

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

J.J.A., a Child v. State of Florida

J.J.A. · No. 5D2025-1759 · Decided May 1, 2026

SUMMARY

The Fifth District Court of Appeal affirmed the denial of J.J.A.'s motion to suppress but reversed the disposition order adjudicating him delinquent for possession of a firearm by a minor. The court held that the order failed to specify the maximum penalty and predisposition detention credit required by Florida Rule of Juvenile Procedure 8.115(d)(2), and remanded for entry of a corrected order.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Kilbane, J.; Wallis, J.; Lambert, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	May 1, 2026
DOCKET	5D2025-1759
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	J.J.A. appealed from a juvenile delinquency adjudication and disposition order, challenging the denial of his motion to suppress and the terms of the disposition order. During the appeal, he filed a motion to correct the disposition order under Florida Rule of Juvenile Procedure 8.135(b)(2).
STANDARD OF REVIEW	The denial of a motion to correct a disposition order under Florida Rule of Juvenile Procedure 8.135(b)(2) is reviewed de novo because the ruling, or failure to rule, presents a purely legal issue.
PRECEDENTIAL VALUE	published and precedential
PARTIES	J.J.A., a Child v. State of Florida

TOPICS

- appellate procedure
- sentencing
- criminal procedure
- preservation of error
- standard of review

PRACTICE AREAS

- juvenile delinquency
- criminal procedure
- appellate procedure
- sentencing and disposition

QUESTIONS PRESENTED

1. Whether the trial court properly denied J.J.A.'s motion to suppress.
2. Whether the disposition order complied with Florida Rule of Juvenile Procedure 8.115(d)(2) by specifying the maximum statutory penalty and predisposition credit for time served.
3. Whether J.J.A. was entitled to predisposition credit because his juvenile commitment was effectively determinate and could not extend beyond the maximum adult punishment.

HOLDINGS

1. A motion to correct a disposition order filed under Florida Rule of Juvenile Procedure 8.135(b)(2) is reviewed de novo.
2. A juvenile disposition order must specify the maximum penalty defined by statute and the amount of time served in secure detention before disposition.
3. A juvenile is entitled to predisposition credit for time served in secure detention when the commitment is effectively determinate because it necessarily concludes before the juvenile reaches the age at which the Department of Juvenile Justice's authority ends.

KEY QUOTATIONS

“Florida law requires a disposition order to “specify[] the . . . maximum penalty defined by statute and . . . the amount of time served in secure detention before disposition.”” (at 2)

“it is not enough for a disposition order to merely reference the maximum statutory sentence for an offense without specifying what the maximum sentence actually is.” (at 2)

“Further, a trial court is required to grant predisposition credit for time served “on a ‘determinate’ commitment for an offense such as a misdemeanor that will necessarily conclude before the juvenile reaches the age at which DJJ’s authority ends.”” (at 3)

“Thus, we reverse the disposition order and remand for the trial court to enter a corrected disposition order in accordance with this opinion.” (at 4)

FACTUAL BACKGROUND

J.J.A., a juvenile, pleaded nolo contendere to possession of a firearm by a minor, and the trial court adjudicated him delinquent. The court ordered placement in a moderate-risk residential commitment program for an indeterminate period, subject to the maximum adult term of imprisonment or J.J.A.'s twenty-first birthday. The disposition order did not specify the statutory maximum penalty or credit for time served in secure detention before disposition.

PROCEDURAL HISTORY

The Circuit Court for Duval County adjudicated J.J.A. delinquent after he pleaded nolo contendere to possession of a firearm by a minor and committed him to a moderate-risk residential program. The trial court did not timely rule on J.J.A.'s motion to correct the disposition order, so the motion was treated as denied. The Fifth District

affirmed the suppression ruling without comment, reversed the disposition order, and remanded for entry of a corrected order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter a corrected disposition order specifying the maximum penalty for the offense and granting and specifying J.J.A.'s predisposition credit for time served.

CASES CITED

- J.H. v. State, 344 So. 3d 616, 619 n.2 (Fla. 1st DCA 2022)
- N.J.P. v. State, 331 So. 3d 157, 158-159 (Fla. 4th DCA 2021)
- E.S.B. v. State, 822 So. 2d 579, 580 n.1 (Fla. 1st DCA 2002)
- A.M.R. v. State, 134 So. 3d 502, 503 (Fla. 4th DCA 2014)
- J.I.S. v. State, 930 So. 2d 587, 590, 593 (Fla. 2006)
- In re Amendments to the Fla. R. Juv. P., 26 So. 3d 552, 557 (Fla. 2009)

