

IN THE CIRCUIT COURT FOR BREVARD COUNTY, FLORIDA

IN RE: ULLA M. FORTUNE, PROBATE/ GUARDIANSHIP
M.D., DIVISION
an alleged incapacitated person.

Judge Lisa Davidson

File No. 05-2017-MH-026361-
XXXX-XX

**ORDER GRANTING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS**

THIS MATTER came before this Court on the Motion to Determine Confidentiality of Court Records filed by MICHELLE STEIN SPIRA, counsel for ROBIN FORTUNE, guardian-petitioner for ULLA M. FORTUNE, M.D., pursuant to Florida Rule of Judicial Administration 2.420(c)(9). MICHELLE STEIN SPIRA seeks an order determining confidentiality of the following information relative to this Mental Health, civil division case: a particular document within the court file, specifically:

Examining Committee Reports filed with this Court on June 19, 2017: report of MARGARET RANK, MD; report of GERDA MURPHY, LCSW; and report of MELANIE GOFF, LCSW.

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court GRANTS the motion as follows:

Confidentiality of the information is required to protect the following interests: avoiding substantial injury to a party by the disclosure of matters protected by common law or a privacy right not generally inherent in this type of proceeding, specifically: the disclosure of HIPPA-protected, personal medical information of an alleged incapacitated person who is elderly, infirm, and/or vulnerable.

The Court further finds that no less restrictive measure is available to protect this interest, and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest.

IT IS HEREBY ORDERED that the Clerk of Court is hereby directed to treat as confidential immediately the following materials related to this matter and to keep such materials from public access: the following document within the court file, specifically:

Examining Committee Reports filed with this Court on June 19, 2017: report of MARGARET RANK, MD; report of GERDA MURPHY, LCSW; and report of MELANIE GOFF, LCSW.

It is further ORDERED that any materials treated as confidential pursuant to this Order may be disclosed only as follows:

1. to any judge of this Circuit for case-related reasons;
2. to the Chief Judge or his or her designee;
3. to authorized government agencies;
4. to the following specific individuals: _____, or
5. by further order of this Court.

It is further ORDERED that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order in a prominent location at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera FL 32940, and the Clerk's website for a period of 30 days to provide public notice.

It is further ORDERED that the Clerk is hereby authorized to open any materials determined to be confidential pursuant to this Order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be treated as confidential immediately upon completion of filing.

DONE AND ORDERED at The Moore Justice Center, Viera FL, this 18 day of July, 2017.


HONORABLE LISA DAVIDSON, Circuit Court
Judge