

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION,
AND IF FILED, DISPOSED OF

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

SOUTH FLORIDA INSTITUTE OF
WELLNESS & REHAB, LLC a/a/o
JENNIFER TRINIDAD,

APPELLATE DIVISION

Appellant,

APPELLATE CASE NUMBER:
2017-000130 AP 01

v.

LOWER TRIBUNAL CASE NO:
2015-9135 SP 25

PROGRESSIVE SELECT INSURANCE
COMPANY,

Appellee.

FILED FOR RECORD
2019 JUL 12 AM 11:51
CLERK, CIRCUIT COURT, MIAMI-DADE COUNTY, FLA.
CIVIL #92
REBULL, J. J.

Opinion filed: July 12, 2019

An Appeal from the County Court for Miami-Dade County, Jason Dimitris, Judge.

Virginia M. Best and Johanna M. Menendez, of Best & Menendez, for Appellant.

Kenneth P. Hazouri, of deBeaubien, Simmons, Knight, Mantzaris & Neal, LLP, for Appellee.

Before GUZMAN, REBULL, and RUIZ, JJ.

PER CURIAM.

Affirmed. Under the following cases, with which we agree, MPPR is a payment methodology, and not a utilization limit. See *State Farm Mutual Auto. Ins. Co. v. Pan Am Diagnostic Servs, Inc. a/a/o Cristina Lasaga*, 27 Fla. L. Weekly Supp. 19a (Fla. 11th Cir.

South Fla. Inst. of Wellness & Rehab, LLC a/a/o Jennifer Trinidad v. Progressive Select Ins. Co.

Ct. Mar. 1, 2019); *State Farm Mutual Auto. Ins. Co. v. Millenium Radiology, LLC d/b/a Mobile Imaging of America a/a/o Jorge Sanchez*, 26 Fla. L. Weekly Supp. 871a (Fla. 11th Cir. Ct. Jan. 9, 2019); *State Farm Mutual. Auto. Ins. Co. v. Pan Am Diagnostic Servs. d/b/a Wide Open MRI a/a/o Maxime Jean Louis*, 26 Fla. L. Weekly Supp. 466b (Fla. 11th Cir. Ct. Sept. 5, 2018).

Appellant's Motion for Attorney's Fees is denied.

Appellee's Motion for Provisional Award of Appellate Attorney Fees pursuant to Section 768.79, Florida Statutes is granted. *See Lantigua v. Lopes*, 696 So. 2d 532, 533 (Fla. 3d DCA 1997). This will serve as a conditional order with remand for determination contingent on the trial court ascertaining the validity of the Proposals for Settlement, compliance with the statute and rule, and the appropriate amount of a reasonable fee. Appellee's Motion for Appellate Attorney Fees is denied as a duplicate motion.

AFFIRMED.

GUZMAN, REBULL, and RUIZ, JJ. concur.

**COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
BY REPRESENTED BY COUNSEL**