

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

S.C., a child,  
  
Appellant,

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D03-5202

STATE OF FLORIDA,

Appellee.

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Opinion filed July 9, 2004.

An appeal from the Circuit Court for Escambia County.  
John T. Parnham, Judge.

Nancy A. Daniels, Public Defender; P. Douglas Brinkmeyer, Assistant Public  
Defender, Tallahassee, for Appellant.

Charlie Crist, Attorney General, Shasta W. Kruse, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

S.C., a child, appeals the trial court's adjudication of delinquency and  
commitment to the Department of Juvenile Justice. Because the trial court erred in  
departing from the Department's commitment recommendation, we reverse.

The reasons set forth by the trial court in support of departure must be  
supported by competent, substantial evidence, and the trial court's reasoning must

refer to the characteristics of the restrictiveness level in relation to the needs of the child. A.G. v. State, 737 So. 2d 1244, 1248 (Fla. 5th DCA 1999). Where the trial court's departure is based on evidence or factors considered by the Department, the trial court must explain why such evidence led the court to reach a different conclusion than the Department did. E.S.B. v. State, 822 So. 2d 579, 581 (Fla. 1st DCA 2002). Here, the trial court failed to refer to the needs of the child or explain why its consideration of the evidence led to a different conclusion than that recommended by the Department. Therefore, we affirm the trial court's adjudication of delinquency but reverse the disposition and remand the case to the trial court for further proceedings.

AFFIRMED in part, REVERSED in part and REMANDED.

DAVIS, LEWIS and POLSTON, JJ., CONCUR.