

1 A bill to be entitled
2 An act relating to care of children; creating the "Zahid
3 Jones, Jr., Give Grandparents and Other Relatives a Voice
4 Act"; creating s. 39.00145, F.S.; requiring that the case
5 record of a child under the supervision or in the custody
6 of the Department of Children and Family Services be
7 maintained in a complete and accurate manner; specifying
8 who has access to the case record; authorizing the court
9 to directly release the child's records to certain
10 entities; providing that entities that have access to
11 confidential information concerning a child may share it
12 with other entities that provide services benefiting
13 children; providing for exceptions for the sharing of
14 confidential information under certain circumstances;
15 amending s. 39.201, F.S.; providing for the Department of
16 Children and Family Services to analyze certain unaccepted
17 reports to the central abuse hotline; amending s. 39.202,
18 F.S.; expanding the list of persons or entities that have
19 access to child abuse records; revising how long the
20 department must keep such records; requiring the
21 department to provide notice of how the child's records
22 may be obtained after the child leaves the department's
23 custody; authorizing the department to adopt rules;
24 amending s. 39.301, F.S.; requiring information to be
25 provided to a reporter; authorizing the submission of a
26 written report; providing conditions for a relative to be
27 a collateral contact in certain child protective
28 investigations; providing for a relative to request notice

29 of proceedings and hearings relating to protective
30 investigations under certain circumstances; specifying
31 content of the request; providing that the failure to
32 provide notice to a relative does not undo any previous
33 action of the court absent a finding that a change is in
34 the child's best interests; conforming cross-references;
35 amending s. 39.304, F.S.; providing for preservation in
36 department records of certain photographs and X rays and
37 reports on medical examinations and treatments of an
38 abused child; amending s. 39.402, F.S.; requiring
39 notification of certain relatives in an order for
40 placement of a child in shelter care of their right to
41 attend hearings, submit reports to the court, and speak to
42 the court; amending s. 39.502, F.S.; providing for certain
43 relatives to receive notice of dependency hearings under
44 certain circumstances; providing an opportunity for
45 certain relatives to be heard in court; providing an
46 exception; amending s. 39.506, F.S.; providing for certain
47 relatives to receive notice of arraignment hearings under
48 certain circumstances; amending s. 39.5085, F.S.; revising
49 legislative intent with regard to the Relative Caregiver
50 Program; authorizing the department to develop liaison
51 functions for certain relatives; amending s. 39.6011,
52 F.S.; requiring a case plan for a child receiving services
53 from the department to include a protocol for notification
54 of certain relatives of proceedings and hearings; amending
55 s. 39.6013, F.S.; conforming a cross-reference; amending
56 s. 39.701, F.S.; requiring an attorney for the department

57 | to provide notice to certain relatives of the child
58 | regarding upcoming judicial hearings; conforming cross-
59 | references; amending s. 39.823, F.S.; conforming a cross-
60 | reference; amending s. 683.10, F.S.; designating the first
61 | Sunday after Labor Day as "Grandparents' and Family
62 | Caregivers' Day"; authorizing the Governor to issue
63 | proclamations commemorating the occasion; amending s.
64 | 409.147, F.S.; renaming "children's zones" as "children's
65 | initiatives"; revising legislative findings and intent;
66 | requiring the governing body to establish a children's
67 | initiative planning team and to develop and adopt a
68 | strategic community plan; revising provisions relating to
69 | the powers and responsibilities of the initiative planning
70 | team; revising provisions relating to the strategic
71 | community plan; revising requirement provisions relating
72 | to the children's initiative corporation; changing the
73 | name of the Magic City Children's Zone, Inc., to the Miami
74 | Children's Initiative, Inc.; providing for the corporation
75 | to be administratively housed within the Department of
76 | Children and Family Services, but not to be subject to
77 | control, supervision, or direction by the department;
78 | providing for the department to enter into a contract with
79 | a not-for-profit corporation to implement the children's
80 | initiative project; deleting provisions relating to the
81 | geographic boundaries and the board of directors;
82 | providing for the reappropriation of funds; providing an
83 | effective date.
84 |

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

86

87 Section 1. This act may be cited as the "Zahid Jones, Jr.,
 88 Give Grandparents and Other Relatives a Voice Act."

89 Section 2. Section 39.00145, Florida Statutes, is created
 90 to read:

91 39.00145 Records concerning children.--

92 (1) The case record of every child under the supervision
 93 of or in the custody of the department, the department's
 94 authorized agents, or providers contracting with the department,
 95 including community-based care lead agencies and their
 96 subcontracted providers, must be maintained in a complete and
 97 accurate manner. The case record must contain, at a minimum, the
 98 child's case plan required under part VIII of this chapter and
 99 the full name and street address of all shelters, foster
 100 parents, group homes, treatment facilities, or locations where
 101 the child has been placed.

102 (2) Notwithstanding any other provision of this chapter,
 103 all records in a child's case record must be made available for
 104 inspection, upon request, to the child who is the subject of the
 105 case record and to the child's caregiver, guardian ad litem, or
 106 attorney.

107 (a) A complete and accurate copy of any record in a
 108 child's case record must be provided, upon request and at no
 109 cost, to the child who is the subject of the case record and to
 110 the child's caregiver, guardian ad litem, or attorney.

111 (b) The department shall release the information in a
 112 manner and setting that are appropriate to the age and maturity

113 of the child and the nature of the information being released,
114 which may include the release of information in a therapeutic
115 setting, if appropriate. This paragraph does not deny the child
116 access to his or her records.

