

FLORIDA

Minor Consent and Confidentiality

A Compendium of State and Federal Laws

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National Center for Youth Law

The National Center for Youth Law (NCYL) is a national, non-profit advocacy organization that has fought to protect the rights of children and youth for more than fifty years. Headquartered in Oakland, California, NCYL leads high impact campaigns that weave together litigation, research, policy development, and technical assistance.

What this compendium is:

This is a compendium of laws that may be relevant when minors wish to access certain types of sensitive health care and/or wish to access care on their own consent. Each state compendium begins with a chart entitled “quick guide.” The topics listed in the quick guide represent the categories of laws most frequently identified across all states. A circle next to a particular category signifies that a relevant state or federal law was found. Where a law was found, those laws are described in the “summary” section. Each state’s compendium ends with a list of resources, including links to a series of Appendices that delve deeper into key topics.

What this compendium is not:

This is not a comprehensive guide to all consent, confidentiality, and disclosure laws in any state. For example, the compendium does not include all laws that allow or require parents or persons acting *in loco parentis* to consent to care. Nor does it summarize disclosure laws that may allow or require disclosure of health information for mandated child abuse or public health reporting.

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FLORIDA

Table of Contents

Quick Guide	1
General	2
Consent to Health Care	2
Confidentiality & Disclosure	4
Other	6
Resources	7
Appendices	8

Quick Guide

See glossary for explanation of categories and definitions of terms.

General

- S Age of Majority
- S Emancipation
- S Minor Marriage

Minor Consent to Health Care—Services

- S Abortion³
- Emergency Care
- S F Family Planning/Contraceptives
- S Outpatient Mental Health Care
- S F Pregnancy-Related Care
- Reportable, Communicable, Infectious Disease Care
- Sexual Assault Care
- S F Sexually Transmitted Infection/Disease/HIV Care
- S Substance Use Care

Confidentiality and Disclosure

- S F Confidentiality/Access to Records
- S F Disclosure to Parents/Guardians
- S F Insurance Claims/Billing

Minor Consent to Health Care—Minor's Status

- S Emancipated Minor
- High School Graduate
- S Married Minor
- Minor, Age or Maturity
- Minor in Armed Forces
- Minor Living Apart from Parent/Guardian
- Minor Parent
- S Minor in State Custody
- Pregnant Minor

Other

- S Constitution
- S "Conversion Therapy," Prohibition on Ban⁴
- S Financial Responsibility
- S Gender Affirming Care, Restriction
- S Minor Parent, Consent for Child's Care
- S Parent Consent

Key

- S State law found⁵
- F Federal/other law may apply

¹ The information in this chapter represents the state of the law as of May 2024 after a diligent search of statutes, regulations, case law, and guidance.

² This chapter does not address all the consent and confidentiality rules that may apply when minors are in special care situations such as living with a relative, in federal or state custody, or under court jurisdiction (including dependency, delinquency, or immigration custody).

³ This category includes parental involvement laws.

⁴ This category includes statutes or case law that ban conversion therapy or prohibit banning of conversion therapy.

⁵ Symbol indicates law found that either allows providers to offer services without parental consent or explicitly gives minors authority to consent.

General

Age of Majority

Fla. Stat. § 743.07 provides that the age of majority is 18 years.

Emancipation

Fla. Stat. § 743.015 provides that a court may grant emancipation or “remove the disabilities of nonage” of a minor age 16 years or older residing in Florida based on specified criteria and a petition filed by the minor’s parent or guardian. Removal of the disabilities of nonage has the effect of giving the minor the status of an adult for purposes of all laws of the state and authorizes the minor to exercise all of the rights and responsibilities of persons who are age 18 years or older.

Minor Marriage

Fla. Stat. § 741.04 provides that a minor may obtain a license to marry if they are at least 17 years of age, has the written consent of their parents, and the older party is not more than two years older. There are several procedural steps that must be taken to obtain the license.

