

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

JULY TERM 2004

**RUSH LIMBAUGH,**

Petitioner,

v.

**STATE OF FLORIDA,**

Respondent.

\_\_\_\_\_

CASE NO. 4D03-4973

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*Do §§ 395.3025(4) and 456.057(5)(a) bar the State from obtaining a search warrant to seize and inspect a patient's medical records without providing the patient notice and a prior hearing to oppose the seizure and inspection?*

FARMER, C.J., TAYLOR and MAY, JJ., concur.

***FINAL UPON RELEASE; NO FURTHER MOTIONS WILL BE ENTERTAINED.***

Opinion filed November 17, 2004

Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jeffrey A. Winikoff, Judge; L.T. Case No. 502003CA013316XXOCAN.

Roy Black, Jackie Perczek and Christine Ng of Black, Srebnick, Kornspan & Stumpf, P.A., Miami, for petitioner.

Barry Krischer, State Attorney for the Fifteenth Circuit, and James L. Martz, Assistant State Attorney, West Palm Beach, for respondent.

Jon May of May & Cohen, P.A., Fort Lauderdale, Randall C. Marshall of ACLU Foundation of Florida, Inc., Miami, Professor Michael Masinter, Nova Southeastern University, Fort Lauderdale, and Robert C. Buschel of Buschel, Carter, Schwartzreich & Yates, Fort Lauderdale, Amicus Curiae American Civil Liberties Union of Florida, Inc.

***ON MOTION FOR REHEARING, MOTION FOR REHEARING EN BANC, AND CERTIFICATION***

PER CURIAM.

We deny all rehearing but certify the following question to the Supreme Court: