

IN THE SUPREME COURT OF FLORIDA

**PROGRESSIVE SELECT  
INSURANCE COMPANY**

Petitioner,

**Case No. SC18-278**

L.T. Case No. 5D16-2333

v.

**FLORIDA HOSPITAL MEDICAL  
CENTER a/a/o Jonathan Parent,**

Respondent.

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**JOINT MOTION OF PERSONAL INSURANCE FEDERATION  
OF FLORIDA AND PROPERTY CASUALTY INSURERS  
ASSOCIATION OF AMERICA FOR LEAVE TO APPEAR  
AS AMICUS CURIAE IN SUPPORT OF PETITIONER**

Pursuant to Florida Rule of Appellate Procedure 9.370, the Personal Insurance Federation of Florida (“PIFF”) and the Property Casualty Insurers Association of America (“PCI”) move for leave to appear as amicus curiae to file a single brief in support of Petitioner in this case. As grounds for this motion, PIFF and PCI state:

1. **Interest of Amicus Curiae:** PIFF is non-profit coalition of property and casualty insurers. Its purpose is to create a dynamic, efficient, and competitive marketplace for personal insurance products for the benefit of all Floridians. PIFF’s members, including entities based in Florida, range in size from small companies to the largest insurers with global operations. These members

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underwrite a substantial portion of the property and casualty policies in Florida, including No-Fault Personal Injury Protection (“PIP”) coverage written in conjunction with automobile insurance policies.

2. PCI is composed of nearly 1,000 member companies, representing the broadest cross section of insurers of any national trade association. PCI’s members write \$220 billion in annual premiums, which is 37 percent of the nation’s property casualty insurance. Member companies also write 44 percent of the U.S. automobile insurance market, 30 percent of the homeowners market, 35 percent of the commercial property and liability market, and 37 percent of the private workers compensation market.

3. Like all automobile insurers in Florida, the members of PIFF and PCI have an interest in protecting the longstanding public policy underlying the PIP statute, which is that PIP deductibles, paid by consumers, and PIP benefits, paid by insurers for the benefit of consumers, should be used only for “reasonable expenses for necessary medical services.”

4. **Issue Amicus Curiae Will Address & How Amicus Curiae Can Assist the Court:** In this case, this Court is asked to review the Fifth District Court of Appeal’s decision determining that a consumer’s PIP deductible must be applied to 100% of the charges billed by a provider before those same charges are subject to the reimbursement limitations in section 627.736(5)(a)1., Florida Statutes.

5. The Fifth District's decision reads the reasonableness requirement out of the PIP statute to the detriment of consumers, which is not supported by general principles of statutory construction nor the important public policy considerations related to insurance law.

6. If granted leave, PIFF and PCI will assist the Court by explaining how the structure of the PIP statute, and insurance law generally, supports the consumer friendly interpretation of section 627.739(2), Florida Statutes, advocated by Petitioner in the proceedings below and erroneously rejected by the Fifth District.

7. **Certificate of Consultation.** The undersigned have consulted with counsel for Petitioner and Respondent and is authorized to represent that Petitioner does not oppose the appearance of PIFF and PCI as amicus curiae in this case, but Respondent does oppose the appearance.

**WHEREFORE**, PIFF and PCI respectfully request this Court grant their joint motion for leave to appear as amicus curiae in this proceeding.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of April, 2018, a true and correct copy of the foregoing was furnished by e-mail to all parties listed below.

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