

House Bill No. 381

An act relating to care of children; creating the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child’s records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child’s records may be obtained after the child leaves the department’s custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a relative does not undo any previous action of the court absent a finding that a change is in the child’s best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s.

683.10, F.S.; designating the first Sunday after Labor Day as “Grandparents’ and Family Caregivers’ Day”; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming “children’s zones” as “children’s initiatives”; revising legislative findings and intent; requiring the governing body to establish a children’s initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children’s initiative corporation; changing the name of the Magic City Children’s Zone, Inc., to the Miami Children’s Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children’s initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the reappropriation of funds; providing an effective date.

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

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

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

39.00145 Records concerning children.—

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

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

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

(b) The department shall release the information in a manner and setting that are appropriate to the age and maturity of the child and the nature of the information being released, which may include the release of information in a therapeutic setting, if appropriate. This paragraph does not deny the child access to his or her records.

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

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

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

(4) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to children or that are responsible for a child's safety, including the Department of Juvenile Justice, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Department of Revenue, the school districts, the Statewide Guardian Ad Litem Office, and any provider contracting with such agencies, may share with each other confidential records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the child, including child support enforcement services, or for the safety of the child. However:

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

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

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

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

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

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

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

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

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

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

~~(7) The department shall make and keep reports and records of all cases under this chapter relating to child abuse, abandonment, and neglect and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child who is the subject of the record is 30 or 18 years of age, whichever date is first reached, and may then destroy the records. Department records required by this chapter relating to child abuse, abandonment, and neglect may be inspected only upon order of the court or as provided for in this section.~~

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

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

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

39.301 Initiation of protective investigations.—

(6) Upon commencing an investigation under this part, if a report was received from a reporter under s. 39.201(1)(b), the protective investigator must provide his or her contact information to the reporter within 24 hours after being assigned to the investigation. The investigator must also advise

the reporter that he or she may provide a written summary of the report made to the central abuse hotline to the investigator which shall become a part of the master file.

~~(10)(9)~~

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

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

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

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

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

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

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

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

2. Collateral contacts;

3. Contact with the reporter as required by rule;

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

5. An updated assessment.

Detailed documentation is required for the investigative activities.

~~(15)(14)~~

(b) The parents or legal custodians shall be informed of the right to refuse services, as well as the responsibility of the department to protect the child regardless of the acceptance or refusal of services. If the services are refused, a collateral contact required under subparagraph (11)(b)2. shall include a

relative, if the protective investigator has knowledge of and the ability to contact a relative. If the services are refused and the department deems that the child's need for protection so requires, the department shall take the child into protective custody or petition the court as provided in this chapter. At any time after the commencement of a protective investigation, a relative may submit in writing to the protective investigator or case manager a request to receive notification of all proceedings and hearings in accordance with s. 39.502. The request shall include the relative's name, address, and phone number and the relative's relationship to the child. The protective investigator or case manager shall forward such request to the attorney for the department. The failure to provide notice to either a relative who requests it pursuant to this subsection or to a relative who is providing out-of-home care for a child shall not result in any previous action of the court at any stage or proceeding in dependency or termination of parental rights under any part of this chapter being set aside, reversed, modified, or in any way changed absent a finding by the court that a change is required in the child's best interests.

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

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

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

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

39.402 Placement in a shelter.—

(8)

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

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

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

3. That continuation of the child in the home is contrary to the welfare of the child because the home situation presents a substantial and immediate danger to the child's physical, mental, or emotional health or safety which cannot be mitigated by the provision of preventive services.

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

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

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

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

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

d. The parent or legal custodian is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights in s. 39.806(1)(f)-(i).

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

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

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

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

39.502 Notice, process, and service.—

(1) Unless parental rights have been terminated, all parents must be notified of all proceedings or hearings involving the child. Notice in cases involving shelter hearings and hearings resulting from medical emergencies must be that most likely to result in actual notice to the parents. In all other dependency proceedings, notice must be provided in accordance with subsections (4)-(9), except when a relative requests notification pursuant to s. 39.301(15)(b), in which case notice shall be provided pursuant to subsection (19).

