HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1917 PCB JUA 05-01 CS Juvenile Justice
SPONSOR(S): Justice Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Justice Appropriations Committee	5 Y, 3 N, w/CS	DeBeaugrine	DeBeaugrine
1) Juvenile Justice Committee	4 Y, 3 N, w/CS	White	White
2) Fiscal Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill transfers both funding and operational responsibility for much of the “front-end” of the juvenile justice system from the state to the counties. Specifically, counties are to assume both operational and funding responsibility for juvenile intake, screening and pre-disposition detention on or before January 1, 2007. In the meantime, counties are required to pay the state for the costs of these services. State financial assistance is authorized for fiscally constrained counties and for all other counties to offset costs associated with the new responsibilities required by this bill. Each county must submit a plan to the Department of Juvenile Justice detailing how it will provide services.

The Department of Juvenile Justice would maintain a role in the provision of these services, but it would largely shift from direct service delivery to regulation and oversight of county facilities and programs. Provision is made for the department to charge counties its costs plus a 10 percent administrative fee if a county program is placed under receivership. In addition, the department could continue to provide services under contract with counties that wished to utilize the department.

The bill expands current juvenile commitment programs to include nonresidential programs and allows judges to specify a program or facility when committing a youth. Provision is made for the judge to pick from alternative programs provided by the department where space is unavailable. The bill also requires courts to place adjudicated youth in secure detention or home detention with electronic monitoring until disposition if the court makes specified findings.

The bill is expected to require county expenditures of approximately $116 million, which is $25 million more than under the existing cost sharing provisions in state law. This increase, however, would be offset in full under the current version of the House General Appropriations Act.

Since the bill would require counties to expend funds, it could be subject to provisions of Article VII, Section 18 of the Florida Constitution dealing with local mandates. Please see the Constitutional Issues of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to directly affect the House principles.

B. EFFECT OF PROPOSED CHANGES:

This bill implements the whereas clauses of SB 4A which passed during the December 2004 special session. While SB 4A transferred responsibility for costs of pre-trial detention for juveniles from the state to counties effective July 1, 2005, the whereas clauses envisioned a more comprehensive examination of the juvenile justice system. Specific Legislative findings included the following: (1) that counties should be responsible for juveniles alleged to have committed a delinquent act up until the point of adjudication; (2) that use of current residential resources should be flexible to allow juveniles to be committed to less restrictive, less intensive placements; and, (3) that judges should have more flexibility in committing delinquent youth to department programs.

In written comments submitted to the Senate Criminal Justice Committee for its February 9, 2005 meeting, the Florida Association of Counties similarly recommended that the Legislature look beyond the narrow issue of detention costs stating that the "…singular issue of 'who pays' should be broadened to look at how to improve the juvenile justice system as a whole and fix current problems with detention."[1]

Transfer of responsibility from the state to the counties:

Specific provisions of this bill include a statement that the policy of the state is for counties to be responsible for both operations and funding of juvenile intake, detention screening, and detention care. The transfer of operational responsibility from the state to the counties is to take place on or before January 1, 2007. In the meantime, counties shall pay the costs incurred by the Department of Juvenile Justice (department) for providing these services.

The bill provides for county responsibility based on county of arrest. If a youth is arrested outside his or her county of residence, the bill provides that the youth be transferred to his or her county of residence as soon as practicable at which time the home county would be responsible.

The bill requires each county to incorporate sufficient funds into its annual budget to pay the estimated costs of intake, detention screening and detention care. Proceeds of county payments to the department are to be deposited to the Grants and Donations Trust Fund or such other fund as may be designated by the Legislature. There is a provision for credit against future county obligations or a refund if county payment exceeds actual costs.

The bill requires that each county develop a plan prior to assumption of operational responsibility of intake, screening and detention that must be reviewed and approved by the department.

