

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM A.D. 2004

DANIEL CASES,

Appellant,

vs.

RICHARD A. GRAY,

Appellee.

**

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** CASE NO. 3D03-1587

**

** LOWER

TRIBUNAL NO. 98-27005

**

Opinion filed June 23, 2004.

An Appeal from the Circuit Court for Dade County, Ellen
Leesfield, Judge.

Kubicki Draper and Sharon C. Degnan and Caryn L. Bellus,
for appellant.

Parks & Camp and Daryl D. Parks (Tallahassee), for
appellee.

Before SCHWARTZ, C.J., and SHEVIN, J., and DAUKSCH, James C.,
Jr., Senior Judge.

SCHWARTZ, Chief Judge.

The issue before the court is precisely the one involved in
Holt v. King, 707 So. 2d 1141, 1142 (Fla. 4th DCA 1998):

"[W]hether an insured tortfeasor, appellant in this case, is entitled to a set-off for Personal Injury Protection (PIP) when the claimant is uninsured in contravention of Florida's no-fault laws."

The trial court in this case disallowed the appellant a PIP setoff. As in Holt, we disagree. On the authority of, and for the reasons well expressed in Holt, we hold that a PIP setoff is required and therefore reverse the judgment below for further consistent proceedings. Conflict is certified with *Stephens v. Renard*, 487 So. 2d 1079 (Fla. 5th DCA 1986), review denied, 494 So. 2d 1152 (Fla. 1986) and *Jedlicka v. Proctor*, 724 So. 2d 668 (Fla. 2d DCA 1999).

Reversed and remanded.