117 (c) If a child or the child's caregiver, guardian ad
118 litem, or attorney requests access to the child's case record,
119 any person or entity that fails to provide any record in the
120 case record under assertion of a claim of exemption from the
121 public-records requirements of chapter 119, or fails to provide
122 access within a reasonable time, is subject to sanctions and
123 penalties under s. 119.10.

124 (d) For purposes of this subsection, the term "caregiver"
125 is limited to parents, legal custodians, permanent guardians,
126 foster parents, employees of a residential home, institution,
127 facility, or agency at which the child resides and other
128 individuals legally responsible for a child's welfare in a
129 residential setting.

130 (3) If a court determines that sharing information in the
131 child's case record is necessary to ensure access to appropriate
132 services for the child or for the safety of the child, the court
133 may approve the release of confidential records or information
134 contained in them.

135 (4) Notwithstanding any other provision of law, all state
136 and local agencies and programs that provide services to
137 children or that are responsible for a child's safety, including
138 the Department of Juvenile Justice, the Department of Health,
139 the Agency for Health Care Administration, the Agency for
140 Persons with Disabilities, the Department of Education, the

141 Department of Revenue, the school districts, the Statewide
 142 Guardian Ad Litem Office, and any provider contracting with such
 143 agencies, may share with each other confidential records or
 144 information that are confidential or exempt from disclosure
 145 under chapter 119 if the records or information are reasonably
 146 necessary to ensure access to appropriate services for the
 147 child, including child support enforcement services, or for the
 148 safety of the child. However:

149 (a) Records or information made confidential by federal
 150 law may not be shared.

151 (b) This subsection does not apply to information
 152 concerning clients and records of certified domestic violence
 153 centers, which are confidential under s. 39.908 and privileged
 154 under s. 90.5036.

155 Section 3. Subsection (7) of section 39.201, Florida
 156 Statutes, is amended to read:

157 39.201 Mandatory reports of child abuse, abandonment, or
 158 neglect; mandatory reports of death; central abuse hotline.--

159 (7) On an ongoing basis, the department's quality
 160 assurance program shall review calls, fax reports, and web-based
 161 reports to the hotline involving three or more unaccepted
 162 reports on a single child, where jurisdiction applies, in order
 163 to detect such things as harassment and situations that warrant
 164 an investigation because of the frequency or variety of the
 165 source of the reports. A component of the quality assurance
 166 program shall analyze unaccepted reports to the hotline by
 167 identified relatives as a part of the review of screened out
 168 calls. The Program Director for Family Safety may refer a case

169 for investigation when it is determined, as a result of this
 170 review, that an investigation may be warranted.

171 Section 4. Subsection (7) of section 39.202, Florida
 172 Statutes, is amended, and paragraphs (r) and (s) are added to
 173 subsection (2) of that section, to read:

174 39.202 Confidentiality of reports and records in cases of
 175 child abuse or neglect.--

176 (2) Except as provided in subsection (4), access to such
 177 records, excluding the name of the reporter which shall be
 178 released only as provided in subsection (5), shall be granted
 179 only to the following persons, officials, and agencies:

180 (r) A physician licensed under chapter 458 or chapter 459,
 181 a psychologist licensed under chapter 490, or a mental health
 182 professional licensed under chapter 491 engaged in the care or
 183 treatment of the child.

184 (s) Persons with whom the department is seeking to place
 185 the child or to whom placement has been granted, including
 186 foster parents for whom an approved home study has been
 187 conducted, the designee of a licensed residential group home
 188 described in s. 39.523, an approved relative or nonrelative with
 189 whom a child is placed pursuant to s. 39.402, preadoptive
 190 parents for whom a favorable preliminary adoptive home study has
 191 been conducted, adoptive parents, or an adoption entity acting
 192 on behalf of preadoptive or adoptive parents.

193 (7) The department shall make and keep reports and records
 194 of all cases under this chapter ~~relating to child abuse,~~
 195 ~~abandonment, and neglect~~ and shall preserve the records
 196 pertaining to a child and family ~~until 7 years after the last~~

197 ~~entry was made or~~ until the child who is the subject of the
198 record is 30 ~~is 18~~ years of age, ~~whichever date is first~~
199 ~~reached,~~ and may then destroy the records. ~~Department records~~
200 ~~required by this chapter relating to child abuse, abandonment,~~
201 ~~and neglect may be inspected only upon order of the court or as~~
202 ~~provided for in this section.~~

203 (a) Within 90 days after the child leaves the department's
204 custody, the department shall give a notice to the person having
205 legal custody of the child, or to the young adult who was in the
206 department's custody, which specifies how the records may be
207 obtained.

208 (b) The department may adopt rules regarding the format,
209 storage, retrieval, and release of such records.

210 Section 5. Subsections (6) through (23) of section 39.301,
211 Florida Statutes, are renumbered as subsections (7) through
212 (24), respectively, paragraph (c) of present subsection (9),
213 present subsection (10), and paragraph (b) of present subsection
214 (14) are amended, and a new subsection (6) is added to that
215 section, to read:

216 39.301 Initiation of protective investigations.--

217 (6) Upon commencing an investigation under this part, if a
218 report was received from a reporter under s. 39.201(1)(b), the
219 protective investigator must provide his or her contact
220 information to the reporter within 24 hours after being assigned
221 to the investigation. The investigator must also advise the
222 reporter that he or she may provide a written summary of the
223 report made to the central abuse hotline to the investigator
224 which shall become a part of the master file.

