

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Manuel Figueroa and Noemi Figueroa v. Universal Property & Casualty Insurance Company

Figueroa v. Universal Property & Casualty Insurance Co. · No. 6D2024-0734 · Decided December 12, 2025

SUMMARY

The Sixth District Court of Appeal of Florida affirmed the circuit court's decision in favor of Universal Property & Casualty Insurance Company. The court held that the appellants' newly asserted legal arguments were unpreserved because they were not raised at trial and were presented for the first time in motions for rehearing.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Nardella, J.; Wozniak, J.; White, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	December 12, 2025
DOCKET	6D2024-0734
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellants appealed a circuit-court judgment to the Sixth District Court of Appeal of Florida.
STANDARD OF REVIEW	Appellate review was limited by preservation-of-error principles; a legal ground or claim not raised at trial, or a new and different argument first raised in a denied motion for rehearing, will not be considered on appeal.
PRECEDENTIAL VALUE	published
PARTIES	Manuel Figueroa, Noemi Figueroa v. Universal Property & Casualty Insurance Company

TOPICS

- preservation of error
- appellate procedure
- insurance
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appellate court could consider a specific legal ground or a new and different argument that was not raised at trial and was first presented in a denied motion for rehearing.

HOLDINGS

1. An appellate court will not consider a claim based on a specific legal ground that was not raised at trial, and new and different arguments first raised in a denied motion for rehearing are unpreserved.

KEY QUOTATIONS

“It is well settled that the specific legal ground upon which a claim is based must be raised at trial and a claim different than that raised below will not be heard on appeal.”

“[N]ew and different arguments untimely raised for the first time in motions for rehearing which were denied are unpreserved.”

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying insurance dispute. The appeal was resolved on the basis that the specific legal ground supporting the claim had to be raised in the trial court and that new arguments raised for the first time in a denied motion for rehearing were unpreserved.

PROCEDURAL HISTORY

The appeal arose from the Circuit Court for Osceola County, Florida, in case number 2020-CA-001232-CI. The district court affirmed without additional explanation, citing the rule that legal grounds and arguments not raised below, including new arguments first raised in an unsuccessful motion for rehearing, are unpreserved for appellate review.

DISPOSITION

affirmed

CASES CITED

- Rodriguez v. State, 609 So. 2d 493, 499 (Fla. 1992)
- Melrose Ventures, LLC v. Uptempo Marketing Corp., 418 So. 3d 217, 220 (Fla. 6th DCA 2025)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2024-0734 Lower Tribunal No. 2020-CA-

001232-CI _____ MANUEL FIGUEROA and NOEMI FIGUEROA,
Appellants, v. UNIVERSAL PROPERTY & CASUALTY INSURANCE COMPANY, Appellee.
_____. Appeal from the Circuit Court for Osceola County. Christine
E. Arendas, Judge.

December 12, 2025 PER CURIAM. AFFIRMED. See Rodriguez v. State, 609 So. 2d 493, 499 (Fla. 1992) (“It is well settled that the specific legal ground upon which a claim is based must be raised at trial and a claim different than that raised below will not be heard on appeal.”); Melrose Ventures, LLC v. Uptempo Marketing Corp., 418 So. 3d 217, 220 (Fla. 6th DCA 2025) (“[N]ew and different arguments untimely raised for the first time in motions for rehearing which were denied are unpreserved.”).

NARDELLA, WOZNIAK and WHITE, JJ., concur. Melissa A. Giasi, of Giasi Law, P.A., Tampa, for Appellants. David A. Noel and Kara Rockenbach Link, of Link & Rockenbach, PA, West Palm Beach, for Appellee. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 2