After assuming responsibility for operation of intake and detention, the bill provides that counties may contract for services with public and private organizations, including the department. The bill provides that the department can contract with counties for youth being detained after adjudication. The bill also provides that counties can use existing detention centers at no cost other than routine maintenance and insurance costs. The bill provides for inter-governmental agreements among counties that wish to use existing centers that serve multiple counties.

[1] "Side-by-Side of Questionnaire Responses from Stakeholders Regarding Detention Cost Shift Policy", material prepared for the Senate Criminal Justice Committee Meeting of February 9, 2005.

Background: *The state currently operates detention centers for both pre- and post-adjudication youth and provides intake services. The intake process identifies youth eligible for placement in secure detention. Under existing law, each county will have to pay the state for youth who reside in the county that are detained prior to adjudication starting July 1, 2005. Responsibility to operate intake and detention will remain with the state. According to written comments provided to the Senate Criminal Justice Committee for its February 9, 2005 meeting, the Florida Association of Counties maintains that there are no advantages to this policy. Specific criticisms included the lack of accountability that occurs when there is a separation of where dollars are derived from and where operational control is. The Florida Association of Counties also cited the decreased incentive for the department to control costs of juvenile detention since counties have to pay.*

The bill requires the department to adopt rules to establish statewide standards for county operations while allowing county flexibility to develop alternative programs that contain costs and better serve youth. Provision is made for the department to charge counties for costs plus 10% if the department takes a county facility or program into receivership. The bill specifies that a county program or facility must endanger youth or violate constitutional standards to be taken under receivership

Background: *One concern with county assumption of responsibility for operating juvenile detention is the lack of statewide uniform quality assurance standards. The Association of Counties suggest that an "…unfortunate juvenile death would have to happen 67 times prior to a statewide reform of juvenile detention practices if every county maintained a detention facility, or 26 times if the current facilities were county-controlled regionally." The department recommends that it retain authority to inspect and/or certify detention centers and cite the potential for federal intervention if serious problems were to arise.* [2]

State financial assistance to counties:

The bill provides that up to 100 percent of the costs that would otherwise be assumed by a fiscally constrained county can be covered by state financial assistance as determined by the Legislature. In addition, the definition of a fiscally constrained county is amended to include counties for which the value of a mill is no more than $4 million. Provision is made for state financial assistance to all other counties to assist with the additional costs anticipated due to the transfer of responsibilities.

The bill provides that provision of state financial assistance is contingent upon county compliance with state quality assurance standards set by the department.

Background: *Current law provides for up to 100 percent state coverage of costs to fiscally constrained counties for pre-adjudication detention. No such provision is made for other counties. Current county impact, net of state financial assistance to fiscally constrained counties, is approximately $85 million. The current draft of the House General Appropriations Act contains sufficient funds to support the expanded definition of a fiscally constrained county and to fully cover expected cost increases associated with intake and detention screening.*

Minimum-risk day treatment to be a commitment option:

The bill reinstates the minimum-risk nonresidential level as a commitment option for juveniles. Youth placed in this level have full access to, and reside in, the community, but must attend day treatment programming at least five days per week. Required day treatment services include case management, counseling, training to address delinquency risk factors, and facilitation of a youth's compliance with court-ordered sanctions. Like the low-risk level, youth found to have committed acts involving firearms, sexual offenses, or first degree or life felonies may not be placed in the minimum-risk level. The bill also

[2] Ibid. See response to questions 7. and 10.

specifies that minimum-risk commitments for second degree misdemeanors may last up to six months,[3] while the length of commitments for greater offenses remain, as in current law, limited to the maximum term of imprisonment that may be served by an adult.[4]

Background: Nonresidential services were once a commitment option for juvenile offenders, but were removed from the definition of commitment services during the 2000 session.[5] The repeal appears to have been based upon recommendations made by the Juvenile Justice Classification and Placement Workgroup (workgroup). After reviewing the differences in security for commitment levels, the workgroup recommended removal of the minimum-risk level and the transfer of that level's programs to Probation, as it found little difference relative to security between minimum-risk non-residential programs and Probation/Community Control services.[6] [7]

