

NOT FINAL UNTIL TIME EXPIRES
TO FILE RE-HEARING MOTION
AND IF FILED DISPOSE OF

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

APPELLATE DIVISION

CASE NO.: 2014-000377-AP-01 Consolidated with 14-384 AP
LOWER COURT CASE NUMBER: 2012-014014-SP-25

ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY
Appellant

vs.

GABLES MRA, A/A/O JAVIER PEREZ
Appellee

Appeal from the County Court for Miami-Dade County, Florida, Judge Gloria Gonzalez

Suzanne Labrit, Esq., and Douglas Brehm, Esq. for appellant.

Marlene S. Reiss, Esq. for appellee.

Before Judges Diane V. Ward, Marisa Tinkler-Mendez, and Charlie Johnson, JJ.

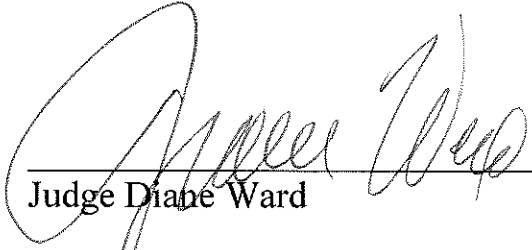
The issue raised on appeal is whether a PIP policy that expressly states that “any amounts payable under this coverage shall be subject to any and all limitations authorized by Fla. Stat. § 627.736, ...including, but not limited to, all fee schedules” notifies the insured of the insurer’s election to use the fee schedule reimbursement limitations authorized by subsection 5(a)(2).

A confession of error has been commendably filed by the Appellee in this case, due to a subsequent ruling by the Florida Supreme Court finding this

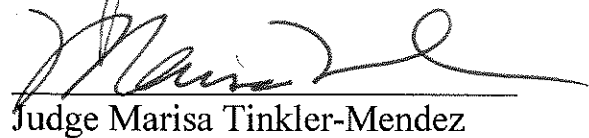
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language to be sufficient. *Allstate Ins. Co. v. Orthopedic Spec.*, 212 So.3d 973 (Fla. 2017). As such, we find that the Confession of Error is well taken, and we reverse and remand to the County Court for proceedings consistent with this opinion.

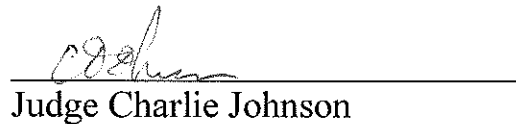
This 21st day of March, 2019.



Judge Diane Ward



Judge Marisa Tinkler-Mendez



Judge Charlie Johnson

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