Okay. I understand we're making
4 progress and we're making improvements, but if
5 we're going to be -- our recommendation right
6 now as far as drills go is that the legislature
7 should mandate that all schools, you know,
8 implement appropriate decision-based,
9 option-based drills.

10 All I'm saying is that this is a lot more
11 involved. We're really scratching the surface
12 of what schools should do. And right now we're
13 leaving it up to schools to really go out there
14 and do all the research and figure out how they
15 should develop.

16 I'm saying that let's task the Office of
17 Safe Schools to take -- have these 67 school
18 safety specialists really delve into this and
19 have experts like Guy Grace, like Michael Dorn,
20 come out here to go over how schools -- what's
21 the most effective thing, and then to really
22 test. Because we can tell schools what to do.
23 It doesn't mean they're going to be able to
24 really do it in a real-time situation.

25 CHAIRMAN GUALTIERI: Okay. And?

1 COMMISSIONER SCHACHTER: That's why I was
2 making an additional recommendation that the
3 Office of Safe Schools should develop an active
4 assailant best practices so that all schools
5 would know what to do, and a method to fidelity
6 test their drills to ensure that all staff and
7 students are -- really know what they're doing.
8 Because right now, they're just doing drills,
9 and they're going to do these drills --

10 CHAIRMAN GUALTIERI: I don't think it's
11 that bad. I really don't. I think that I can
12 tell you that I know a number of districts that
13 have given a lot of thought, a lot of
14 consideration, a lot of planning, a lot of
15 analysis, and taken a lot of input on how to
16 develop their drills. They are decision-based
17 drills. They are matriculated drills that begin
18 early in the year.

19 I don't think it's as bad as what you say
20 it is. I'm not saying that everybody is where
21 they need to be. But I think that a lot of the
22 districts are working hard to try and have the
23 best drills and the most effective drills they
24 can, you know.

25 And, again, if somebody -- if it's a

1 recommendation, you can make a motion on it,
2 somebody seconds it, we can vote on it. But I
3 don't support it at this juncture. It's
4 something we can revisit next year, and we can
5 see more about what people are doing, what
6 they're not doing.

7 But I think in trying to inject something
8 more into the process at this point is just
9 overloading these schools and these districts
10 where they're trying to get employees now what
11 we've asked them to do, and I think a lot of
12 them are working -- it's not just some ad hoc,
13 you know, bunch of kids run. There's a lot of
14 work being done in a lot of places in how to
15 effectively do these drills from what I see.

16 COMMISSIONER SCHACHTER: And our
17 recommendation to institute option-based drill
18 is a huge improvement.

19 CHAIRMAN GUALTIERI: Correct.

20 COMMISSIONER SCHACHTER: All I'm saying is
21 that to really know if the kids are going to be
22 able to perform under stressful situations and
23 the teachers, they need to be doing some kind
24 of --

25 CHAIRMAN GUALTIERI: As you heard and you

1 know, that the Office of Safe Schools is in the
2 process of hiring 10 people to come in to be
3 these eyes and ears in the field. Let them,
4 over the next several months, get them in place,
5 let them assess, let them get into these
6 schools, they'll attend some of these drills --
7 I know that's what Director Kelly's plan is --
8 so they're out there and they're seeing it.

9 You know, when we convene next year, we
10 can -- we will get an assessment of the status
11 of a whole lot of things, including drills. If
12 they're not being done and there's a need for
13 this, I personally would entertain it then and
14 perhaps embrace it.

15 But I just think right now, while all this
16 is in place and so much is developing and
17 evolving, I think it's premature to do it --

18 COMMISSIONER SCHACHTER: Okay.

19 CHAIRMAN GUALTIERI: -- is my take.

20 COMMISSIONER SCHACHTER: Okay. Sounds
21 good.

22 CHAIRMAN GUALTIERI: Commissioner Dodd.

23 COMMISSIONER DODD: There is one sentence
24 up there that I really have a hard time with on
25 the finding, and that's the second sentence

1 where it says: School officials and students
2 can implement the wrong protocol even when
3 regular training and drills are conducted.

4 Now, we use ALICE protocols: Alert,
5 lockdown, inform, counter, evacuate.

6 Those are protocols. That's not a code.
7 So I think if we start talking about the
8 protocols, well, you know, I'd like -- we either
9 have to take that sentence out or we have to
10 change it and put in "the wrong code."