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

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

39.506 Arraignment hearings.—

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

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

39.5085 Relative Caregiver Program.—

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

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

(2)

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

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

39.6011 Case plan development.—

(4) The case plan must describe:

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

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

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

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

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

39.6013 Case plan amendments.—

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

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

39.701 Judicial review.—

(2)

(c) Notice of a hearing by a citizen review panel must be provided as set forth in subsection (5). At the conclusion of a citizen review panel hearing, each party may propose a recommended order to the chairperson of the panel. Thereafter, the citizen review panel shall submit its report, copies of the proposed recommended orders, and a copy of the panel's recommended order to the court. The citizen review panel's recommended order must be limited to the dispositional options available to the court in subsection ~~(10)~~ ~~(9)~~. Each party may file exceptions to the report and recommended order of the citizen review panel in accordance with Rule 1.490, Florida Rules of Civil Procedure.

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

~~(7)(6)~~

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

~~(10)(9)~~(a) Based upon the criteria set forth in subsection ~~(9)~~ ~~(8)~~ and the recommended order of the citizen review panel, if any, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, continue the child in out-of-home care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Amendments to the case plan must be prepared as prescribed in s. 39.6013. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for the creation of the case plan have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

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

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

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

683.10 Grandparents' and Family Caregivers' Grandmother's Day.—

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

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

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

409.147 Children's initiatives zones.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that:

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

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

3. Children in these neighborhoods often suffer from high rates of asthma, a higher risk of lead poisoning, and inadequate health care, and they are routinely exposed to violence and crime.

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

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

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

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

(a) “Governing body” means the commission or other legislative body charged with governing a county or municipality.

(b) “Ounce” means the Ounce of Prevention Fund of Florida, Inc.

(c) “Planning team” means a children's initiative zone planning team established under this section.

(d) “Resident” means a person who lives or operates a small community-based business or organization within the boundaries of the children’s initiative zone.

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

(a) Adopts a resolution that:

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

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

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

(b) Establishes a children’s initiative zone planning team as provided in subsection (5).

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

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

(5) CHILDREN’S INITIATIVE ZONE PLANNING TEAM.—

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

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

(c) The planning team shall:

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

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

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

4. Develop a strategic community plan consisting of goals, objectives, tasks, the designation of responsible parties, the identification of resources needed, timelines for implementation of the plan, and procedures for monitoring outcomes.

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

1. Early development and care of children.
2. Education of children and youth.
3. Health and wellness.
4. Youth support.
5. Parent and guardian support.
6. Adult education, training, and jobs.
7. Community safety.
8. Housing and community development.

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

(a) Early development and care of children.

1. Providing resources to enable every child to be adequately nurtured during the first 3 years of life.

2. Ensuring that all schools are ready for children and all children are ready for school.

3. Facilitating enrollment in half-day or full-day prekindergarten for all 3-year-old and 4-year-old children.

4. Strengthening parent and guardian relationships with care providers.
5. Providing support and education for families and child care providers.

(b) Education of children and youth.

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

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

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

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

(c) Health and wellness.

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

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

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

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

(d) Youth support.

1. Increasing the high school graduation rate.

2. Increasing leadership development and employment opportunities for youth.

(e) Parent and guardian support.

1. Increasing parent and adult literacy.

2. Expanding access for parents to critical resources, such as jobs, transportation, day care, and after-school care.

3. Improving the effectiveness of the ways in which support systems communicate and collaborate with parents and the ways in which parents communicate and collaborate with support systems.

4. Making the services of the Healthy Families Florida program available to provide multiyear support to expectant parents and persons caring for infants and toddlers.

(f) Adult education, training, and jobs.

1. Creating job opportunities for adults that lead to career development.

2. Establishing a career and technical school, or a satellite of such a school in the children's initiative zone, which includes a one-stop career center.

