

Third District Court of Appeal

State of Florida

Opinion filed August 27, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-0472
Lower Tribunal No. 20-8641-SP-25

Manuel V. Feijoo, M.D., P.A., etc.,
Appellant,

vs.

Progressive American Insurance Company,
Appellee.

An Appeal from the County Court for Miami-Dade County, Jorge Perez Santiago, Judge.

George David P.A., and George David and Christian Carrazana, for appellant.

Banker Lopez Gassler, P.A., and Eleanor H. Sills (Tallahassee) and DeeAnn J. McLemore, B.C.S. (St. Petersburg), for appellee.

Before SCALES, C.J., and LOGUE and BOKOR, JJ.

PER CURIAM.

Affirmed. See Infinity Auto Ins. Co. v. Miami Open MRI, LLC, 361 So. 3d 954, 956 (Fla. 3d DCA 2023) (“Amador’s failure to submit to a properly noticed examination under oath, in accordance with the policy’s PIP endorsement and section 627.736(6)(g), barred receipt of benefits. Moreover, because submitting to an examination under oath is a condition precedent to receipt of PIP benefits under section 627.736(6)(g) and the policy at issue, prejudice is not an element of Infinity Auto’s affirmative defense to Miami Open’s claim for services” (citation omitted)); Aills v. Boemi, 29 So. 3d 1105, 1108 (Fla. 2010) (“[I]n order for an argument to be cognizable on appeal, it must be the specific contention asserted as legal ground for the objection, exception, or motion below.” (quoting Harrell v. State, 894 So. 2d 935, 940 (Fla. 2005))); Sunset Harbour Condo. Ass’n v. Robbins, 914 So. 2d 925, 928 (Fla. 2005) (“In order to be preserved for further review by a higher court, an issue must be presented to the lower court and the specific legal argument or ground to be argued on appeal or review must be part of that presentation if it is to be considered preserved.” (quoting Tillman v. State, 471 So. 2d 32, 35 (Fla.1985))).