Escape and absconding:

The bill amends references to escape[8] from commitment facilities contained in ss. 985.207 and 985.208, F.S., to clarify that this offense, continues to apply only to escapes from residential facilities, and to provide a youth will be considered to have absconded from the department's supervision if he or she leaves a minimum-risk nonresidential program. Pursuant to current s. 985.215(2)(a), F.S., an absconding youth may be taken into custody and detained. The bill amends this paragraph to further provide that during the detention hearing that must be conducted within 24 hours of detaining a child, the court, if it finds that the child has absconded from a minimum-risk program, must determine whether to place the child in detention care based upon the results of a risk assessment instrument that takes the child's act of absconding into consideration. If the child is placed in detention care, the bill specifies that the child shall remain in such care for the shorter of the following: (a) 21 days; or (b) until the department determines under s. 985.404(4), F.S., that transfer of the child to another restrictiveness level or program is inappropriate or the court grants or denies a transfer requested by the department.

Background: Sections 985.208(2) and 985.215(2)(a), F.S., refer to the act of absconding by a juvenile from a department facility. These sections, however, do not specify the type of department facility from which a juvenile must leave to be considered to have committed the act of absconding. Because s. 985.3141, F.S., provides that the third degree felony of escape occurs when a youth leaves a residential commitment facility, it appears that, by default, the act of a youth leaving a nonresidential facility constitutes absconding. A juvenile may be taken into custody and placed into detention if he or she is alleged to have escaped or absconded.[9]

Expansion of judicial discretion regarding placement of committed youth:

The bill would allow the court to specify a program or facility when committing the youth to the department. The department would be allowed to notify the judge of alternative placements for youth ordered into a high- or maximum-risk residential program or facility as space becomes available. The court would be prohibited from ordering a child to a program or facility that is not under contract with the department. The court would have to choose from three alternative programs or facilities if the court finds that space will not be available at the chosen program or facility to allow for placement within 45 days.

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[3] The six month time frame for second degree misdemeanors is identical to the time frame statutorily permitted for probation imposed for a second degree misdemeanor. *See* Section 985.231(1)(a)1.a., F.S.
[4] Section 985.231(1)(d), F.S.
[5] Section 18, 2000-135, Laws of Florida.
[6] There is some ambiguity regarding the source of the recommendation to move day treatment services from commitment status to probation. The 2000 staff analysis for HB 1759 refers to a workgroup recommendations document as the source. This document, however, cannot currently be located, even though it is referred to in the House analysis, as well as in DJJ workgroup meeting minutes and memos.
[7] *See* House of Representatives, Criminal Justice Appropriations Analysis for HB 1759, April 11, 2000, p. 5.
[8] Section 985.3141, F.S.
[9] Section 985.215(2)(a), F.S.

Background: Under current law, there are four levels of residential commitment programs: (1) low-risk, (2) moderate risk, (3) high-risk, and (4) maximum risk. The four levels are associated with various degrees of risk and restrictiveness.[10] The court decides the commitment level, but not the specific facility within the identified commitment level.[11]

Adjudication orders and post-adjudication/pre-disposition detention:

The bill amends s. 985.228(5), F.S., to require a court to impose conditions that include, but are not limited to, the following in a youth's order of adjudication of delinquency: (a) if the youth is not in secure detention, the conditions must require the youth to comply with a curfew; attend school or another educational program, if eligible; and obey the reasonable and lawful demands of his or her parents or legal guardians and, if applicable, persons supervising him or her in school or another educational program; and (b) if the youth is in secure detention, the conditions must require the youth to obey the reasonable and lawful demands of all persons responsible for the youth's supervision.