11 Because what you're talking about,
12 Commissioner Schachter, is that code red, code
13 yellow, or a different color code, right.

14 COMMISSIONER SCHACHTER: Yes.

15 COMMISSIONER DODD: So I -- you know, I
16 would rather just take that sentence out
17 completely. But I don't like the use of the
18 word "protocol."

19 CHAIRMAN GUALTIERI: What do you want to
20 do?

21 COMMISSIONER SCHACHTER: I'm good with
22 that.

23 CHAIRMAN GUALTIERI: Take out the sentence,
24 or what do you want to do? You want to change
25 it?

1 COMMISSIONER DODD: I think we're talking
2 about codes, so --

3 COMMISSIONER SCHACHTER: Yes.

4 COMMISSIONER DODD: "Codes can be one of
5 the weakest links...", I think it fits better.

6 CHAIRMAN GUALTIERI: What you're get -- I
7 think what you're saying maybe, I don't know, is
8 that the school officials and students can
9 implement the wrong action.

10 COMMISSIONER DODD: Yes.

11 CHAIRMAN GUALTIERI: I mean, that's what
12 you're talking about --

13 COMMISSIONER DODD: Yes, yes.

14 CHAIRMAN GUALTIERI: -- is that school
15 officials and students can implement the wrong
16 action --

17 COMMISSIONER DODD: But that doesn't deal
18 with the code.

19 CHAIRMAN GUALTIERI: -- even when regular
20 training and drills are conducted.

21 I don't know.

22 COMMISSIONER PETTY: It's a separate
23 concept.

24 CHAIRMAN GUALTIERI: Yeah, I don't know.

25 SHERIFF JUDD: Let's take it out.

1 COMMISSIONER SCHACHTER: Okay. Let's take
2 it out.

3 CHAIRMAN GUALTIERI: Take it out? Okay.
4 So delete it.

5 All right. So that's what you're left
6 with. Anything -- you're good with it?

7 COMMISSIONER SCHACHTER: Yes.

8 CHAIRMAN GUALTIERI: Okay. Okay.

9 All right. Anything else that anybody has
10 they want to bring up before we go to public
11 comment?

12 All right. So we go to public comment. We
13 have, I believe, three public comment cards.
14 Each of you'll have three minutes.

15 And the first one is Maria Bledsoe.

16 Go ahead.

17 MARIA BLEDSOE: Good afternoon. Thank you,
18 everybody. I applaud your commitment and the
19 strategies discussed over the course of the last
20 two days.

21 I'm with the Managing Entity here in
22 Central Florida, and I was directly involved in
23 coordinating the care for the Pulse victims and
24 families.

25 There is a model for care coordination. It

1 is implemented in the adult system by the
2 Managing Entities. We do not have control over
3 the children's care, only when they come into
4 our funding stream for a short period of time.
5 They are taken care of in the Medicaid and
6 private insurance world.

7 Yes, care coordination can be improved
8 across all systems. Case management can be
9 improved. I wholeheartedly agree with those
10 strategies.

11 I can tell you mental health reductions do
12 have an impact on the mental health system in
13 our state. This year -- this fiscal year we
14 have received a reduction in mental health. In
15 my region alone, \$670,000. That has a big
16 impact in the system of care. So when we are
17 discussing strategies or you are discussing
18 strategies, please keep that in mind, because
19 the stats that were outlined earlier today do
20 have an impact on our community.

21 Let me follow my notes here. One second.

22 We do -- as Managing Entities, we do try to
23 strive and work very hard to implement
24 strategies across the state in a consistent
25 manner. We do track our care coordination, 30

1 days, 60 days, and 90 days. We look at the
2 outcomes, we have accountability, and we look to
3 see why an individual was admitted. The
4 Managing Entity care coordinators work with the
5 providers on a daily basis looking at the
6 admissions and the readmissions and why. We
7 also track the number of days out in care,
8 because that is a success. There is some
9 expectation that the mental health population
10 will have some relapse, but you have to look at
11 the amount of time that they have been out --
12 out in the community and what changes have
13 occurred in their lives. Are they now housed?
14 Are they now employed? Are they taking their
15 medication and participating in treatment on an
16 ongoing basis? Those are successes.