225 ~~(10)~~ ~~(9)~~

226 (c) The determination that a report requires an
227 investigation as provided in this subsection and does not
228 require an enhanced onsite child protective investigation
229 pursuant to subsection (11) ~~(10)~~ must be approved in writing by
230 the supervisor with documentation specifying why additional
231 investigative activities are not necessary.

232 (11) ~~(10)~~ (a) For each report that meets one or more of the
233 following criteria, the department shall perform an enhanced
234 onsite child protective investigation:

235 1. Any allegation that involves physical abuse, sexual
236 abuse, domestic violence, substance abuse or substance exposure,
237 medical neglect, a child younger than 3 years of age, or a child
238 who is disabled or lacks communication skills.

239 2. Any report that involves an individual who has been the
240 subject of a prior report containing some indicators or verified
241 findings of abuse, neglect, or abandonment.

242 3. Any report that does not contain compelling evidence
243 that the maltreatment did not occur.

244 4. Any report that does not meet the criteria for an
245 onsite child protective investigation as set forth in subsection
246 (10) ~~(9)~~.

247 (b) The enhanced onsite child protective investigation
248 shall include, but is not limited to:

249 1. A face-to-face interview with the child, other
250 siblings, parents or legal custodians or caregivers, and other
251 adults in the household;

252 2. Collateral contacts;

253 3. Contact with the reporter as required by rule;

254 4. An onsite assessment of the child's residence in
 255 accordance with paragraph ~~(10)~~(9)(b); and

256 5. An updated assessment.

257

258 Detailed documentation is required for the investigative
 259 activities.

260 ~~(15)~~(14)

261 (b) The parents or legal custodians shall be informed of
 262 the right to refuse services, as well as the responsibility of
 263 the department to protect the child regardless of the acceptance
 264 or refusal of services. If the services are refused, a
 265 collateral contact required under subparagraph (11)(b)2. shall
 266 include a relative, if the protective investigator has knowledge
 267 of and the ability to contact a relative. If the services are
 268 refused and the department deems that the child's need for
 269 protection so requires, the department shall take the child into
 270 protective custody or petition the court as provided in this
 271 chapter. At any time after the commencement of a protective
 272 investigation, a relative may submit in writing to the
 273 protective investigator or case manager a request to receive
 274 notification of all proceedings and hearings in accordance with
 275 s. 39.502. The request shall include the relative's name,
 276 address, and phone number and the relative's relationship to the
 277 child. The protective investigator or case manager shall forward
 278 such request to the attorney for the department. The failure to
 279 provide notice to either a relative who requests it pursuant to
 280 this subsection or to a relative who is providing out-of-home

281 care for a child shall not result in any previous action of the
 282 court at any stage or proceeding in dependency or termination of
 283 parental rights under any part of this chapter being set aside,
 284 reversed, modified, or in any way changed absent a finding by
 285 the court that a change is required in the child's best
 286 interests.

287 Section 6. Subsection (4) of section 39.304, Florida
 288 Statutes, is amended to read:

289 39.304 Photographs, medical examinations, X rays, and
 290 medical treatment of abused, abandoned, or neglected child.--

291 (4) Any photograph or report on examinations made or X
 292 rays taken pursuant to this section, or copies thereof, shall be
 293 sent to the department as soon as possible and shall be
 294 preserved in permanent form in records held by the department.

295 Section 7. Paragraph (h) of subsection (8) of section
 296 39.402, Florida Statutes, is amended to read:

297 39.402 Placement in a shelter.--

298 (8)

299 (h) The order for placement of a child in shelter care
 300 must identify the parties present at the hearing and must
 301 contain written findings:

302 1. That placement in shelter care is necessary based on
 303 the criteria in subsections (1) and (2).

304 2. That placement in shelter care is in the best interest
 305 of the child.

306 3. That continuation of the child in the home is contrary
 307 to the welfare of the child because the home situation presents
 308 a substantial and immediate danger to the child's physical,

309 mental, or emotional health or safety which cannot be mitigated
310 by the provision of preventive services.

311 4. That based upon the allegations of the petition for
312 placement in shelter care, there is probable cause to believe
313 that the child is dependent or that the court needs additional
314 time, which may not exceed 72 hours, in which to obtain and
315 review documents pertaining to the family in order to
316 appropriately determine the risk to the child.

317 5. That the department has made reasonable efforts to
318 prevent or eliminate the need for removal of the child from the
319 home. A finding of reasonable effort by the department to
320 prevent or eliminate the need for removal may be made and the
321 department is deemed to have made reasonable efforts to prevent
322 or eliminate the need for removal if:

323 a. The first contact of the department with the family
324 occurs during an emergency;

325 b. The appraisal of the home situation by the department
326 indicates that the home situation presents a substantial and
327 immediate danger to the child's physical, mental, or emotional
328 health or safety which cannot be mitigated by the provision of
329 preventive services;

330 c. The child cannot safely remain at home, either because
331 there are no preventive services that can ensure the health and
332 safety of the child or because, even with appropriate and
333 available services being provided, the health and safety of the
334 child cannot be ensured; or

335 d. The parent or legal custodian is alleged to have
336 committed any of the acts listed as grounds for expedited

337 termination of parental rights in s. 39.806(1)(f)-(i).

