

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

M. T. G., JR., a child,  
  
Appellant,

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

v.

CASE NO. 1D14-5871

STATE OF FLORIDA,

Appellee.

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Opinion filed June 26, 2015.

An appeal from the Circuit Court for Baker County.  
Phyllis M. Rosier, Judge.

Nancy A. Daniels, Public Defender, and Megan Lynne Long, Assistant Public  
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Jillian H. Reding and Angela R. Hensel,  
Assistant Attorneys General, Tallahassee.

PER CURIAM.

M.T.G. appeals the trial court's disposition order adjudicating him  
delinquent and committing him to the custody of the Department of Juvenile  
Justice for placement in a low-risk residential program. He argues that the trial

court improperly departed from the Department's recommendation of probation without providing sufficient reasons in violation of E.A.R. v. State, 4 So. 3d 614 (Fla. 2009), and by imposing commitment without input from the Department on the appropriate restrictiveness level. Resolution of both issues is controlled by our decision in B.K.A. v. State, 122 So. 3d 928 (Fla. 1st DCA 2013). Accordingly, we AFFIRM the trial court's decision to adjudicate Appellant delinquent, but as conceded by the State on the second issue, we REVERSE the particulars of the commitment and REMAND with instructions for the trial court to receive a recommendation from the Department regarding a restrictiveness level before committing Appellant.

LEWIS, C.J., RAY and KELSEY, JJ., CONCUR.