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Client Alert: Florida Legislative Bill Amendments: Patient Overpayment Refunds

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Florida law now establishes uniform requirements governing the timely refund of patient overpayments by both licensed health care facilities and individual health care practitioners statewide. The law defines key terms, outlines enforcement mechanisms, and takes effect January 1, 2026.

Under newly created section 408.12, Florida Statutes, a licensed health care facility that tenders charges for reimbursement, must refund to the patient any overpayment no later than 30 days after the facility determines that an overpayment was made. For these purposes, "tenders charges for reimbursement" is defined to mean that the licensee files a claim for reimbursement with a government-sponsored program or a private health insurer or health maintenance organization for services rendered to the patient. This requirement does not apply to overpayments governed by sections 627.6131 or 641.3155, which address insurer and health maintenance organization payment and overpayment processes. A facility's failure to issue the refund in accordance with section 408.12 is expressly designated as an unclassified violation under section 408.813 and is subject to an administrative fine. The bill amends section 408.813(3) to add failure to refund a patient overpayment pursuant to section 408.12 as an unclassified violation, for which the agency may impose an administrative fine not to exceed $500 per violation, unless otherwise specified by law.

Parallel requirements are created for individual health care practitioners in new section 456.0625, Florida Statutes. A practitioner who tenders charges for reimbursement—or any billing department, management company, or group practice that accepts payment for services rendered by the practitioner—must refund to the patient any overpayment no later than 30 days after the practitioner determines that an overpayment was made. The bill adopts the same definition of "tenders charges for reimbursement" as in section 408.12 and includes the same exclusion for overpayments subject to sections 627.6131 or 641.3155. A practitioner's failure to comply with these refund requirements constitutes grounds for disciplinary action under section 456.072.

Finally, the bill amends section 456.072(1) to add failure to comply with section 456.0625, relating to refunding overpayments to patients, as a specific ground for professional discipline by the applicable board or the Department of Health.

It is recommended that health care facilities and providers train billing staff to recognize when the above law applies and how to implement its requirements. Additionally, it is advisable to promulgate a policy mandating compliance with this new law.

For more information, please contact Grant Dearborn or a member of Shumaker's Health Law Team.

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