

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed March 13, 2019.  
Not final until disposition of timely filed motion for rehearing.

---

No. 3D18-1742  
Lower Tribunal No. 16-18837

---

**Blue Star Restoration Inc., (a/a/o Rodolfo Berroa),**  
Appellant,

vs.

**Citizens Property Insurance Corporation,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Pedro P. Echarte, Jr., Judge.

The Mineo Salcedo Law Firm, P.A., and Peter Mineo, Jr., and Jordan Bieber (Davie), for appellant.

Hinshaw & Culbertson LLP, and Maureen G. Percy, for appellee.

Before EMAS, C.J., and LINDSEY, and HENDON, JJ.

PER CURIAM.

Blue Star Restoration Inc., as assignee of Rodolfo Berroa's homeowners insurance policy, appeals the trial court's order granting Citizens Property Insurance Corporation's Motion for Summary Judgment and entering final summary judgment in Citizens' favor and the trial court's order denying Blue Star's Motion for Rehearing/Reconsideration.

"Our standard of review of an order granting summary judgment is *de novo*." White v. Ferco Motors Corp., 260 So. 3d 388 (Fla. 3d DCA 2018). "We review the record to determine whether there are genuine issues of material fact that preclude summary judgment." Id. (citing Collections, USA, Inc. v. City of Homestead, 816 So. 2d 1225, 1227 (Fla. 3d DCA 2002)). Our review of the record discloses genuine issues of material fact regarding whether the interior rain damage exclusion in the homeowners insurance policy precludes coverage for water-damage repairs involved in this case based on the deposition testimony of Blue Star's expert, Rafael Leyva. Accordingly, we reverse and remand for further proceedings consistent herewith.

Reversed and Remanded.