

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

K. G., A CHILD,
Appellant,

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

v.

CASE NO. 1D11-1935

STATE OF FLORIDA,

Appellee.

Opinion filed October 6, 2011.

An appeal from the Circuit Court for Duval County.
Henry E. Davis, Judge.

Nancy A. Daniels, Public Defender, and Archie F. Gardner, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Therese A. Savona, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

K.G. appeals the trial court's order placing him in a moderate-risk residential
program. K.G. argues that in departing from the recommendation by the

Department of Juvenile Justice (Department) of a minimum-risk day treatment program, the trial court failed to engage in the appropriate level of analysis as set forth in E.A.R. v. State, 4 So. 3d 614, 638 (Fla. 2009). We agree. See C.M.H. v. State, 25 So. 3d 678, 680 (Fla. 1st DCA 2010); M.J.S. v. State, 6 So. 3d 1268, 1270 (Fla. 1st DCA 2009); M.K. v. State, 4 So. 3d 1271, 1273 (Fla. 1st DCA 2009).

Here, the trial court did not articulate on the record why a moderate-risk residential program was better suited than the Department's recommendation to serving K.G.'s rehabilitative needs, in the least restrictive setting, and protecting the public. See C.M.H., 25 So. 3d at 680. Accordingly, we reverse and remand. See C.M.H., 25 So. 3d at 680; M.J.S., 6 So. 3d at 1270. The trial court is provided with an "opportunity to enter an order in compliance with E.A.R., or, if the trial court cannot, impose the probation recommended by the DJJ." C.M.H., 25 So. 3d at 680; accord M.H. v. State, 2011 WL 3837285, *3 (Fla. 1st DCA 2011); M.J.S., 6 So. 3d at 1270.

REVERSE and REMAND.

DAVIS, PADOVANO, and ROWE, JJ., CONCUR.