(g) Community safety.

1. Providing a safe environment for all children at home, in school, and in the community.

2. Eliminating the economic, political, and social forces that lead to a lack of safety within the family, the community, schools, and institutional structures.

3. Assessing policies and practices, including sentencing, incarceration, detention, and data reporting, in order to reduce youth violence, crime, and recidivism.

(h) Housing and community development.

1. Strengthening the residential real estate market.

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

3. Promoting neighborhood beautification strategies.

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

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

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

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

(a) There is created within the Liberty City neighborhood in Miami-Dade County a 10-year ~~pilot project zone~~ that, ~~by November 1, 2008,~~ shall be managed by an entity organized as a corporation not for profit which shall be registered, incorporated, organized, and operated in compliance with chapter 617. An entity may not be incorporated until the governing body has adopted the resolution described in subsection (4), has established the planning team as provided in subsection (5), and has developed and adopted the strategic community plan as provided in subsection (6). The corporation shall be known as the Miami Magic City Children's Initiative Zone, Inc., and shall be administratively housed within the Department of Children and Family Services Belafonte Tacey Center. However, Miami Magic City Children's Initiative Zone, Inc., is not subject to control, supervision, or direction by the Department of Children and Family Services Belafonte Tacey Center in any manner. The Legislature determines, however, that public policy dictates that the corporation operate in the most open and accessible manner consistent with its public purpose. Therefore, the Legislature specifically declares that the corporation is subject to chapter 119, relating to

public records, chapter 286, relating to public meetings and records, and chapter 287, relating to procurement of commodities or contractual services.

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

- ~~1. Northwest 79th Street to the north;~~
- ~~2. Northwest 36th Street to the south;~~
- ~~3. North Miami Avenue to the east; and~~
- ~~4. Northwest 27th Avenue to the west.~~

~~(c)1. The corporation shall be governed by a 15-member board of directors. The board of directors shall consist of the following members:~~

- ~~a. The chief executive officer of the Belafonte Tacolety Center.~~
- ~~b. The executive director of the Carrie P. Meek Entrepreneurial Education Center, Miami Dade College.~~
- ~~e. The director of the Parks and Recreation Department of the City of Miami.~~
- ~~d. The director of the Miami Dade Cultural Arts Center.~~
- ~~e. The chief executive officer of the Urban League of Greater Miami.~~
- ~~f. The director of the Liberty City Service Partnership.~~
- ~~g. The regional superintendent of the Miami-Dade County Public Schools.~~
- ~~h. The president of the Student Government Association of Northwestern High School.~~
- ~~i. The president of the Student Government Association of Edison High School.~~
- ~~j. The president of the Parent Teacher Student Association of Northwestern High School.~~
- ~~k. The president of the Parent Teacher Student Association of Edison High School.~~
- ~~l. Four members from the local private business sector, to be appointed by a majority vote of the members designated in sub-subparagraphs a.-k., all of whom must have significant experience in one of the focus areas specified in subsection (6).~~

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

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

b.—The remaining initial four appointees shall each serve a 2-year term.

c.—Each member appointed thereafter shall serve a 4-year term.

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

e.—A member may not serve more than 8 years in consecutive terms.

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

4.—The board of directors shall meet at least four times each year upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the membership constitutes a quorum. The board of directors may take official action by a majority vote of the members present at any meeting at which a quorum is present. The board may conduct its meetings through teleconferences or other similar means.

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

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

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

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

a.—Adopt articles of incorporation and bylaws necessary to govern its activities.

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

c.—Begin the implementation and governance of the children's zone community plan.

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

~~(d) Magic City Children's Zone, Inc., shall submit an annual report to the President of the Senate and the Speaker of the House of Representatives by January 31, 2009, and by January 31 of each year thereafter, which shall include a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year as well as its goals for the current year. The initial report shall also include information concerning the status of the development of a business plan.~~

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

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

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

Approved by the Governor May 20, 2009.

Filed in Office Secretary of State May 20, 2009.