338 6. That the court notified the parents, relatives that are
339 providing out-of-home care for the child, or legal custodians of
340 the time, date, and location of the next dependency hearing and
341 of the importance of the active participation of the parents,
342 relatives that are providing out-of-home care for the child, or
343 legal custodians in all proceedings and hearings.

344 7. That the court notified the parents or legal custodians
345 of their right to counsel to represent them at the shelter
346 hearing and at each subsequent hearing or proceeding, and the
347 right of the parents to appointed counsel, pursuant to the
348 procedures set forth in s. 39.013.

349 8. That the court notified relatives who are providing
350 out-of-home care for a child as a result of the shelter petition
351 being granted that they have the right to attend all subsequent
352 hearings, to submit reports to the court, and to speak to the
353 court regarding the child, if they so desire.

354 Section 8. Subsection (1) of section 39.502, Florida
355 Statutes, is amended, and subsection (19) is added to that
356 section, to read:

357 39.502 Notice, process, and service.--

358 (1) Unless parental rights have been terminated, all
359 parents must be notified of all proceedings or hearings
360 involving the child. Notice in cases involving shelter hearings
361 and hearings resulting from medical emergencies must be that
362 most likely to result in actual notice to the parents. In all
363 other dependency proceedings, notice must be provided in
364 accordance with subsections (4)-(9), except when a relative

365 requests notification pursuant to s. 39.301(15)(b), in which
 366 case notice shall be provided pursuant to subsection (19).

367 (19) In all proceedings and hearings under this chapter,
 368 the attorney for the department shall notify, orally or in
 369 writing, a relative requesting notification pursuant to s.
 370 39.301(15)(b) of the date, time, and location of such
 371 proceedings and hearings, and notify the relative that he or she
 372 has the right to attend all subsequent proceedings and hearings,
 373 to submit reports to the court, and to speak to the court
 374 regarding the child, if the relative so desires. The court has
 375 the discretion to release the attorney for the department from
 376 notifying a relative who requested notification pursuant to s.
 377 39.301(15)(b) if the relative's involvement is determined to be
 378 impeding the dependency process or detrimental to the child's
 379 well-being.

380 Section 9. Subsection (9) of section 39.506, Florida
 381 Statutes, is amended to read:

382 39.506 Arraignment hearings.--

383 (9) At the conclusion of the arraignment hearing, all
 384 parties and the relatives who are providing out-of-home care for
 385 the child shall be notified in writing by the court of the date,
 386 time, and location for the next scheduled hearing.

387 Section 10. Paragraphs (a) through (d) of subsection (1)
 388 of section 39.5085, Florida Statutes, are redesignated as
 389 paragraphs (b) through (e), respectively, a new paragraph (a) is
 390 added to subsection (1), and paragraph (g) of subsection (2) of
 391 that section is amended, to read:

392 39.5085 Relative Caregiver Program.--

393 (1) It is the intent of the Legislature in enacting this
 394 section to:

395 (a) Provide for the establishment of procedures and
 396 protocols that serve to advance the continued safety of children
 397 by acknowledging the valued resource uniquely available through
 398 grandparents and relatives of children.

399 (2)

400 (g) The department may use appropriate available state,
 401 federal, and private funds to operate the Relative Caregiver
 402 Program. The department may develop liaison functions to be
 403 available to relatives who care for children pursuant to this
 404 chapter to ensure placement stability in extended family
 405 settings.

406 Section 11. Subsection (4) of section 39.6011, Florida
 407 Statutes, is amended to read:

408 39.6011 Case plan development.--

409 (4) The case plan must describe:

410 (a) The role of the foster parents or legal custodians
 411 when developing the services that are to be provided to the
 412 child, foster parents, or legal custodians;

413 (b) The responsibility of the case manager to forward a
 414 relative's request to receive notification of all proceedings
 415 and hearings submitted pursuant to s. 39.301(15)(b) to the
 416 attorney for the department;

417 (c) ~~(b)~~ The minimum number of face-to-face meetings to be
 418 held each month between the parents and the department's family
 419 services counselors to review the progress of the plan, to
 420 eliminate barriers to progress, and to resolve conflicts or

421 | disagreements; and

422 | (d)~~(e)~~ The parent's responsibility for financial support
 423 | of the child, including, but not limited to, health insurance
 424 | and child support. The case plan must list the costs associated
 425 | with any services or treatment that the parent and child are
 426 | expected to receive which are the financial responsibility of
 427 | the parent. The determination of child support and other
 428 | financial support shall be made independently of any
 429 | determination of indigency under s. 39.013.

430 | Section 12. Subsection (6) of section 39.6013, Florida
 431 | Statutes, is amended to read:

432 | 39.6013 Case plan amendments.--

433 | (6) The case plan is deemed amended as to the child's
 434 | health, mental health, and education records required by s.
 435 | 39.6012 when the child's updated health and education records
 436 | are filed by the department under s. 39.701(8)~~(7)~~(a).

437 | Section 13. Subsections (6) through (9) of section 39.701,
 438 | Florida Statutes, are renumbered as subsections (7) through
 439 | (10), respectively, a new subsection (6) is added to that
 440 | section, and paragraph (c) of subsection (2), paragraph (b) of
 441 | present subsection (6), and paragraph (a) of present subsection
 442 | (9) are amended, to read:

443 | 39.701 Judicial review.--

444 | (2)

445 | (c) Notice of a hearing by a citizen review panel must be
 446 | provided as set forth in subsection (5). At the conclusion of a
 447 | citizen review panel hearing, each party may propose a
 448 | recommended order to the chairperson of the panel. Thereafter,

449 the citizen review panel shall submit its report, copies of the
450 proposed recommended orders, and a copy of the panel's
451 recommended order to the court. The citizen review panel's
452 recommended order must be limited to the dispositional options
453 available to the court in subsection (10) ~~(9)~~. Each party may
454 file exceptions to the report and recommended order of the
455 citizen review panel in accordance with Rule 1.490, Florida
456 Rules of Civil Procedure.

457 (6) The attorney for the department shall notify a
458 relative who submits a request for notification of all
459 proceedings and hearings pursuant to s. 39.301(15)(b). The
460 notice shall include the date, time, and location of the next
461 judicial review hearing.

462 (7) ~~(6)~~

463 (b) At the first judicial review hearing held subsequent
464 to the child's 17th birthday, in addition to the requirements of
465 subsection (8) ~~(7)~~, the department shall provide the court with
466 an updated case plan that includes specific information related
467 to independent living services that have been provided since the
468 child's 13th birthday, or since the date the child came into
469 foster care, whichever came later.

470 (10) ~~(9)~~ (a) Based upon the criteria set forth in subsection
471 (9) ~~(8)~~ and the recommended order of the citizen review panel,
472 if any, the court shall determine whether or not the social
473 service agency shall initiate proceedings to have a child
474 declared a dependent child, return the child to the parent,
475 continue the child in out-of-home care for a specified period of
476 time, or initiate termination of parental rights proceedings for

477 subsequent placement in an adoptive home. Amendments to the case
 478 plan must be prepared as prescribed in s. 39.6013. If the court
 479 finds that the prevention or reunification efforts of the
 480 department will allow the child to remain safely at home or be
 481 safely returned to the home, the court shall allow the child to
 482 remain in or return to the home after making a specific finding
 483 of fact that the reasons for the creation of the case plan have
 484 been remedied to the extent that the child's safety, well-being,
 485 and physical, mental, and emotional health will not be
 486 endangered.

487 Section 14. Section 39.823, Florida Statutes, is amended
 488 to read:

489 39.823 Guardian advocates for drug dependent
 490 newborns.--The Legislature finds that increasing numbers of drug
 491 dependent children are born in this state. Because of the
 492 parents' continued dependence upon drugs, the parents may
 493 temporarily leave their child with a relative or other adult or
 494 may have agreed to voluntary family services under s.
 495 39.301(15) ~~(14)~~. The relative or other adult may be left with a
 496 child who is likely to require medical treatment but for whom
 497 they are unable to obtain medical treatment. The purpose of this
 498 section is to provide an expeditious method for such relatives
 499 or other responsible adults to obtain a court order which allows
 500 them to provide consent for medical treatment and otherwise
 501 advocate for the needs of the child and to provide court review
 502 of such authorization.

503 Section 15. Section 683.10, Florida Statutes, is amended
 504 to read:

505 683.10 Grandparents' and Family Caregivers' ~~Grandmother's~~
506 Day.--

507 (1) The first Sunday after Labor Day ~~second Sunday of~~
508 ~~October~~ of each year is designated "Grandparents' and Family
509 Caregivers' ~~Grandmother's~~ Day."

510 (2) The Governor may issue annually a proclamation
511 designating the first Sunday after Labor Day ~~second Sunday of~~
512 ~~October~~ as Grandparents' and Family Caregivers' ~~Grandmother's~~
513 Day and calling upon public schools and citizens of the state to
514 observe the occasion.

515 Section 16. Section 409.147, Florida Statutes, is amended
516 to read:

517 409.147 Children's initiatives ~~zones~~.--

518 (1) LEGISLATIVE FINDINGS AND INTENT.--

519 (a) The Legislature finds that:

520 1. There are neighborhoods in the state where the
521 infrastructure and opportunities that middle-class communities
522 take for granted are nonexistent or so marginal that they are
523 ineffective.

524 2. Children living in these neighborhoods are not read to
525 by an adult on a regular basis and attend a prekindergarten
526 education program at a much lower rate than children in other
527 communities. These children experience below-average performance
528 on standardized tests and graduate from high school in fewer
529 numbers. Most of these children are eligible for the free or
530 reduced-price school lunch program.

531 3. Children in these neighborhoods often suffer from high
532 rates of asthma, a higher risk of lead poisoning, and inadequate

533 health care, and they are routinely exposed to violence and
534 crime.

535 4. In spite of these obstacles, these neighborhoods are
536 many times home to strong individuals and institutions that are
537 committed to making a difference in the lives of children and
538 their families.

539 (b) It is therefore the intent of the Legislature to
540 assist disadvantaged areas within the state in creating a
541 community-based service network that develops, coordinates, and
542 provides quality education, accessible health care, youth
543 development programs, opportunities for employment, and safe and
544 affordable housing for children and families living within its
545 boundaries.

546 (2) POLICY AND PURPOSE.--It is the policy of this state to
547 provide the necessary means to assist local communities, the
548 children and families who live in those communities, and the
549 private sector in creating a sound educational, social, and
550 economic environment. To achieve this objective, the state
551 intends to provide investments sufficient to encourage community
552 partners to commit financial and other resources to severely
553 disadvantaged areas. The purpose of this section is to establish
554 a process that clearly identifies the severely disadvantaged
555 areas and provides guidance for developing a new social service
556 paradigm that systematically coordinates programs that address
557 the critical needs of children and their families and for
558 directing efforts to rebuild the basic infrastructure of the
559 community. The Legislature, therefore, declares the creation of
560 children's initiatives zones, through the collaborative efforts

561 of government and the private sector, to be a public purpose.

