THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Citizens Property Insurance Corporation v. Elizabeth Diaz

306 So. 3d 280 (Fla. 3d DCA 2026) · No. No. 3D25-1078 · Decided June 17, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed a nonfinal order denying Citizens Property Insurance Corporation's motion to compel appraisal. The court held that Citizens's appraisal demand failed to comply with the insurance policy's requirement that the demand include an estimate describing the disputed property damage and estimated repair or replacement amounts.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	SCALES, C.J.; LINDSEY, J.; GORDO, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 17, 2026
DOCKET	No. 3D25-1078
DISPOSITION	affirmed
PROCEDURAL POSTURE	Citizens appealed a nonfinal order denying its motion to compel appraisal under a homeowner's insurance policy.
STANDARD OF REVIEW	De novo review of a nonfinal order denying a motion to compel appraisal where the facts are undisputed.
PRECEDENTIAL VALUE	published
PARTIES	Citizens Property Insurance Corporation v. Elizabeth Diaz, et al.

TOPICS

insurance coverage · contracts · appellate jurisdiction · standard of review · preservation of error

PRACTICE AREAS

insurance law · appellate procedure · contract law

QUESTIONS PRESENTED

1. Whether the trial court properly denied Citizens's motion to compel appraisal because its written appraisal demand failed to comply with the policy's requirement that the demand include an estimate of the amount in dispute.
2. Whether the appellate court should decide the asserted interplay between the policy's appraisal provision and section 627.70152(4), Florida Statutes (2024), in the first instance.
3. Whether Citizens's August 20, 2024 correspondence independently triggered the right to appraisal when that argument was not presented to the trial court.

HOLDINGS

1. An insurer cannot compel appraisal when its written appraisal demand fails to include the policy-required estimate of the amount of the dispute supporting its position concerning the covered loss.
2. The court declined to issue an advisory opinion concerning the interplay between the policy's appraisal provision and section 627.70152(4), Florida Statutes (2024).
3. The court declined to consider whether Citizens's August 20, 2024 correspondence was sufficient to trigger appraisal because that argument was not presented to the trial court.

KEY QUOTATIONS

> *"The right to an appraisal is created by the insurance policy and cannot be triggered until both parties have complied with their contractual obligations."* (2)

> *"It is the function of the appellate court to review errors allegedly committed by the trial court, not to entertain for the first time on appeal issues which the complaining party could have and should have, but did not, present to the trial court."* (3)

FACTUAL BACKGROUND

Citizens and its insureds disputed the amount of a covered loss under a homeowner's insurance policy. The policy required any written appraisal demand to include an estimate of the amount of the dispute, including descriptions of disputed damaged property, the extent of damage, and estimated repair or replacement amounts. Citizens's July 30, 2024 written demand for appraisal did not include an estimate supporting its position concerning the underlying dispute.

PROCEDURAL HISTORY

Citizens moved in the County Court for Miami-Dade County to compel appraisal after a dispute concerning the amount of a covered loss. The trial court denied the motion, finding that Citizens's written appraisal demand did not comply with the policy requirement that the demand include an estimate of the amount in dispute. The Third District Court of Appeal reviewed the nonfinal order and affirmed.

DISPOSITION

affirmed

CASES CITED

- People's Tr. Ins. Co. v. Garcia, 263 So. 3d 231, 233 (Fla. 3d DCA 2019)
- People's Tr. Ins. Co. v. Ortega, 306 So. 3d 280, 284 (Fla. 3d DCA 2020)
- Fernandez v. Gonzalez, 405 So. 3d 531, 532 n.1 (Fla. 3d DCA 2025)
- Hernandez v. Kissimmee Police Dep't, 901 So. 2d 420, 421 (Fla. 5th DCA 2005)

INSTRUCTIONS FOR AN AI ASSISTANT