17 With that, I don't have anything else to
18 say. Thank you.

19 CHAIRMAN GUALTIERI: Okay. Thank you,
20 ma'am.

21 Next is Bacardi Jackson.

22 BACARDI JACKSON: Good afternoon, and thank
23 you for the opportunity to speak to you again.

24 I am Bacardi Jackson, senior supervising
25 attorney for Children's Rights for the state of

1 Florida and the managing attorney for the Miami
2 office of the Southern Poverty Law Center.

3 I will acknowledge that today is a near
4 perfect day outside, and after a day and a half
5 of parsing through some very lengthy findings
6 and recommendations, I am certain that all of
7 you are ready to wrap up as quickly as possible
8 and enjoy the amenities of this beautiful
9 four-star resort.

10 But I would respectfully ask that you honor
11 your stated mission and the schedule you posted
12 and be present at the time that was publicized
13 for public comment. Given the remoteness and
14 inconvenience of this location, the timing of
15 these meetings which presents significant
16 obstacles to participation by most educators,
17 teachers, and students, consideration should be
18 given to any member of the public who may have
19 made provisions to attend and address the
20 commission today at 4:45 based on your posted
21 agenda.

22 The work being done here, the scope of your
23 authority is incredibly impactful to all
24 school-age children, to their families and
25 caregivers, and to all Florida taxpayers, and

1 warrants casting a wide net to allow for public
2 input, especially given the composition of this
3 commission which does not reflect the diversity
4 of the relevant stakeholders. It does not
5 include students, it does not include current
6 on-the-ground educators, it does not include a
7 sufficient number of mental health
8 professionals, it does not include any voting
9 members who are people of color, or advocates
10 who -- for students with disabilities.

11 Not having this representation causes you
12 to make recommendations that will do more harm
13 than good to significant portions of our student
14 population, and that will make schools less
15 safe, not more.

16 For example, in your lengthy discussion
17 today of diversion programs, there was nothing
18 at all said about the inherent racial and
19 ability bias that is currently embedded in
20 school discipline which seasoned and
21 conscientious like Superintendent Runcie of
22 Broward County have tempted to address.

23 I think you hit the nail on the head when
24 you talked about crime is not some objective
25 term that can be parsed out and suggesting that

1 here in this state we have a six-year-old being
2 arrested for something that could be deemed a
3 crime technically, and just because you -- your
4 intent is to not do that doesn't mean it won't
5 happen.

6 The current community standards and
7 discretion of school personnel and law
8 enforcement have led to these kinds of outcomes
9 as well as to 36,000 students in one school year
10 being Baker Acted, which is unlike any other
11 state in this nation.

12 So I would just ask that you please
13 reconsider closing this meeting and instead
14 adjourn it for a short time to allow for public
15 comment by the people who may have made
16 provisions, the students, the activists, and
17 other people who may have made provision to be
18 here to speak to you and give you the input you
19 so sorely and desperately need.

20 Thank you.

21 CHAIRMAN GUALTIERI: Next is Yasamin
22 Sharifi.

23 YASAMIN SHARIFI: Thank you for the
24 opportunity to address the commission.

25 I am addressing you today as the statewide

1 Children's Right advocate at Southern Law
2 Poverty Center and also as a Florida resident
3 who was educated and raised in Central Florida
4 public schools and continues to have family and
5 community remembers in our schools.

6 Southern Poverty Law Center appreciates the
7 work the commission is trying to do, but we find
8 many of the commission's recommendations deeply
9 concerning.

10 In response to the commission's request for
11 public input, we have collected and compiled
12 nearly 200 pages of written public comments that
13 I present to you today. These comments come
14 from concerned members of the public, including
15 parents, students, educators, mental health
16 professionals, and former law enforcement
17 officers. We have not modified these comments.
18 We simply present them to you today for review.

19 We urge you to consider these voices, as
20 they have been largely left out in many of the
21 commission's proceedings and come from those
22 who'd be most impacted by your recommendations.
23 These written comments will also be submitted to
24 you via the commission's online portal for
25 input, and I have a hard copy for you here

1 today.

2 In addition, we have reviewed the
3 commission's recommendations and have compiled
4 the results of our analysis in our policy report
5 which I have also brought copies of to present
6 to you. I urge you to review our evaluation and
7 take into consideration our evaluation as you
8 finalize your recommendations to the
9 legislature.