562 (3) DEFINITIONS.--As used in this section, the term:

563 (a) "Governing body" means the commission or other
 564 legislative body charged with governing a county or
 565 municipality.

566 (b) "Ounce" means the Ounce of Prevention Fund of Florida,
 567 Inc.

568 (c) "Planning team" means a children's initiative zone ~~zone~~
 569 planning team established under this section.

570 (d) "Resident" means a person who lives or operates a
 571 small community-based business or organization within the
 572 boundaries of the children's initiative zone ~~zone~~.

573 (4) CHILDREN'S INITIATIVE ZONE ~~ZONE~~ NOMINATING PROCESS.--A
 574 county or municipality, or a county and one or more
 575 municipalities together, may apply to the Ounce to designate an
 576 area as a children's initiative zone ~~zone~~ after the governing body:

577 (a) Adopts a resolution that:

578 1. Finds that an area exists in such county or
 579 municipality, or in the county and one or more municipalities,
 580 that chronically exhibits extreme and unacceptable levels of
 581 poverty, unemployment, physical deterioration, as well as
 582 limited access to quality educational, health care, and social
 583 services.

584 2. Determines that the rehabilitation, conservation, or
 585 redevelopment, or a combination thereof, of the area is
 586 necessary in the interest of improving the health, wellness,
 587 education, living conditions, and livelihoods of the children
 588 and families who live in the county or municipality.

589 3. Determines that the revitalization of the area can
 590 occur only if the state and the private sector invest resources
 591 to improve infrastructure and the provision of services.

592 (b) Establishes a children's initiative ~~zone~~ planning team
 593 as provided in subsection (5).

594 (c) Develops and adopts a strategic community plan as
 595 provided in subsection (6).

596 (d) Creates a corporation not for profit as provided in
 597 subsection (7).

598 (5) CHILDREN'S INITIATIVE ~~ZONE~~ PLANNING TEAM.--

599 (a) After the governing body adopts the resolution
 600 described in subsection (4), the county or municipality shall
 601 establish a children's initiative ~~zone~~ planning team.

602 (b) The planning team shall include residents and
 603 representatives from community-based organizations and other
 604 community institutions. At least half of the members of the
 605 planning team must be residents.

606 (c) The planning team shall:

607 1. Develop a planning process that sets the direction for,
 608 builds a commitment to, and develops the capacity to realize the
 609 children's initiative ~~zone~~ concept.

610 2. Develop a vision of what the children's initiative ~~zone~~
 611 will look like when the challenges, problems, and opportunities
 612 in the children's initiative ~~zone~~ are successfully addressed.

613 3. Identify important opportunities, strengths,
 614 challenges, and problems in the children's initiative ~~zone~~.

615 4. Develop a strategic community plan consisting of goals,
 616 objectives, tasks, the designation of responsible parties, the

617 identification of resources needed, timelines for implementation
 618 of the plan, and procedures for monitoring outcomes.

619 (d) The planning team shall designate working groups to
 620 specifically address each of the following focus areas:

- 621 1. Early development and care of children.
- 622 2. Education of children and youth.
- 623 3. Health and wellness.
- 624 4. Youth support.
- 625 5. Parent and guardian support.
- 626 6. Adult education, training, and jobs.
- 627 7. Community safety.
- 628 8. Housing and community development.

629 (6) CHILDREN'S INITIATIVE ~~ZONE~~ STRATEGIC COMMUNITY
 630 PLAN.--After the governing body adopts the resolution described
 631 in subsection (4), the working groups shall develop objectives
 632 and identify strategies for each focus area. The objectives,
 633 specified by focus area, for a working group may include, but
 634 not be limited to:

- 635 (a) Early development and care of children.
- 636 1. Providing resources to enable every child to be
 637 adequately nurtured during the first 3 years of life.
- 638 2. Ensuring that all schools are ready for children and
 639 all children are ready for school.
- 640 3. Facilitating enrollment in half-day or full-day
 641 prekindergarten for all 3-year-old and 4-year-old children.
- 642 4. Strengthening parent and guardian relationships with
 643 care providers.
- 644 5. Providing support and education for families and child

645 care providers.

646 (b) Education of children and youth.

647 1. Increasing the level and degree of accountability of
 648 persons who are responsible for the development and well-being
 649 of all children in the children's initiative ~~zone~~.

650 2. Changing the structure and function of schools to
 651 increase the quality and amount of time spent on instruction and
 652 increase programmatic options and offerings.

653 3. Creating a safe and respectful environment for student
 654 learning.

655 4. Identifying and supporting points of alignment between
 656 the children's initiative ~~zone~~ community plan and the school
 657 district's strategic plan.

658 (c) Health and wellness.

659 1. Facilitating enrollment of all eligible children in the
 660 Florida Kidcare program and providing full access to high-
 661 quality drug and alcohol treatment services.

662 2. Eliminating health disparities between racial and
 663 cultural groups, including improving outcomes and increasing
 664 interventions.

665 3. Providing fresh, good quality, affordable, and
 666 nutritious food within the children's initiative ~~zone~~.

667 4. Providing all children in the children's initiative
 668 ~~zone~~ with access to safe structured and unstructured recreation.

669 (d) Youth support.

670 1. Increasing the high school graduation rate.

671 2. Increasing leadership development and employment
 672 opportunities for youth.

