

Third District Court of Appeal

State of Florida

Opinion filed March 8, 2023.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-1252
Lower Tribunal No. 18-24197

Antonio Cruz,
Appellant,

vs.

Citizens Property Insurance Corporation,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Beatrice Butchko, Judge.

Virginia Best, PA, and Virginia M. Best (Ocala), for appellant.

Paul R. Percy, P.A., and Maureen G. Percy, for appellee.

Before SCALES, MILLER and BOKOR, JJ.

PER CURIAM.

Affirmed. See Citizens Prop. Ins. Corp. v. Kings Creek S. Condo, Inc.,
300 So. 3d 763, 765-66 (Fla. 3d DCA 2020) (“Under a named perils

insurance policy, [the insured] bore the burden to prove that wind, as a covered cause of loss under the policy, caused the damage to the buildings. . . . Because this is a named perils policy, if [the insured] fails to prove that the damage resulted from a named peril, the damage is simply not covered. Thus, [the insurer] is not required to prove a policy exclusion as the basis for its defense.”); Fla. R. Civ. P. 1.510(c)(1)(A) (“A party asserting that a fact . . . is genuinely disputed must support that assertion by . . . citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials[.]”); Rich v. Narog, 47 Fla. L. Weekly D1933, 2022 WL 4360601, at *6 (Fla. 3d DCA Sept. 21, 2022) (determining that conclusory allegations in an affidavit without specific supporting facts lacked the probative value necessary to defeat summary judgment).