10 In brief, we are concerned that the
11 commission's guardian program and school safety
12 assistance are endangering our endangering our
13 children by introducing additional guns into
14 schools rather than restricting weapons and
15 firearms on school premises. The commission
16 must consider the disproportionate effect that
17 introducing weapons to school campuses will have
18 on young children, children with disabilities,
19 children of color, and low-income children, all
20 of whom we already know are more likely to be
21 falsely targeted by law enforcement and other
22 armed personnel. This will not lead to greater
23 school safety.

24 The same applies to the behavioral threat
25 assessments and surveillance of student

1 information that the commission has recommended.
2 The commission has not included any measures to
3 ensure that these threat assessments will be
4 applied equitably and will not criminalize and
5 target students of color, nor those with
6 disabilities.

7 Children's concerning behaviors should be
8 referred to social services rather than
9 criminalized and referred to law enforcement
10 surveillance. We have already very recently
11 seen the dangerous implications of this in
12 Orlando just two weeks ago when two six-year-old
13 children were arrested at school by an SRO for
14 normal behavior.

15 Secondly, while I commend the commission's
16 efforts to shore up law enforcement responses
17 and internal communication in the event that a
18 mass shooting does occur, the commission has
19 disproportionately focused attention on such
20 reactive measures. There can be no real move to
21 improve school safety without addressing gun
22 violence prevention. This must go beyond threat
23 assessment screening. So we urge the commission
24 to recommend measures that would restrict access
25 to guns and make it more difficult for potential

1 shooters to obtain weapons.

2 I would like the commission to consider
3 these documents that I've provided for you. And
4 if I may, I'd like to read a sample of some of
5 the -- some of the comments that the public has
6 submitted.

7 CHAIRMAN GUALTIERI: Okay. You're over by
8 about 30 seconds, so please wrap it up.

9 YASAMIN SHARIFI: Would you like me to
10 discontinue?

11 CHAIRMAN GUALTIERI: Yeah, you're -- yeah.
12 Yes, you're over your time. You need to stop.

13 YASAMIN SHARIFI: Would the commission like
14 to honor its original time --

15 CHAIRMAN GUALTIERI: I'm not going to --

16 YASAMIN SHARIFI: -- of 4:45?

17 CHAIRMAN GUALTIERI: You're -- ma'am,
18 ma'am, you at time for three minutes of public
19 comment. Your at three minutes and 45 seconds.
20 So if you want to say something brief, you can.
21 Otherwise, you're finished.

22 YASAMIN SHARIFI: Okay. Thank you your
23 consideration.

24 CHAIRMAN GUALTIERI: Okay.

25 YASAMIN SHARIFI: Can I please hand this to

1 you or to --

2 CHAIRMAN GUALTIERI: No. You can just
3 leave them. There's -- you've submitted them
4 online.

5 YASAMIN SHARIFI: All right. Thank you.

6 CHAIRMAN GUALTIERI: All right. So do any
7 commission members have anything before we
8 adjourn?

9 I just want to remind you of the timetable,
10 is, is that we will work on all the
11 modifications of the report that we discussed
12 here between now and hopefully Sunday, we'll get
13 them done by Sunday is the plan, turn everything
14 over to the editor for Monday, Tuesday, and as
15 it stands now -- again, this is all fluid --
16 hopefully get the final version of the report
17 with all the appendices out to you all by next
18 Wednesday. That will give you from next
19 Wednesday until the following Tuesday to have
20 the report to read.

21 And then we would convene a conference call
22 sometime on the following Tuesday, similar to
23 what we did last December. And really at that
24 point, if there's any last-minute things we can
25 discuss -- but really what we are looking for

1 there is just a motion and a second and an
2 approval of the report. If we get that, we will
3 then send it for printing and binding and submit
4 it to the Governor and the presiding officers by
5 Friday, November 1st. So that's the plan.

6 One of the things -- and maybe it'll make
7 it easier for that conference call that we do
8 have, assuming it is on the Tuesday -- and,
9 again -- and tell me -- my thought is because
10 everybody's got schedules, etcetera, it should
11 be a pretty short call, is we'll try and pick a
12 time -- you know, again, everybody's got
13 schedules, but we'll give you as much advance
14 notice -- but it might be better to try to do it
15 maybe at noon or something. That may provide
16 the best flexibility for people. Hopefully, it
17 shouldn't take 15 minutes.

