DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Olivia Reyes v. Florida Keys Aqueduct Authority

No. 3D24-0273; Lower Tribunal No. 20-CA-745-K · No. No. 3D24-0273 · Decided February 11, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed summary judgment for the Florida Keys Aqueduct Authority in a dispute over coverage under a self-funded governmental health plan. The court held that undisputed medical records established that the appellant's hospitalization resulted from complications of excluded elective cosmetic surgery. It also held that the Patient Protection and Affordable Care Act did not require the governmental self-funded plan to cover the emergency services at issue.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Gordo, J.; Bokor, J.; Gooden, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	February 11, 2026
DOCKET	No. 3D24-0273
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final summary judgment entered in favor of Florida Keys Aqueduct Authority in an action involving alleged health-plan coverage, breach of contract, breach of fiduciary duty, and third-party-beneficiary breach of contract.
STANDARD OF REVIEW	De novo review applies to an order granting summary judgment. Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Once the movant satisfies its initial burden, the nonmoving party must present evidence demonstrating a genuine dispute of material fact.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Olivia Reyes v. Florida Keys Aqueduct Authority, et al.

TOPICS

summary judgment · insurance coverage · health law · statutory interpretation · appellate procedure

PRACTICE AREAS

health insurance coverage · summary judgment · appellate procedure · statutory interpretation · health law

QUESTIONS PRESENTED

1. Whether summary judgment was proper where the undisputed hospital records established that Reyes's hospitalization resulted from complications of elective cosmetic surgery excluded by the health plan.
2. Whether the Patient Protection and Affordable Care Act required FKAA's self-funded governmental health plan to cover Reyes's emergency medical services.
3. Whether new issues concerning FKAA's compliance with state law were preserved for appellate review.

HOLDINGS

1. Summary judgment for FKAA was proper because the undisputed evidence established that Reyes's hospitalization and treatment resulted from complications of her elective cosmetic surgery, which the plan excluded from coverage.
2. The PPACA's essential-health-benefit requirements do not require a self-funded health plan maintained by a governmental entity to provide coverage for emergency medical services.
3. Issues concerning FKAA's compliance with state law that were raised for the first time on appeal were waived and were not properly preserved for appellate review.

KEY QUOTATIONS

> *"The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."* (3)

> *"The purpose of this requirement is to ensure that there is an admissible evidentiary basis for the case rather than mere supposition or belief."* (4)

> *"If the evidence presented by the nonmovant is merely colorable, or is not significantly probative, summary judgment may be granted."* (5)

> *"Because there is no genuine dispute of material fact that the PPACA does not require FKAA's plan to provide coverage for emergency medical services, the trial court properly entered summary judgment in FKAA's favor."* (6)

FACTUAL BACKGROUND

FKAA is a governmental entity that operates a self-funded health insurance plan for its employees, including Reyes. In August 2019, Reyes underwent elective cosmetic procedures, including liposuction and abdominoplasty, which the plan excluded from coverage, including complications arising from those procedures. Twelve days later, Reyes was hospitalized for more than a month and treated for a postoperative infection at the abdominoplasty incision site; FKAA denied her medical bills as complications of a noncovered service.

PROCEDURAL HISTORY

Reyes, an employee participating in FKAA's self-funded governmental health plan, sued after FKAA denied coverage for hospitalization and treatment of complications from elective cosmetic surgery. The trial court granted FKAA's motion for summary judgment, finding no genuine dispute of material fact, and denied Reyes's motion for rehearing. The Third District denied rehearing and clarification, withdrew its prior opinion, substituted this opinion, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Ottey v. Citizens Prop. Ins. Corp., 299 So. 3d 500, 501 (Fla. 3d DCA 2020)
- White v. Ferco Motors Corp., 260 So. 3d 388, 390 (Fla. 3d DCA 2018)
- Betancourt v. Citizens Prop. Ins. Corp., 406 So. 3d 1011, 1013 (Fla. 3d DCA 2025)
- Romero v. Midland Funding, LLC, 358 So. 3d 806, 808 (Fla. 3d DCA 2023)
- Passariello v. Bank of New York Mellon, 347 So. 3d 446, 448 (Fla. 3d DCA 2022)
- Gonzalez v. Citizens Prop. Ins. Corp., 273 So. 3d 1031, 1035-38 (Fla. 3d DCA 2019)
- Tarkoff v. Schmunk, 117 So. 2d 442, 444 (Fla. 2d DCA 1959)
- Citizens Prop. Ins. Corp. v. Zamanillo, 388 So. 3d 912, 914 (Fla. 3d DCA 2024)
- In re Amends. to Fla. Rule of Civ. Proc. 1.510, 309 So. 3d 192, 193 (Fla. 2020)
- Chowdhury v. BankUnited, N.A., 366 So. 3d 1130, 1134 (Fla. 3d DCA 2023)
- Insight for Living Ministries v. Burwell, No. 4:14-CV-675, 2014 WL 6706921, at *4 (E.D. Tex. Nov. 25, 2014)
- Le v. Unum Ins. Co. of Am., 336 F. Supp. 3d 642, 656 (W.D. La. 2018)
- Advanced Women's Health Ctr., Inc. v. Anthem Blue Cross Life & Health Ins. Co., No. 13-CV-01145, 2014 WL 3689284, at *8 (E.D. Cal. July 23, 2014)
- Van Lent v. Everglades Found., Inc., 400 So. 3d 64, 74-75 (Fla. 3d DCA 2024)