

**MANDATE FROM CIRCUIT COURT SEVENTEENTH  
JUDICIAL CIRCUIT BROWARD COUNTY, FLORIDA**

**Case Number: CACE 16-017115 (AP)  
L.T. Case Number: COCE 13-012197**

**ADVANCED CHIROPRACTIC AND  
MEDICAL CENTER CORP., (a/a/o  
Nethanel Dumesle  
Appellant,**

**VS.**

**PROGRESSIVE AMERICAN  
INSURANCE COMPANY  
Appellee,**

**TO THE HONORABLE JUDGES OF BROWARD COUNTY GREETINGS:**

**The attached opinion was rendered on NOVEMBER 21, 2019.**

**YOU ARE HEREBY COMMANDED that such further proceedings are held in said  
cause in accordance with the decision and judgment of this court, the rule of procedure and  
the laws of the State of Florida.**

**WITNESS the Honorable Circuit Court Appellate Panel, and this seal of said court at Fort  
Lauderdale, Florida, on this date JANUARY 15, 2020.**

**BRENDA D. FORMAN  
CLERK OF THE COURT**

**BY: Jacquie Shellman  
DEPUTY CLERK**

**Copies to:  
The Honorable Giuseppina Miranda  
Robert J. Hauser, Esq.  
Michael C. Clarke, Esq.**

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA  
APPELLATE DIVISION

APPEAL NO.: CACE16-017115 (AP)  
CASE NO.: COCE13-012197

ADVANCED CHIROPRACTIC AND  
MEDICAL CENTER, CORP.,  
(a/a/o Nethanel Dumesle),  
Appellant,

v.

PROGRESSIVE AMERICAN INSURANCE COMPANY,  
Appellee.

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Dated: November 21st, 2019.

Appeal from the County Court of the Seventeenth Judicial Circuit, Broward  
County, Giuseppina Miranda, Judge.

Robert J. Hauser, Esq., of Pankauski Hauser PLLC, West Palm Beach,  
Florida, for Appellant.

Michael C. Clarke, Esq., of Kubicki Draper, P.A., Tampa, Florida, for  
Appellee.

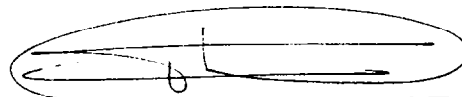
**CORRECTED OPINION UPON CONFESSION OF ERROR**

*PER CURIAM.*

This Court hereby **GRANTS** Appellant's Motion for Rehearing to Correct  
Scrivener's Error in November 4, 2019 Opinion, filed November 7, 2019. This  
Court's Opinion, dated November 4, 2019, is hereby withdrawn and substituted with  
the following:

*Advanced Chiropractic & Med. Ctr., Corp. v. Progressive Am. Ins. Co.*  
CACE16-017115 (AP)

Appellant appeals from a final judgment entered in favor of Appellee. Appellant argues the county court improperly applied the deductible to the maximum compensable amount pursuant to the fee schedules under section 627.736(5)(a)1.f, Florida Statutes, rather than Appellant's billed amount. Appellee has filed a Confession of Error in light of the Florida Supreme Court's decision in *Progressive Select Insurance Company v. Florida Hospital Medical Center*, 260 So. 3d 219 (Fla. 2018). Appellee's Confession of Error is hereby **ACCEPTED**. Accordingly, the final judgment entered in favor of Appellee is hereby **REVERSED**, and the case is **REMANDED** for further proceedings consistent with this Opinion. Appellant's Motion for Appellate Attorney's Fees is **GRANTED**, as to appellate attorney's fees, with the amount to be determined by the county court upon remand. Further, Appellee's Motion for Appellate Attorney's Fees is hereby **DENIED**.



FRANK LEDEE  
Circuit Judge for the Panel

HENNING and SINGHAL, JJ., concur.

Copies to:  
The Honorable Giuseppina Miranda  
Robert J. Hauser, Esq.  
Michael C. Clarke, Esq.