In s. 985.207, F.S., the bill provides that a youth, who has been adjudicated and is awaiting disposition, may be taken into custody if a court finds that the youth: (a) has engaged in behavior evidencing a risk that the child will fail to appear at a subsequent court hearing; (b) has engaged in behavior evidencing a risk that the child will inflict harm upon himself, herself, or others, or the property of others; or (c) has violated court-imposed conditions contained in his or her order of adjudication of delinquency. In s. 985.215(5)(d), F.S., the bill provides that if the court makes any of the aforementioned findings or finds that the youth has a history of failing to appear for court proceedings that the court must place the youth in secure detention or in home detention with electronic monitoring until the disposition order is entered in the youth's case. The length of this detention may be in excess of the 15-day limit imposed in current law for post-adjudication/pre-disposition detention.

Background: Current law does not require a court to impose conditions in an order of adjudication of delinquency. With regard to post-adjudication/pre-disposition detention, s.985.215(5)(d) and (g), F.S., provide that a youth may not be held in secure, nonsecure, or home detention for more than 15 days following the entry of an order of adjudication, except that a youth may be held for an additional 9 days if the court finds that the nature of the charge requires additional time for its prosecution or defense and the charge is a capital, life, or first degree felony or a second degree felony involving violence against an individual.

Transfer:

The bill amends s. 984.404(4), F.S., to require that the department receive written court approval prior to transferring a committed youth from one level of commitment to another or to a commitment program other than one specified by the court pursuant to s. 985.231, F.S.

Background: Under s. 985.404(4), F.S., the department may transfer a committed youth to a different commitment program or facility when necessary to appropriately administer the youth's commitment. The department must notify the court that committed the youth and any attorney of record of its intent to transfer a youth to a higher or lower commitment restrictiveness level. The court may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer is deemed granted.[12] This transfer provision also applies to youth placed on conditional release.[13]

Distinguishably, if a youth is placed on probation, the DJJ may not transfer the youth to a commitment program without first filing a petition alleging that the youth has violated his or her probation. The court

[10] Chapter 985.203 (45), F.S.
[11] Chapter 985.231(1)(a)3., F.S.
[12] Section 985.404(4), F.S.
[13] Section 985.316(4), F.S.

is required to conduct a hearing and if the court finds a violation or if the youth admits to the violation, the court must enter a new disposition order and may impose any sanction it could have originally imposed, including commitment.[14]

Other provisions:

The bill strikes references to the term "juvenile prisons" in ss. 943.0515, 985.03, 985.201, and 985.313, F.S. The term "juvenile correctional facility" continues to be used in these sections to refer to maximum-risk facilities.

The bill permits high-risk residential commitment facilities to be environmentally secure or hardware-secure with perimeter fencing and locking doors. Current law only permits the latter option for this level.

The bill amends s. 985.2311(1)(a), F.S., to require courts to order parents of youth committed to the minimum-risk level to pay $1 per day that the child is in such status. This same requirement exists in current law for home detention and probation.

The bill amends s. 985.4135(2), F.S., to require juvenile justice county councils to develop, with the cooperation of specified local officials, criteria to be considered by law enforcement officers prior to referring youth to juvenile assessment centers.

Several provisions of current law are reenacted to incorporate changes to sections that are amended by the bill.

The bill provides for an effective date of July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Amends s. 985.2155, F.S., to provide for transfer of funding and operational authority for intake, screening and detention to counties.

Section 2. Amends s. 943.0515, F.S., to strike references to "juvenile prison."

Section 3. Amends s. 985.03, F.S., to define "day treatment"; to clarify that counties are responsible for intake and detention operations; to shift the description of day treatment programs contained in the definition of "probation" to the newly created "day treatment" definition; to redesignate the term "residential commitment level" as "restrictiveness level"; to add the minimum-risk nonresidential level to the continuum of commitment restrictiveness levels; to provide that high-risk residential commitment facilities may be environmentally secure; and to strike references to "juvenile prison."

Section 4. Amends s. 985.201, F.S., to strike references to "juvenile prison."

Section 5. Adds s. 985.207(1)(e) , F.S., to provide that an adjudicated youth awaiting disposition may be taken into custody when a court makes specified findings; to provide for the act of absconding from a nonresidential commitment facility; and to clarify that the offense of escape, as provided for in s. 985.3141, continues to only apply to escapes from residential commitment facilities.

