

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Felipe Sixto v. Citizens Property Insurance Corporation

No. 3D24-998 (Fla. 3d DCA Jan. 21, 2026) · No. No. 3D24-998 · Decided January 21, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed the trial court’s judgment in favor of Citizens Property Insurance Corporation. The court held that affidavits based on information and belief rather than personal knowledge are inadmissible and cannot be considered in resolving a motion for summary judgment.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; EMAS; GORDO; BOKOR
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	January 21, 2026
DOCKET	No. 3D24-998
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a summary final judgment entered by the Circuit Court for Miami-Dade County.
STANDARD OF REVIEW	Not expressly stated; the opinion addresses the evidentiary requirements for affidavits used on summary judgment.
PRECEDENTIAL VALUE	Published
PARTIES	Felipe Sixto v. Citizens Property Insurance Corporation

TOPICS

- summary judgment
- evidence
- hearsay
- appellate procedure
- insurance

PRACTICE AREAS

- insurance
- civil procedure
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether an affidavit based on information and belief rather than personal knowledge is admissible or may be considered in ruling on a motion for summary judgment.

HOLDINGS

1. An affidavit based on information and belief rather than personal knowledge is inadmissible and should not be considered by the trial court on a motion for summary judgment.

KEY QUOTATIONS

“Since the affidavit was based on information and belief rather than personal knowledge, it was not admissible into evidence and should not have been considered by the trial court.” (2)

“Affidavits or Declarations. An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.” (2)

“An affidavit based on information and belief rather than personal knowledge is not admissible into evidence and should not be considered by the trial court on a motion for summary judgment.” (2)

FACTUAL BACKGROUND

The opinion contains no detailed factual account. Its disposition concerns the treatment of an affidavit submitted in connection with summary judgment, specifically whether an affidavit based on information and belief rather than personal knowledge may be considered.

PROCEDURAL HISTORY

Felipe Sixto appealed a summary final judgment entered against him by the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed in a per curiam decision.

DISPOSITION

affirmed

CASES CITED

- Campbell v. Salman, 384 So. 2d 1331, 1333 (Fla. 3d DCA 1980)
- Thompson v. Citizens Nat. Bank of Leesburg, Fla., 433 So. 2d 32, 32 (Fla. 5th DCA 1983)
- Castle Key Ins. Co. v. Raymond H. Duke Enters., Inc., 135 So. 3d 578, 580 n.1 (Fla. 1st DCA 2014)
- Custom Design Expo, Inc. v. Synergy Rents, Inc., 327 So. 3d 427 (Fla. 2d DCA 2021)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed January 21, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-998 Lower

Tribunal No. 21-26989-CA-01 _____ Felipe Sixto, Appellant, vs. Citizens Property Insurance Corporation, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Charles Johnson, Judge.

Giasi Law, P.A., and Melissa A. Giasi (Tampa), for appellant. Dinsmore & Shohl, LLP and Kathryn L. Ender and Janice Lopez, for appellee. Before EMAS, GORDO and BOKOR, JJ. PER CURIAM. Affirmed. See *Campbell v. Salman*, 384 So. 2d 1331, 1333 (Fla. 3d DCA 1980) (reversing summary final judgment, holding: “Since the affidavit was based on information and belief rather than personal knowledge, it was not admissible into evidence and should not have been considered by the trial court.”); *Thompson v. Citizens Nat.*

Bank of Leesburg, Fla., 433 So. 2d 32, 32 (Fla. 5th DCA 1983) (“An affidavit based on information and belief rather than personal knowledge is not admissible into evidence and should not be considered by the trial court on a motion for summary judgment.”); Fla. R. Civ. P. 1.510(4) (“Affidavits or Declarations. An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.”); *Castle Key Ins.*

Co. v. Raymond H. Duke Enters., Inc., 135 So. 3d 578, 580 n.1 (Fla. 1st DCA 2014) (observing that “a trial court may not consider inadmissible evidence in determining the disposition of a summary judgment motion.”); see also *Custom Design Expo, Inc. v. Synergy Rents, Inc.*, 327 So. 3d 427 (Fla. 2d DCA 2021) (“hearsay cannot form the basis in an affidavit for establishing a genuine issue of material fact that would preclude summary judgment.”).