

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

J.W.B., IV, a Child v. State of Florida

J.W.B. v. State · No. No. 1D2025-1954 · Decided March 25, 2026

OPINION

J.W.B., IV, a Child v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2025-1954 _____

J.W.B., IV, a child, Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Alachua County. Susanne Wilson Bullard, Judge. March 25, 2026 PER CURIAM. Appellant, J.W.B., challenges the trial court’s order committing him to a high-risk program. Appellant argues, and we agree, that the trial court failed to comply with the requirements of section 985.433(7)(b), Florida Statutes, as interpreted in *E.A.R. v. State*, 4 So. 3d 614 (Fla. 2009), when it departed from the recommendation of the Department of Juvenile Justice (DJJ) for a moderate-risk program. Here, the trial court did not provide a “legally sufficient foundation” for disregarding the DJJ’s recommendation “by identifying significant information that the DJJ has overlooked, failed to sufficiently consider, or misconstrued” with regard to Appellant’s needs and the risks he poses to the public. *E.A.R.*, 4 So. 3d at 638. Instead, the trial court merely concluded that the DJJ misconstrued the time Appellant needs for rehabilitation and the risk he poses, without identifying any information the DJJ supposedly misconstrued, overlooked, or failed to sufficiently consider. For this reason, the trial court’s generalized conclusions are insufficient to disregard the restrictiveness recommendation by the DJJ. See *M.H. v. State*, 69 So. 3d 325, 328 (Fla. 1st DCA 2011) (“In order to deviate lawfully, a trial court must do more than place generalized reasons on the record; it must engage in a well- reasoned and complete analysis of the [predisposition report] and the type of facility to which the trial court intends to send the child.”). Accordingly, we reverse and remand the disposition order so that the trial court may provide sufficient reasons for deviating from the DJJ’s recommendation or, in the alternative, impose the DJJ’s recommendation. *State v. J. J.*, 359 So. 3d 863, 869 (Fla. 1st DCA 2023); *C.M.H. v. State*, 25 So. 3d 678, 680 (Fla. 1st DCA 2010). REVERSED and REMANDED. ROBERTS, RAY, and TREADWELL, JJ., concur. _____ Not final until disposition of any

timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

_____ Jessica J. Yeary, Public Defender, and Jasmine R. Dixon,

Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Heather F. Ross, Assistant Attorney General, Tallahassee, for Appellee. 2

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