Section 6. Amends s. 985.208, F.S., to provide for the act of absconding from a nonresidential commitment facility; and to clarify that the offense of escape, as provided for in s. 985.3141, continues to only apply to escapes from residential commitment facilities.

Section 7. Amends s. 985.213(1)(f) , F.S., to provide a cross-reference to the criteria for taking youth into custody as created by the bill in s. 985.207(1)(e), F.S.

[14] Section 985.231(1)(a)1.c., F.S.

Section 8. Amends s. 985.215, F.S., to provide for the act of absconding from a nonresidential commitment facility; to clarify that the offense of escape, as provided for in s. 985.3141, continues to only apply to escapes from residential commitment facilities; to specify procedures and time limitations applicable to detention imposed for youth who have absconded; to provide that post-adjudication/pre-disposition may be extended beyond 15 days for specified court findings; and to make conforming changes for the reinstatement of the minimum-risk nonresidential commitment level.

Section 9. – Amends s. 985.228, F.S., to require courts to impose specified conditions in delinquency adjudication orders.

Section 10. – Amends s. 985.231(1) , F.S., to permit a court to commit a youth to the minimum-risk non-residential level; to allow a judge to order youth to a specified program or facility within the restrictiveness level to which the youth has been committed; to provide that a minimum-risk nonresidential commitment for a second degree misdemeanor may be for a period up to six months; and to make conforming changes for the bill's amendments to the chapter's definition section.

Section 11. -- Amends s. 985.2311(1), F.S., to provide that parents of delinquent youth placed in the minimum-risk nonresidential restrictiveness level must be court-ordered to pay $1 for each day that the youth is supervised.

Section 12. -- Amends s. 985.313, F.S., to strike references to "juvenile prison."

Section 13. Amends s. 985.316(3), F.S., to clarify that conditional release continues, as in current law, to only apply to releases from residential commitment programs.

Section 14. – Amends s. 985.404(4), F.S., to require written court approval for department transfers of youth from one commitment level to another or to a program other than that designated by the court.

Section 15. – Amends s. 985.4135(2), F.S., to require juvenile justice county councils to develop criteria for juvenile assessment center referrals.

Sections 16--22. Amends ss. 784.075, 984.05, 985.31, 985.3141, 985.201, 985.233, and 985.311, F.S., to make conforming cross-reference corrections and for the purpose of incorporating amendments by the bill to other sections of law.

Section 23. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Payments by the counties to the state are expected to increase by approximately $25 million above current projected levels to a total of $116.3 million during the 2005-2006 fiscal year due to the provisions of this bill requiring counties to pay for costs of intake and screening.

   This amount will decrease in subsequent years as counties assume operational authority and are no longer required to pay the state for providing services.

2. Expenditures:

   There would be an approximate $500,000 impact from expansion of the definition of fiscally constrained county.

No net change in current projected expenditures of $116.3 million for detention, screening and intake for FY 2005-06[15] would be expected during the first year since the state will still be providing these services. The funding source for these payments will change from General Revenue to county payments.

In subsequent years, state expenditures are expected to decline as counties assume operational responsibility for intake, screening and detention.

The department estimates that the bill may result in annual recurring costs of $1,100,345 for costs that might result from the bill's requirement that the department transport youth to residential programs.

The department also indicates that the bill's amendments to s. 985.231, F.S., which permit courts to specify commitment programs, may result in additional post-disposition detention costs. According to the department, the average length of stay in post-disposition detention while awaiting placement in a commitment program is 13 days. Under the bill, the court is permitted to specify a commitment program so long as placement occurs within 45 days (thereby, according to the DJJ, permitting an additional 32 days in detention). The department states that this may generate up to an approximate $533.6K fiscal impact for additional detention costs based on the following calculation: 145 (average daily secure detention population) X $115 (daily secure detention cost per youth) X 32 (additional days permitted by the bill). This figure, however, is likely overstated for the following reasons: (a) not all courts will specify a program for committed youth; (b) not all court specified commitment programs will require the youth to wait more than the average of 13 days to be placed; and (c) not all committed youth are going to be placed in secure detention while awaiting commitment program placement.[16]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   County expenditures relative to current law would be expected to increase by approximately $25 million per year due to the transfer of funding responsibility for intake and screening functions. This amount would be offset by the amount of state financial assistance provided by the Legislature.

