FLORIDA THIRD DISTRICT COURT OF APPEAL

Olivia Reyes v. Blue Cross Blue Shield of Florida, Inc.

Reyes · No. 3D24-0273 · Decided November 5, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed summary judgment in favor of the Florida Keys Aqueduct Authority in a dispute over coverage for complications arising from elective cosmetic surgery. The court held that undisputed medical records established that the hospitalization resulted from complications of a noncovered procedure and that the plaintiff's affidavit did not create a genuine dispute of material fact. The court also held that the self-funded governmental health plan was exempt from the federal requirement to cover emergency services.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Gordo, J.; Bokor, J.; Gooden, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	November 5, 2025
DOCKET	3D24-0273
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final summary judgment entered in favor of Florida Keys Aqueduct Authority in an action alleging breach of contract, breach of fiduciary duty, and third-party-beneficiary breach of contract.
STANDARD OF REVIEW	De novo review of an order granting summary judgment.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Olivia Reyes v. Blue Cross Blue Shield of Florida, Inc., Florida Keys Aqueduct Authority, et al.

TOPICS

summary judgment · insurance coverage · health law · contracts · appellate procedure

PRACTICE AREAS

health insurance · civil procedure · appellate procedure · contract law

QUESTIONS PRESENTED

1. Whether summary judgment was proper on the issue of whether Reyes's hospitalization resulted from complications of an excluded elective cosmetic surgery.
2. Whether federal law required FKAA's self-funded governmental health plan to cover Reyes's emergency medical services.
3. Whether Reyes preserved new arguments concerning FKAA's compliance with state law.

HOLDINGS

1. Summary judgment for FKAA was proper because the undisputed medical records established that Reyes's hospitalization resulted from a postoperative infection at the incision site caused by the excluded cosmetic surgery, and her opposing affidavit did not identify admissible evidence creating a genuine dispute of material fact.
2. Federal law did not require FKAA's self-funded governmental health plan to cover Reyes's emergency medical services because self-funded plans maintained by governmental entities are exempt from the applicable Patient Protection and Affordable Care Act requirement.
3. Reyes's new arguments concerning FKAA's compliance with state law were waived because they were not presented to the trial court.

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."* (at 3)

> *"Summary judgment is designed to test the sufficiency of the evidence to determine if there is sufficient evidence at issue to justify a trial"* (at 5)

> *"Our new summary judgment standard mirrors the standard for a directed verdict such that the inquiry focuses on 'whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law.'"* (at 5)

FACTUAL BACKGROUND

FKAA, a governmental entity, operates a self-funded health insurance plan in which Reyes participated as an employee. Reyes underwent elective liposuction and abdominoplasty, procedures excluded from coverage under the plan, and twelve days later developed a postoperative infection requiring hospitalization for more than a month. FKAA denied payment of the resulting medical bills because the hospitalization and treatment were complications of a noncovered cosmetic procedure.

PROCEDURAL HISTORY

Reyes submitted medical bills for hospitalization and treatment of a postoperative infection after elective cosmetic surgery. FKAA denied coverage under its self-funded governmental health plan, and Reyes filed suit. The circuit court granted FKAA's motion for summary judgment, denied Reyes's motion for rehearing, and Reyes appealed.

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)
- Citizens Prop. Ins. Corp. v. Zamanillo, 388 So. 3d 912, 914 (Fla. 3d DCA 2024)
- Tarkoff v. Schmunk, 117 So. 2d 442, 444 (Fla. 2d DCA 1959)
- Chowdhury v. BankUnited, N.A., 366 So. 3d 1130, 1134 (Fla. 3d DCA 2023)
- In re Amendments to Fla. Rule of Civ. Proc. 1.510, 309 So. 3d 192, 192 (Fla. 2020)
- Van Lent v. Everglades Found., Inc., 400 So. 3d 64, 74-75 (Fla. 3d DCA 2024)