- 673 (e) Parent and guardian support.
- 674 1. Increasing parent and adult literacy.
- 675 2. Expanding access for parents to critical resources,
- 676 such as jobs, transportation, day care, and after-school care.
- 677 3. Improving the effectiveness of the ways in which
- 678 support systems communicate and collaborate with parents and the
- 679 ways in which parents communicate and collaborate with support
- 680 systems.
- 681 4. Making the services of the Healthy Families Florida
- 682 program available to provide multiyear support to expectant
- 683 parents and persons caring for infants and toddlers.
- 684 (f) Adult education, training, and jobs.
- 685 1. Creating job opportunities for adults that lead to
- 686 career development.
- 687 2. Establishing a career and technical school, or a
- 688 satellite of such a school in the children's initiative zone,
- 689 which includes a one-stop career center.
- 690 (g) Community safety.
- 691 1. Providing a safe environment for all children at home,
- 692 in school, and in the community.
- 693 2. Eliminating the economic, political, and social forces
- 694 that lead to a lack of safety within the family, the community,
- 695 schools, and institutional structures.
- 696 3. Assessing policies and practices, including sentencing,
- 697 incarceration, detention, and data reporting, in order to reduce
- 698 youth violence, crime, and recidivism.
- 699 (h) Housing and community development.
- 700 1. Strengthening the residential real estate market.

701 2. Building on existing efforts to promote socioeconomic
702 diversity when developing a comprehensive land use strategic
703 plan.

704 3. Promoting neighborhood beautification strategies.

705 (7) CHILDREN'S INITIATIVE ~~ZONE~~ CORPORATION.--After the
706 governing body adopts the resolution described in subsection
707 (4), establishes the planning team as provided in subsection
708 (5), and develops and adopts the strategic community plan as
709 provided in subsection (6), the county or municipality shall
710 create a corporation not for profit which shall be registered,
711 incorporated, organized, and operated in compliance with chapter
712 617. The purpose of the corporation is to facilitate
713 fundraising, to secure broad community ownership of the
714 children's initiative ~~zone~~, and, if the area selected by the
715 governing body is designated as a children's initiative ~~zone~~,
716 to:

717 (a) Begin to transfer responsibility for planning from the
718 planning team to the corporation.

719 (b) Begin the implementation and governance of the
720 children's initiative ~~zone~~ community plan.

721 (8) CREATION OF MIAMI ~~MAGIC CITY~~ CHILDREN'S INITIATIVE
722 ~~ZONE, INC., PILOT PROJECT.~~--

723 (a) There is created within the Liberty City neighborhood
724 in Miami-Dade County a 10-year ~~pilot~~ project ~~zone~~ that, ~~by~~
725 ~~November 1, 2008,~~ shall be managed by an entity organized as a
726 corporation not for profit which shall be registered,
727 incorporated, organized, and operated in compliance with chapter
728 617. An entity may not be incorporated until the governing body

729 has adopted the resolution described in subsection (4), has
730 established the planning team as provided in subsection (5), and
731 has developed and adopted the strategic community plan as
732 provided in subsection (6). The corporation shall be known as
733 the Miami ~~Magie City~~ Children's Initiative Zone, Inc., and shall
734 be administratively housed within the Department of Children and
735 Family Services ~~Belafonte Tacooley Center~~. However, Miami ~~Magie~~
736 ~~City~~ Children's Initiative Zone, Inc., is not subject to
737 control, supervision, or direction by the Department of Children
738 and Family Services ~~Belafonte Tacooley Center~~ in any manner. The
739 Legislature determines, however, that public policy dictates
740 that the corporation operate in the most open and accessible
741 manner consistent with its public purpose. Therefore, the
742 Legislature specifically declares that the corporation is
743 subject to chapter 119, relating to public records, chapter 286,
744 relating to public meetings and records, and chapter 287,
745 relating to procurement of commodities or contractual services.

746 (b) This initiative ~~pilot project zone~~ is designed to
747 encompass an area that is large enough to include all of the
748 necessary components of community life, including, but not
749 limited to, schools, places of worship, recreational facilities,
750 commercial areas, and common space, yet small enough to allow
751 programs and services to reach every willing member of the
752 neighborhood. ~~Therefore, the geographic boundaries of the pilot~~
753 ~~project zone are:~~

- 754 1. ~~Northwest 79th Street to the north;~~
- 755 2. ~~Northwest 36th Street to the south;~~
- 756 3. ~~North Miami Avenue to the east; and~~

757 4. ~~Northwest 27th Avenue to the west.~~

758 (c)1. ~~The corporation shall be governed by a 15-member~~

759 ~~board of directors. The board of directors shall consist of the~~

760 ~~following members:~~

761 a. ~~The chief executive officer of the Belafonte Taceley~~

762 ~~Center.~~

763 b. ~~The executive director of the Carrie P. Meek~~

764 ~~Entrepreneurial Education Center, Miami-Dade College.~~

765 e. ~~The director of the Parks and Recreation Department of~~

766 ~~the City of Miami.~~

767 d. ~~The director of the Miami-Dade Cultural Arts Center.~~

768 e. ~~The chief executive officer of the Urban League of~~

769 ~~Greater Miami.~~

770 f. ~~The director of the Liberty City Service Partnership.~~

771 g. ~~The regional superintendent of the Miami-Dade County~~

772 ~~Public Schools.~~

773 h. ~~The president of the Student Government Association of~~

774 ~~Northwestern High School.~~

775 i. ~~The president of the Student Government Association of~~

776 ~~Edison High School.~~

777 j. ~~The president of the Parent Teacher Student Association~~

778 ~~of Northwestern High School.~~

779 k. ~~The president of the Parent Teacher Student Association~~

780 ~~of Edison High School.~~

781 l. ~~Four members from the local private business sector, to~~

782 ~~be appointed by a majority vote of the members designated in~~

783 ~~sub-subparagraphs a.-k., all of whom must have significant~~

784 ~~experience in one of the focus areas specified in subsection~~

785 ~~(6).~~

786 ~~2. All members of the board of directors shall be~~
787 ~~appointed no later than 90 days following the incorporation of~~
788 ~~the Magic City Children's Zone, Inc., and:~~