   The bill's amendments to ss. 985.207 and 985.215, F.S., which authorize courts to extend post-adjudication/pre-disposition detention beyond current law's 15-day limitation if the court makes specified findings may result in additional detention costs for counties. Additional fiscal impact data on this issue has been requested from the department.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

   None.

D. FISCAL COMMENTS:

[15] Figure based on current start-up budget and analysis provided by the Department of Juvenile Justice.

[16] Committed youth may only be placed in secure detention while awaiting placement in commitment if the youth's risk assessment instrument (RAI) score warrants secure detention. *J.W. v. Leitner,* 801 So.2d 295 (Fla. 2nd DCA 2001). If the youth is committed to the: (a) low- or moderate-risk restrictiveness level, s. 985.215(10)(a)1., F.S., limits secure detention prior to commitment program placement to 15-days; or (b) high- or maximum-risk restrictiveness level, s. 985.215(10)(c) and (d), F.S., provides for the continuance of any type of detention for which the youth scored until placement.

Provision is made in the bill for county flexibility to better serve youth and contain costs. On a long-term basis, costs to counties noted above may decrease if innovative alternatives to traditional programs are developed that lower costs or if the alternatives result in decreased utilization of higher cost services.

In addition, the expansion of commitment options may result in more rapid movement of youth through pre-trial and post-adjudication detention and more utilization of less expensive day treatment nonresidential programs, rather than residential programs. This would result in lower costs for both the counties and the state. Representatives of the department have indicated that the per diem for probation day treatment programs is $45, whereas the per diem for low-risk residential ranges from $78 to $87.

The current version of the House General Appropriations Act contains funding necessary to support the expanded definition of a fiscally constrained county. In addition, $25.4 million is provided as state financial assistance to cover the additional cost to counties that would result from the transfer of responsibility for intake and detention screening.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill is estimated to require counties to expend approximately $116.3 million which is $25 million more than they would otherwise be required to expend under existing law. The bill makes provision for a portion or all of this cost to be covered by state financial assistance to the counties. The current version of the House General Appropriations Act contains $25.4 million to cover all projected additional costs that would result from transfer of intake and detention screening functions.

Article VII, Section 18 provides in pertinent part that:

> (a) No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Criminal laws are exempt from the requirement of this section.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The department is required to adopt rules to establish statewide standards for county operated juvenile programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Juvenile Justice Committee adopted seven amendments to this bill on April 13, 2005, which accomplished the following: (a) removed the bill's amendments to s. 985.215(10)(a)1., F.S., relating to detention time frames for committed youth; (b) clarified in s. 985.2155(3)(a), F.S., that counties are responsible for the operation of, and payment of all costs associated with, intake, detention screening, and detention care prior to final disposition; (c) clarified in s. 985.03(18), F.S., that the department remains responsible for post-disposition detention care; (d) provided in s. 985.03(30), F.S., that a juvenile probation officer may be an agent of the county or the department; (e) eliminated the use of the term "ungovernable" in ss. 985.207(1)(e), F.S.; (f) amended s. 985.215, F.S., to provide for the extension of post-adjudication/pre-disposition detention when the court makes specified findings; (g) amended ss. 985.207, 985.208, and 985.215, F.S., to provide for the act of absconding from a nonresidential commitment facility and to clarify that the offense of escape continues to only apply to residential commitment facilities; (h) amended s. 985.404(4), F.S., to restrict the department's transfer authority; and (i) amended s. 985.4135(2), F.S., to provide new duties for juvenile justice county councils.