

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

M.M.,

Appellant,

v.

CASE NO. 5D19-1088

DEPARTMENT OF  
CHILDREN AND FAMILIES,

Appellee.

\_\_\_\_\_ /

DATE: September 10, 2019

**BY ORDER OF THE COURT:**

ORDERED that Appellee's August 23, 2019, Response is treated as a motion to determine confidentiality of court records and is granted. Pursuant to Florida Rule of Judicial Administration 2.420(e)(3), notice is given that:

(A) This case is an appeal from an administrative final order determining a Medicaid recipient's entitlement to Medicaid-paid services;

(B) Federal and state law restrict the disclosure of information concerning Medicaid applicants and recipients to purposes directly connected with the administration of the Medicaid State plan. See 42 U.S.C. § 1396a (a)(7)(A)(i); 42 C.F.R. §§ 431.300-431.306; § 414.295(1)(b), (1)(c), (1)(e); Fla. Admin. Code R. 65A-1.204(2), (3). This information is also exempt from disclosure under Florida's public record law. See § 414.295(1)(b), (1)(c), Fla. Stat.;

(C) The name of the appellant is confidential. See 42 C.F.R. § 431.305(a), (b)(1); 42 C.F.R. § 431.306(c), (e); § 414.295(1)(b), (1)(c), (1)(e), Fla. Stat. The appellant shall be referred to as "M.M."

(D) The progress docket is not confidential, so long as it does not contain any personal information that would identify the appellant;

(E) Particular information that is determined to be confidential includes the following: names; addresses; social security numbers; medical data; social and economic conditions and circumstances; medical services provided; agency evaluation of personal information; any information received for verifying income eligibility and amount of medical assistance payments; any information received in connection with the identification of legally liable third party resources; and any other personal identifying information. See 42 C.F.R. § 431.305; § 414.295(1)(b), Fla. Stat.; Fla. Admin. Code R. 65A-1.204(3);

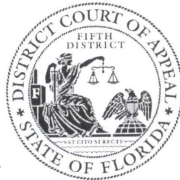
(F) Persons who are permitted to view confidential information in this case include the parties and their attorneys only;

(G) The Court finds that (i) the degree, duration, and manner of confidentiality ordered by the Court are no broader than necessary to protect the interests set forth in subdivision (c); and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c); and

(H) The clerk of the Court is directed to publish this order in accordance with subdivision (e)(4) by posting a copy of this order, within 10 days following its entry, on the clerk's website and in a prominent public location in the courthouse, to remain posted in both locations for no less than 30 days; and to provide a copy of this order to the clerk of the lower tribunal with directions that the lower tribunal clerk is to seal the records identified in the order in accordance with Rule 2.420(g)(4).

*I hereby certify that the foregoing is  
(a true copy of) the original Court order.*

*Joanne P. Simmons*  
JOANNE P. SIMMONS, CLERK



Panel: Judges Evander, Lambert, and Grosshans

cc:

Jane Almy-Loewinger  
DEPARTMENT OF  
CHILDREN AND FAMILIES

Elizabeth Boyle

DEPARTMENT OF  
CHILDREN AND  
FAMILIES, OFFICE OF  
APPEAL HEARINGS