

# Third District Court of Appeal

State of Florida

Opinion filed December 14, 2022.  
Not final until disposition of timely filed motion for rehearing.

---

No. 3D21-0349  
Lower Tribunal No. 15-1787 SP

---

**Family Health Care Solutions, Inc.,  
a/a/o Leonor Ramos,**  
Appellant,

vs.

**Allstate Fire and Casualty Insurance Company,**  
Appellee.

An Appeal from the County Court for Miami-Dade County, Milena Abreu, Judge.

Law Office of Chad A. Barr, P.A., and Chad A. Barr (Altamonte Springs), for appellant.

Shutts & Bowen LLP, and Daniel E. Nordby and Jason Gonzalez (Tallahassee), and Garrett A. Tozier (Tampa), for appellee.

Before LINDSEY, MILLER and BOKOR, JJ.

PER CURIAM.

The medical provider appeals final summary judgment entered in the insured's favor. This appeal presents the identical issue as in First Medical & Rehab of Bradenton, LLC v. Allstate Fire and Casualty Insurance Co., 343 So. 3d 691 (Fla. 3d DCA 2022). Accordingly, bound by the opinion of a prior panel of this court, we "affirm the entry of summary judgment to the extent the trial court found that the policies at issue provide legally sufficient notice of the insurer's election to use the permissive fee schedules," but we "otherwise reverse, however, because the record is devoid of an affidavit, or any summary judgment evidence, showing that Allstate paid pursuant to the fee schedules." Id. at 692 (citations omitted).

Affirmed in part, reversed in part, and remanded.