OPINION

J.J.A., a Child v. State of Florida

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 5D2025-1759 LT Case No. 16-2024-CJ-1143-A
_____ J.J.A., a Child, Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Duval County. William Collins Cooper, Judge. Matthew J. Metz, Public Defender, and Judson Searcy, Assistant Public Defender, Daytona Beach, for Appellant. James Uthmeier, Attorney General, and Darcy Townsend, Assistant Attorney General, Daytona Beach, for Appellee. May 1, 2026 KILBANE, J. J.J.A., a juvenile, appeals the trial court’s denial of his motion to suppress and a disposition order adjudicating him delinquent. We affirm the denial of the motion to suppress without comment, but we reverse the disposition order and remand with instructions to enter a corrected order in accordance with this opinion. Facts J.J.A. pled nolo contendere to, and the trial court adjudicated him delinquent of, possession of a firearm by a minor, a first- degree misdemeanor. See § 790.22(3), (5)(a)1., Fla. Stat. (2025). In the disposition order, the court committed J.J.A. for placement in a moderate-risk residential commitment program “for an indeterminate period, but no longer than the child’s 21st birthday or the maximum term of

imprisonment an adult may serve for each count listed above, whichever comes first.” During the pendency of this appeal, J.J.A. timely served a motion to correct the disposition order under Florida Rule of Juvenile Procedure 8.135(b)(2), arguing the order failed to specify the maximum penalty¹ or to account for predisposition credit as required under Florida Rule of Juvenile Procedure 8.115(d)(2).² Due to the trial court’s failure to timely rule on the motion, we treat the motion as denied. See Fla. R. Juv. P. 8.135(b)(1)(B), (2)(B)

(2025); J.H. v. State, 344 So. 3d 616, 619 n.2 (Fla. 1st DCA 2022)

(“Under Florida Rule of Juvenile Procedure 8.135(b)(1)(B), should a trial court fail to respond to a motion to correct a disposition order within thirty days of entry, the motion is deemed denied.”).

The State concedes that the disposition order should reflect the maximum penalty and predisposition credit. Analysis We review a motion to correct a disposition order filed under rule 8.135(b)(2)—the “juvenile version” of Florida Rule of Criminal Procedure 3.800(b)—de novo. See N.J.P. v. State, 331 So. 3d 157, 158 & 158 n.1 (Fla. 4th DCA 2021); see also E.S.B. v. State, 822 So.

1. For adult offenders, a first-degree misdemeanor is punishable by “a definite term of imprisonment not exceeding 1 year.” § 775.082(4)(a), Fla. Stat. (2025).

2. J.J.A. preserved this argument by filing the rule 8.135(b)(2) motion. See E.S.B. v. State, 822 So. 2d 579, 580 n.1 (Fla. 1st DCA 2002) (“Appellant’s utilization of rule 8.135(b)(2) preserved this issue for appellate review.”). 2 2d 579, 580 n.1 (Fla. 1st DCA 2002) (“Florida Rule of Juvenile Procedure 8.135(b)(2) was recently amended to provide the same procedural safeguards as Florida Rule of Criminal Procedure 3.800(b)(2).”); J.H., 344 So. 3d at 621 (“A trial court’s ruling, or failure to rule, on a motion to correct a sentencing error presents a purely legal issue which an appellate court reviews de novo.”). Florida law requires a disposition order to “specify[] the . . . maximum penalty defined by statute and . . . the amount of time served in secure detention before disposition.” Fla. R. Juv. P. 8.115(d)(2) (emphasis added); see N.J.P., 331 So. 3d at 159 (“[I]t is not enough for a disposition order to merely reference the maximum statutory sentence for an offense without specifying what the maximum sentence actually is.” (quoting A.M.R. v. State,

134 So. 3d 502, 503 (Fla. 4th DCA 2014))). Further, a trial court is required to grant predisposition credit for time served “on a ‘determinate’ commitment for an offense such as a misdemeanor that will necessarily conclude before the juvenile reaches the age at which DJJ’s authority ends.” J.I.S v. State, 930 So. 2d 587, 590 (Fla. 2006).³ Here, the disposition order failed to specify the maximum penalty for the offense and J.J.A.’s predisposition credit for time served. See Fla. R. Juv. P. 8.115(d)(2). And because J.J.A.’s

3. All juvenile commitments are technically “indeterminate.”

See § 985.455(3), Fla. Stat. (2025) (“Any commitment of a delinquent child to the department must be for an indeterminate period of time, which may include periods of temporary release;

however, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense.”). But because the time in commitment cannot exceed the maximum adult punishment, “[c]ourts sometimes refer to commitments circumscribed by the maximum adult punishment as ‘determinate.’” J.I.S., 930 So. 2d at 593. Whether a juvenile is entitled to predisposition credit depends on this distinction. See *In re Amends. to the Fla. R. Juv. P.*, 26 So. 3d 552, 557 (Fla. 2009) (“[E]ntitlement to credit for time served in secure detention prior to commitment is dependent upon whether the commitment is determinate or indeterminate.”). 3 commitment will “necessarily conclude” before he “reaches the age at which DJJ’s authority ends,” it constitutes a determinate commitment. J.I.S., 930 So. 2d at 590. Accordingly, the court was required to grant J.J.A. predisposition credit for time served. *Id.* Conclusion The trial court reversibly erred in failing to specify the maximum penalty, and failing to grant and specify predisposition credit. Thus, we reverse the disposition order and remand for the trial court to enter a corrected disposition order in accordance with this opinion. AFFIRM in part; REVERSED in part and REMANDED with instructions. WALLIS and LAMBERT, JJ., concur. 4 _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ 5