Consent to Health Care

Consent for healthcare refers to granting permission for a healthcare service. A healthcare provider generally must obtain consent before providing care. Adults typically consent to their own healthcare, except in cases of legal incapacity. State and federal laws and court decisions help establish who has the legal authority to provide consent on behalf of minors. Typically, federal and state law require parent or guardian consent for a minor’s care. However, the laws in every state include exceptions that allow or require others to consent, in addition to or instead of a parent or guardian. These exceptions include exceptions that allow minors to consent to some or all health care based on the minor’s “status” (situation in life) and exceptions that allow minors to consent to certain types of care based on the services sought. Sometimes, these laws are written in a way that allows providers to offer services without parental consent; sometimes, they are written in a way that explicitly gives minors the authority to consent. Federal law also allows minors to consent to specific care in some cases. See **Appendix B** for more on consent including the important role of parents and other adults in minors’ healthcare.

The following sections summarize the minor consent laws in the state:

Minor Consent—Minor’s Status**Emancipated Minor**

Fla. Stat. § 743.015 provides that a court order granting emancipation or removing “the disabilities of nonage” of a minor age 16 years or older has the effect of giving the minor the status of an adult for purposes of all laws of the state and authorizes the minor to exercise all of the rights and responsibilities of persons who are age 18 years or older.

Married Minor

Fla. Stat. § 743.01 provides that minors who are or have been married are considered emancipated and may perform all acts that they could do if not a minor.

Minor in State Custody

Fla. Stat. § 743.066 provides that the “disability of nonage” of a minor adjudicated as an adult and in the custody or

under the supervision of the Department of Corrections is removed, as such disability relates to health care services, except in regard to medical services relating to abortion and sterilization.

Minor Consent—Services**Abortion**

Abortion is banned in Florida with limited exceptions. A six-week ban is currently being enforced as a result of a decision by the Florida Supreme Court in *Planned Parenthood of S.W. and Central Fla. et al. v. Florida, No. SC2022-1050 at 46-47 (Fla. Apr. 1, 2024)*, and multiple additional restrictions are in place. For up to date information on the status of abortion restrictions in Florida, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#).

To the extent abortion is legally permitted, minors may

obtain an abortion but the Parental Notice of and Consent for Abortion Act, *Fla. Stat. §§ 390.01114 and 390.01116*, provides that an abortion may not be performed on an unemancipated unmarried or divorced minor who is not a parent before notice has been given to one parent or legal guardian of the pregnant minor and the parent or guardian has consented in writing. The law includes a judicial bypass and a medical emergency exception to both the consent and notice requirements; additionally, there is a provision allowing constructive notice to the parent if actual notice is not possible after a reasonable effort has been made. Prior statutory provision *Fla. Stat. § 390.1115* was declared unconstitutional in *North Florida Women's Health and Counseling Services, Inc. v. State*, 866 So. 2d 612. The Florida Constitution expressly authorizes parental notification for minors. *Fl. Const. art. X, § 22*. For up to date information on parent involvement and judicial bypass, find the "under age..." section on your state's link in [If When How's Abortion Laws by State](#).

For up to date information on the status of abortion protections and restrictions in all 50 states and DC, see [Center for Reproductive Rights, After Roe Fell: Abortion Laws by State](#). See also **Appendix C**. These laws are changing rapidly, so consultation with counsel is also essential.

Family Planning/Contraceptives

Fla. Stat. § 381.0051 provides that maternal health and contraceptive information and services of a nonsurgical nature may be given to minors by licensed medical practitioners and the Department of Health, provided the minor: is married; or is a parent; or is pregnant; or has the consent of a parent or legal guardian; or in the opinion of the physician, may suffer probable health hazards if the services are not provided. Application of non-permanent internal contraceptive devices is not considered a surgical procedure.

Fla. Stat. § 381.0051 provides that except as explicitly described in statute, no medical agency or institution of the state or unit of local government shall interfere with the right of any patient or physician to use medically acceptable contraceptive procedures, supplies, or information or restrict the physician-patient relationship.

See **Appendix I** for information about the Title X Family Planning Program and minor consent for family planning, including contraception services. See **Appendix C** for discussion of contraception and the U.S. Constitution.