789 ~~a. Eleven members initially appointed pursuant to this~~
790 ~~paragraph shall each serve a 4-year term.~~

791 ~~b. The remaining initial four appointees shall each serve~~
792 ~~a 2-year term.~~

793 ~~c. Each member appointed thereafter shall serve a 4-year~~
794 ~~term.~~

795 ~~d. A vacancy shall be filled in the same manner in which~~
796 ~~the original appointment was made, and a member appointed to~~
797 ~~fill a vacancy shall serve for the remainder of that term.~~

798 ~~e. A member may not serve more than 8 years in consecutive~~
799 ~~terms.~~

800 ~~3. The board of directors shall annually elect a~~
801 ~~chairperson and a vice chairperson from among the board's~~
802 ~~members. The members may, by a vote of eight members, remove a~~
803 ~~member from the position of chairperson or vice chairperson~~
804 ~~before the expiration of his or her term as chairperson or vice~~
805 ~~chairperson. His or her successor shall be elected to serve for~~
806 ~~the balance of the term of the chairperson or vice chairperson~~
807 ~~who was removed.~~

808 ~~4. The board of directors shall meet at least four times~~
809 ~~each year upon the call of the chairperson, at the request of~~
810 ~~the vice chairperson, or at the request of a majority of the~~
811 ~~membership. A majority of the membership constitutes a quorum.~~
812 ~~The board of directors may take official action by a majority~~

813 ~~vote of the members present at any meeting at which a quorum is~~
814 ~~present. The board may conduct its meetings through~~
815 ~~teleconferences or other similar means.~~

816 ~~5. A member of the board of directors may be removed by a~~
817 ~~majority of the membership. Absence from three consecutive~~
818 ~~meetings results in automatic removal.~~

819 ~~6. Each member of the board of directors shall serve~~
820 ~~without compensation but is entitled to reimbursement for per~~
821 ~~diem and travel expenses as provided in s. 112.061 while in the~~
822 ~~performance of his or her duties.~~

823 ~~7. The corporation shall create a standing advisory board~~
824 ~~to assist in any part of its delegated duties. The membership of~~
825 ~~the standing advisory board shall reflect the expertise~~
826 ~~necessary for the implementation of the children's zone pilot~~
827 ~~project.~~

828 ~~8. The board of directors has the power and duty to:~~

829 ~~a. Adopt articles of incorporation and bylaws necessary to~~
830 ~~govern its activities.~~

831 ~~b. Begin to transfer responsibility for planning from the~~
832 ~~children's zone planning team to the corporation.~~

833 ~~c. Begin the implementation and governance of the~~
834 ~~children's zone community plan.~~

835 ~~d. Enter into a contract with a management consultant who~~
836 ~~has experience working with social service and educational~~
837 ~~entities for the purpose of developing a 10-year comprehensive~~
838 ~~business plan to carry out the provisions of this section.~~

839 ~~(d) Magic City Children's Zone, Inc., shall submit an~~
840 ~~annual report to the President of the Senate and the Speaker of~~

841 ~~the House of Representatives by January 31, 2009, and by January~~
842 ~~31 of each year thereafter, which shall include a comprehensive~~
843 ~~and detailed report of its operations, activities, and~~
844 ~~accomplishments for the prior year as well as its goals for the~~
845 ~~current year. The initial report shall also include information~~
846 ~~concerning the status of the development of a business plan.~~

847 (9) IMPLEMENTATION.--In order to implement The
848 ~~implementation of this section, the Department of Children and~~
849 ~~Family Services shall contract is contingent upon a specific~~
850 ~~appropriation to provide a grant for a 3-year period for the~~
851 ~~purpose of implementing this section, which includes contracting~~
852 ~~with a not-for-profit corporation to work in collaboration with~~
853 ~~the governing body to adopt the resolution described in~~
854 ~~subsection (4), to establish the planning team as provided in~~
855 ~~subsection (5), and to develop and adopt the strategic community~~
856 ~~plan as provided in subsection(6). The not-for-profit~~
857 ~~corporation is also responsible for the development of a~~
858 ~~business plan and for the evaluation, fiscal management, and~~
859 ~~oversight of the Miami Magic City Children's Initiative Zone,~~
860 ~~Inc., pilot project.~~

861 Section 17. The unexpended balance of funds in Specific
862 Appropriation 345A of the General Appropriations Act for the
863 2008-2009 fiscal year passed in the 2008 Regular Session shall
864 revert July 1, 2009, and such funds are reappropriated to the
865 Department of Children and Family Services for the 2009-2010
866 fiscal year for the purpose of contracting with the Ounce in
867 order to implement section 16 of this act.

868 Section 18. This act shall take effect July 1, 2009.

869