

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

Q.A., A CHILD,

Appellant,

v.

Case No. 5D18-1510

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 1, 2019

Appeal from the Circuit Court
for Brevard County,
James H. Earp, Judge.

James S. Purdy, Public Defender, and
Susan A. Fagan, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Q.A. raises three issues on appeal, all of which have merit and require reversal. First, the trial court failed to enter an order finding Q.A. competent to proceed. This was error. The record reflects that the trial court made an oral finding that Q.A. was competent to proceed after it reviewed the evaluations of the court-appointed experts. However, the

trial court failed to memorialize its finding in a written order. See Fla. R. Juv. P. 8.095(3); see also Hill v. State, 228 So. 3d 730, 730 (Fla. 5th DCA 2017); B.R.C. v. State, 210 So. 3d 243, 245–46 (Fla. 2d DCA 2017). We remand for entry of a nunc pro tunc order doing so.

Second, the trial court failed to enter an order specifying the condition or conditions of probation that Q.A. violated. This too was error, and we remand for entry of an order specifying the violated condition or conditions. See Brinson v. State, 866 So. 2d 1268, 1269 (Fla. 5th DCA 2004) (“[C]ourt minutes do not constitute appealable orders . . . , [and] our court has consistently ruled that an order revoking probation must state in writing the probationary conditions which the trial court found to have been violated.” (citations omitted)).

Third, sanction 15 of the violation of probation disposition order required that Q.A. comply with sexual offender registration and reporting requirements. However, under section 943.0435(1)(a)1.d, Florida Statutes (2014), a juvenile under the age of fourteen at the time of the commission of the qualifying offense is not subject to the registration and reporting requirements under the statute. E.g., Bish v. State, 139 So. 3d 451, 452 (Fla. 2d DCA 2014); Acevedo v. State, 108 So. 3d 719, 720 (Fla. 5th DCA 2013). Thus, we reverse the disposition order and remand for entry of a proper adjudication order.

REVERSED and REMANDED.

EVANDER, C.J., COHEN, and EDWARDS, JJ., concur.