

# Third District Court of Appeal

State of Florida

Opinion filed September 29, 2021.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D20-947  
Lower Tribunal No. 17-10215

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**Maria Muguercia, et al.,**  
Appellants,

vs.

**Citizens Property Insurance Corporation,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Abby Cynamon, Judge.

Giasi Law, P.A., and Melissa A. Giasi and Erin M. Berger (Tampa), for appellants.

Roig Lawyers, and Abbi Freifeld Carr, Veresa Jones Adams, and Jeffrey Geldens (Deerfield Beach), for appellee.

Before EMAS, HENDON and GORDO, JJ.

PER CURIAM.

Affirmed. See Deshazior v. Safepoint Ins. Co., 305 So. 3d 752, 754-55 (Fla. 3d DCA 2020) (affirming summary judgment in favor of insurer, holding that where the insurer produces sufficient evidence to show the loss was excluded from coverage under the policy's terms, the burden shifts to the insured to produce evidence of an exception to that exclusion sufficient to establish a genuine issue of material fact in dispute); Fla. Windstorm Underwriting v. Gajwani, 934 So. 2d 501, 506 (Fla. 3d DCA 2005) (holding that, where a policy excludes coverage for the type of loss suffered, "the insured has the burden to prove an exception to an exclusion contained within an insurance policy"); E. Fla. Hauling, Inc. v. Lexington Ins. Co., 913 So. 2d 673, 678 (Fla. 3d DCA 2005) (holding: "Once the insured shows coverage, the burden shifts to the insurer to prove an exclusion applies to the coverage. If there is an exception to the exclusion, the burden once again is placed on the insured to demonstrate the exception to the exclusion") (citation omitted).