

FLORIDA THIRD DISTRICT COURT OF APPEAL

A-Team Response Restoration Corp., A/A/O Orquidea Tzikas v.
Florida Peninsula Insurance Company

387 So. 3d 313 (Fla. 3d DCA 2026) · No. 3D25-1541 · Decided May 20, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed the circuit court in an insurance coverage dispute involving late notice of loss and alleged breaches of post-loss obligations. The court relied on Florida precedent concerning waiver, presumed insurer prejudice, and the insured’s burden to rebut that presumption.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Logue; Gordo; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 20, 2026
DOCKET	3D25-1541
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a decision of the Circuit Court for Miami-Dade County in an insurance coverage dispute.
PRECEDENTIAL VALUE	Published Florida Third District Court of Appeal opinion
PARTIES	A-Team Response Restoration Corp., a/a/o Orquidea Tzikas v. Florida Peninsula Insurance Company

TOPICS

- insurance coverage
- appellate procedure
- summary judgment
- breach of contract
- civil procedure

PRACTICE AREAS

- insurance law
- civil procedure
- appellate procedure
- contracts

QUESTIONS PRESENTED

- Whether the insurer waived its untimely-notice defense by denying the claim on other grounds without raising untimely notice or prejudice in its coverage letter.

2. Whether the record supported the lower court's resolution of the insured's late-notice and resulting prejudice issues.

HOLDINGS

1. The insurer did not waive its untimely-notice defense merely by denying coverage on other grounds, including a policy exclusion, without raising untimely notice or prejudice in its coverage letter.
2. Where an insured fails to provide prompt notice or substantially comply with post-loss obligations, prejudice to the insurer is presumed, and the burden shifts to the insured to present evidence rebutting that presumption; an issue concerning prejudice may be resolved on summary judgment when the insured presents insufficient rebuttal evidence.

FACTUAL BACKGROUND

The opinion concerns an insured's property-insurance claim and the insurer's reliance on an untimely-notice defense. The opinion does not provide additional factual detail about the loss, the timing of notice, or the lower court's specific ruling.

PROCEDURAL HISTORY

A-Team Response Restoration Corp., as assignee of Orquidea Tzikas, appealed from the Circuit Court for Miami-Dade County, case number 24-30-CA-01. The Third District Court of Appeal affirmed in a per curiam opinion, relying on Florida authority addressing waiver of an untimely-notice defense, prejudice from breach of post-loss obligations, and resolution of notice issues on summary judgment.

DISPOSITION

affirmed

CASES CITED

- Sec. First Ins. Co. v. Visca, 387 So. 3d 313, 316-18 (Fla. 4th DCA 2024)
- Am. Integrity Ins. Co. v. Estrada, 276 So. 3d 905, 916 (Fla. 3d DCA 2019)
- Nunez v. Universal Prop. & Cas. Ins. Co., 325 So. 3d 267, 273-75 (Fla. 3d DCA 2021)
- 1500 Coral Towers Condo. Ass'n v. Citizens Prop. Ins. Corp., 112 So. 3d 541, 544-45 (Fla. 3d DCA 2013)
- Perez v. Citizens Prop. Ins. Corp., 343 So. 3d 140, 143-44 (Fla. 3d DCA 2022)