18 But if you do have -- when you get the
19 draft report -- or the final report, when you
20 get that draft, if you have anything that you
21 really think is a concern, a problem, or
22 something we need to address, then send an
23 e-mail to Jennifer Miller, and she'll pass it on
24 to us ahead of time so that -- I really would
25 rather we not get bogged down on that call, try

1 to resolve anything of substance. It's very
2 difficult on a conference call to do that.

3 So if you see anything that's glaring in
4 there, let us know ahead of time, and we'll try
5 to address it with you. And then, of course, if
6 we need to make any modifications, then we can
7 get certain pages back out to everybody in that
8 interim reading period between next Wednesday
9 and the following Tuesday. But, again, that may
10 change. We'll let you know if there's any
11 changes in that timetable.

12 So does anybody have anything else before
13 we adjourn?

14 COMMISSIONER HARPRING: I want to clarify.
15 That's Tuesday, the 29th?

16 CHAIRMAN GUALTIERI: Correct, Tuesday, the
17 29th. And, again, we'll just have to see on
18 that. You know, my thought would be is we
19 either do it really early in the morning, either
20 at noon, or later in the day, just from the
21 general premise that most people probably have
22 appointments in the middle of the day someplace,
23 and just try to make it as convenient on
24 everybody as we possibly can. But let's see
25 that that is the timetable. Again, that may

1 adjust depending upon the work that needs to be
2 done and how long the editor takes with it,
3 etcetera. And I want to make sure that we give
4 you all adequate reading period, too, given
5 schedules and other obligations. So -- but
6 we'll -- tentatively, yes, the 29th.

7 COMMISSIONER SCHACHTER: Sheriff, I had
8 sent the commission a list of all the school
9 safety recommendations that we had -- that the
10 Florida Legislature had implemented, or did
11 you -- were you going to get something like that
12 out, or were you going to wait until, you know,
13 after that legislative session?

14 CHAIRMAN GUALTIERI: Yeah. All those that
15 you have in there are all in the PowerPoint that
16 we covered last time, correct?

17 COMMISSIONER SCHACHTER: Yeah. Correct.

18 CHAIRMAN GUALTIERI: And so when you took
19 that and you compiled that, which is a good
20 compilation, now, you didn't -- we didn't send
21 that out to the entire commission, correct?

22 COMMISSIONER SCHACHTER: No.

23 CHAIRMAN GUALTIERI: Right. Okay.

24 So it's a compilation, and Mr. Schachter
25 took and put in a different kind of a format,

1 more topic -- topical.

2 COMMISSIONER SCHACHTER: It's like two
3 pages as opposed to all those slides.

4 CHAIRMAN GUALTIERI: Yeah. Right.

5 And, yeah, we can talk about it and see.
6 If you want to send that out to everybody, we
7 can do that. I don't -- I mean, I don't -- I
8 don't have a problem with it if you want to
9 share it, certainly, so...

10 Because it does give an overview. And, you
11 know, as we said, and we'll keep saying, is, is
12 that we've come a long way. We made a lot of
13 progress. And the schools have made a lot of
14 progress. Nobody's under any illusion that it's
15 perfect, but we're at a better state and a safer
16 state than we were 20 months ago, and a lot of
17 work yet to be done, but it is moving in the
18 right direction thanks to everybody and across
19 the board and all the stakeholders and the
20 participation.

21 So we'll keep this moving and get this
22 report, work with the legislature, and find the
23 best appropriate time to come back together next
24 year after -- my thought is after the
25 legislative session, see what the legislature

1 does, and we'll have plenty of time for all of
2 these things that are in the pipeline to take
3 hold and then we'll see where we go from there
4 and see what the will of the group is.

5 So seeing anybody's got anything else,
6 we're adjourned.

7 THEREUPON the proceedings were adjourned
8 at 2:33 p.m.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF POLK

I, Linda S. Blackburn, Registered
Diplomate Reporter, Certified Realtime Reporter,
and Certified Realtime Captioner, do hereby certify
that I was authorized to and did report the
foregoing proceedings, and that the transcript,
pages 1 through 302, is a true and correct record
of my stenographic notes.

Dated this October 29, 2019, at Lakeland,
Polk County, Florida.



Linda S. Blackburn, RDR, CRR, CRC

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