Outpatient Mental Health Care

Fla. Stat. § 394.4784 provides that when a minor age 13 years or older experiences an emotional crisis to such degree that they perceive the need for professional assistance, they shall have the right to request, consent to, and receive: outpatient diagnostic and evaluative mental health services by a licensed mental health professional to

determine the severity of the problem and the potential for harm to the minor or others absent professional services; and outpatient crisis intervention, psychotherapy, group therapy, counseling, or other forms of verbal therapy provided by a licensed mental health professional. These services shall not include medication, somatic methods, aversive stimuli, or substantial deprivation and shall not exceed two visits in any one-week period without parental consent.

Pregnancy-Related Care

Fla. Stat. § 743.065 provides that an "unwed pregnant minor" may consent for medical or surgical care or services related to the pregnancy by a hospital, clinic, or licensed physician.

See **Appendix I** for information about the Title X Family Planning Program and minor consent for family planning services, including certain pregnancy-related care.

Sexually Transmitted Infection/Disease/HIV Care

Fla. Stat. § 384.30 provides that a minor may be examined and treated for sexually transmitted diseases without the consent of a parent or guardian by licensed physicians and health care professionals, the Department of Health, a public or private hospital, a clinic, or other health facility. *Fla. Admin. Code Ann. r. 64D-3.028* designates sexually transmitted diseases for this purpose, and includes HIV/AIDS as a sexually transmissible disease.

Fla. Admin. Code Ann. r. 64D-2.004 provides that certain minors may be tested for HIV with their own informed consent and without consent from a parent or guardian: any minor who requests an HIV exam, test, consultation, or treatment; any minor who is age 17 years and who donated his or her blood under *Fla. Stat. § 743.06*; and any married minor or unmarried pregnant minor.

See **Appendix I** for information about the Title X Family Planning Program and minor consent for family planning, including STI/STD/HIV services.

Substance Use Care

Fla. Stat. § 397.601 provides that a minor may consent to obtain voluntary substance abuse impairment services from a licensed service provider.

Confidentiality & Disclosure

Federal and state laws determine the privacy and confidentiality of medical and health information. Different laws may apply depending on the health services provided, the source of funding, the location of care, the type of provider, and the characteristics of the patient.

One law with overarching importance is the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule, a federal regulation that protects the privacy of patient health information held by health care providers who transmit certain information electronically and other “covered entities.” As a general rule, HIPAA prohibits healthcare providers from disclosing protected health information without a signed authorization. HIPAA specifies who must sign an authorization to release information. When minors have consented for their own care, HIPAA says the minors usually must sign the release. HIPAA includes exceptions that allow or require a provider to disclose protected information without an authorization in some circumstances, such as to meet state child abuse reporting requirements. HIPAA also addresses when parents and guardians may access a minor’s health information: It explains how this HIPAA rule intersects with state law and other federal laws regarding parent access, and includes rules for what to do about parent access when state law is silent, and for authorized limitations on access in some situations.

See **Appendix H** for a detailed discussion of HIPAA. Other appendices address other important federal health privacy laws that may apply in addition to, or instead of, HIPAA. See **Appendix I** (Title X, family planning), **Appendix J** (Part 2, substance use), **Appendix K** (FERPA, education records), **Appendix L** (insurance and billing), and **Appendix M** (21st Century Cures Act Information Blocking, EHI).

The following sections summarize selected state laws related to confidentiality, access to records, and disclosure to parents/guardians:

Confidentiality/Access to Records

Access, Use, and Disclosure of Health Information

Fla. Stat. § 456.057 provides for the protection and disclosure of individual’s health records. Among other things, it provides that “any health care practitioner licensed by the department [of health] or a board within the department [of health] who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person’s legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information. However, when a patient’s psychiatric, chapter 490 psychological, or chapter 491 psychotherapeutic records are requested by the patient or the patient’s legal representative, the health care practitioner may provide a report of examination and treatment in lieu of copies of records. Upon a patient’s written request, complete copies of the patient’s psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.”

Fla. Stat. § 456.001 provides that “health care practitioner” means “any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part II, part III, part V, part X, part XIII, or part XIV

of chapter 468; chapter 478; chapter 480; part I, part II, or part III of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491.”

