

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D18-1351

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PROGRESSIVE EXPRESS  
INSURANCE COMPANY,

Petitioner,

v.

NEUROLOGY PARTNERS, P.A.,  
D/B/A EMAS SPINE & BRAIN  
SPECIALISTS A/A/O RACHEL K.  
KOPP,

Respondent.

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Petition for Certiorari—Original Jurisdiction.

August 24, 2018

PER CURIAM.

DISMISSED. *See Custer Med. Ctr. v. United Auto Ins. Co.*, 62 So. 3d 1086, 1093 (Fla. 2010) (emphasizing that “certiorari cannot be used to grant a second appeal to correct the existence of mere legal error” and explaining that “a circuit court appellate decision made according to the forms of law and the rules prescribed for rendering it, *although it may be erroneous in its conclusion* as to what the law is as applied to facts, is *not* a departure from the essential requirements of law remediable by certiorari”)(emphasis in original); *State Farm Auto. Ins. Co. v. CC Chiropractic, LLC*,

2018 WL 1315076, at \*2 n.2 (Fla. 4th DCA Mar. 14, 2018) (discussing the limitations on second-tier certiorari review and noting that “[a] denial of discretionary second-tier certiorari review should not be construed to mean that we approve of the underlying decisions”).

WETHERELL, BILBREY, and M.K. THOMAS, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Michael C. Clarke, Betsy Ellwanger Gallagher, and Danielle M. Lutyk of Kubicki Draper, P.A., Tampa, for Petitioner.

Adam Saben of Shuster & Saben, LLC, Jacksonville, for Respondent.