

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

D.J.S.,

Appellant,

v.

Case No. 5D22-74
LT Case No. 2021-11905-MHDL

VOLUSIA SHERIFF'S OFFICE,

Appellee.

Opinion filed August 5, 2022

Appeal from the Circuit Court
for Volusia County,
Randell H. Rowe, III, Judge.

Michael H. Lambert, and Bryan G.
Lambert, of Lambert Law, Daytona
Beach, for Appellant.

Thomas G. Portuallo, Assistant
County Attorney, Deland, for
Appellee.

PER CURIAM.

We affirm the risk protection order entered below except as to that portion of the order requiring Appellant to submit to a chemical dependency evaluation. The record does not support a basis to order such evaluation. See § 790.401(3)(f), Fla. Stat. (2021) (“During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation *is appropriate* and, if such determination is made, may order such evaluations, *if appropriate.*” (emphasis added)).

AFFIRMED, in part; REVERSED, in part; and REMANDED.

LAMBERT, C.J., EVANDER and HARRIS, JJ., concur.