Fla. Stat. Ann. § 395.3025 provides that the patient records of hospitals and other licensed facilities are confidential and must not be disclosed without the consent of the patient or their legal representatives except in the circumstances specified in the statute.

HIV

Fla. Stat. § 381.004 provides for the confidentiality of HIV test results and specifies when the results may be disclosed and the limitations on disclosure.

Mental Health

Under the Florida Mental Health Act/Baker Act, *Fla. Stat. § 394.4615* provides that “clinical records” shall be maintained for each patient, that these are confidential and shall be released when authorized by the patient or the patient’s authorized representative or in other specified circumstances. Patients must have reasonable access to their clinical records, unless such access is determined by the patient’s physician or the patient’s psychiatric nurse to be harmful to the patient. *Fla. Stat. § 394.4615* defines “clinical record” to include all information recorded by facility staff which pertains to the patient’s hospitalization or treatment.

Sexually Transmitted Disease

Fla. Stat. § 384.29 provides that, except as otherwise specified in the statute, “information and records held by the [Department of Health] or its authorized representatives relating to known or suspected cases of sexually transmissible diseases are strictly confidential and exempt from the provisions of § 119.07(1). Such information shall not be released or made public by the department or its authorized representatives, or by a court or parties to a lawsuit upon revelation by subpoena, except . . . with the consent of all persons to which the information applies[.]”

Substance Use

Fla. Stat. § 397.501 provides that the records of service providers which pertain to the identity, diagnosis, and prognosis of and service provision for substance abuse treatment to any individual are confidential. When a minor alone consents to substance use services, any written consent for disclosure may be given only by the minor, including, but not limited to, any disclosure of identifying information to the parent, legal guardian, or custodian of a minor for the purpose of obtaining financial reimbursement; when the consent of a parent, legal guardian, or custodian is required for a minor to obtain substance abuse treatment, any written consent.

See **Appendix H** for information about minors’ access to and control of their medical information under HIPAA when they have consented to their own care.

Federal laws that may apply in addition to or in lieu of HIPAA and state laws

See **Appendix K** for information about federal confidentiality protection for education records.

See **Appendix J** for information about federal confidentiality protections for certain substance use treatment records.

See **Appendix I** for information about federal confidentiality protection for information about services delivered using Title X Family Planning Program funding.

See **Appendix M** for information about disclosure of information to parents under the 21st Century Cures Act Information Blocking Rule.

Disclosure of Health Information to Parents/Guardians

Mental Health

Fla. Stat. § 394.4784 provides that outpatient mental health services may include parental participation when the mental health professional deems it appropriate. *Fla. Admin. Code Ann. r. 64B19-19.006* requires a psychologist to maintain his or her duty of confidentiality to a minor client, but the rule does not prohibit the psychologist from disclosing his or her evaluation, assessment, analysis,

diagnosis, or recommendations regarding the minor to the minor’s guardian.

Sexually Transmitted Disease

Fla. Stat. § 384.30 provides that the fact of consultation, examination, and treatment of a minor for sexually transmitted diseases is confidential and shall not be divulged (except pursuant to the public health confidentiality provisions of *Fla. Stat. § 384.29*) in any direct or indirect manner, such as sending a bill for services to a parent or guardian.

Substance Use

Fla. Stat. § 397.501 provides that when a minor alone consents to substance use services any disclosure of identifying information to the parent, legal guardian, or custodian of a minor for the purpose of obtaining financial reimbursement requires the written consent of the minor.

HIPAA rules relevant to disclosure to parents/guardians

See **Appendix H** for information about minors’ access to and control of their medical information under HIPAA when they have consented to their own care, the HIPAA rule when state law is silent as to parent access, and the HIPAA rule authorizing providers to limit access to records in certain circumstances.

Federal laws that may apply in addition to or in lieu of HIPAA and state laws

See **Appendix K** for information about federal confidentiality protection for education records.

See **Appendix J** for information about federal confidentiality protections for certain substance use treatment records.

See **Appendix I** for information about federal confidentiality protection for information about services delivered using Title X Family Planning Program funding.

See **Appendix M** for information about disclosure of information to parents under the 21st Century Cures Act Information Blocking Rule.

Insurance Claims/ Billing

Fla. Stat. § 397.501 provides that when a minor alone consents for voluntary substance abuse treatment written consent for disclosure of information pertaining to the treatment must be given by the minor, including information that is disclosed to a parent, legal guardian, or custodian of a minor for the purpose of obtaining financial reimbursement.

See **Appendix L** for information about confidentiality protection in the billing and insurance claims process under the HIPAA Privacy Rule.

Other

This section summarizes a range of laws that may not explicitly address minor consent or disclosure of information but that health care providers often have questions about when minors seek care, especially when they seek care on their own.

Constitution

Fl. Const. art I, § 23 provides: “Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein. This section shall not be construed to limit the public’s right of access to public records and meetings as provided by law.” This provision was previously interpreted to protect the right to abortion. However, in *Planned Parenthood of S.W. and Central Fla. et al. v. Florida*, No. SC2022-1050 at 46-47 (Fla. Apr. 1, 2024), the Florida Supreme Court held that the Florida Constitution’s privacy clause does not provide clear protection for abortion.

“Conversion Therapy,” Prohibition on Ban

For up to date information on the status of statutes or case law that ban conversion therapy for minors, or prohibit state entities from banning conversion therapy for minors, see [Movement Advancement Project’s “Equality Maps: Conversion ‘Therapy’ Laws.”](#) These laws are changing rapidly so consultation with counsel is essential.

Emergency Care

Fla. Stat. § 743.064 provides that a physician or osteopath may give emergency medical care or treatment without parental consent to any minor who has been injured in an accident or who is suffering from an acute illness, disease, or condition, if a delay in treatment would endanger the health or physical well-being of the minor. Emergency care or treatment may also be provided by paramedics, emergency medical technicians, and other emergency medical services personnel. Emergency care may only be provided without parental consent if: the minor’s condition renders them unable to reveal the identity of his or her parents, guardian, or legal custodian, and their identity is unknown to anyone who accompanied the minor to the hospital; or the parents or legal guardian cannot be immediately located by telephone at home or work.

Financial Responsibility

Fla. Stat. § 384.30 provides that the fact of consultation, examination, and treatment of a minor for sexually transmitted diseases is confidential and shall not be divulged (except pursuant to the public health confidentiality provisions of *Fla. Stat. § 384.29*) in any direct or indirect manner, such as sending a bill for services to a parent or guardian.

Fla. Stat. § 397.431 provides that a parent, legal guardian, or legal custodian of a minor is not liable for payment for any substance abuse services provided to the minor without parental consent pursuant to *§ 397.601(4)* unless ordered

to participate in the services. If the minor is receiving services as a juvenile offender, the obligation to pay is governed by the law relating to juvenile offenders.

Fla. Stat. § 394.4784 provides that a parent or legal guardian of a minor is not liable for payment for minor consent outpatient mental health diagnostic and evaluation services or outpatient therapy and counseling services, unless such parent, parents, or legal guardian participates in the outpatient diagnostic and evaluation services or outpatient therapy and counseling services and then only for the services rendered with such participation.

Gender Affirming Care, Restriction

Fla. Stat. § 456.52 prohibits sex-reassignment prescriptions and procedures for patients younger than age 18 years with some exceptions. In *Doe v. Ladapo*, 676 F. Supp. 3d 1205 (N.D. Fla. 2023), the court preliminarily enjoined enforcement of this law finding the plaintiffs were likely to prevail on their claim that the statute is unconstitutional. On June 11, 2024, the district court in 2024 WL 2947123 found on the merits of the case that *§ 456.52* and its implementing administrative rules are unconstitutional and not enforceable to the extent they prohibit gender-affirming care for minors even when medically appropriate. The defendants have appealed to the U.S. Court of Appeals for the 11th Circuit.

For up to date information on the status of protections and restrictions on gender affirming care for minors, see [Movement Advancement Project’s “Equality Maps: Bans on Best Practice Medical Care for Transgender Youth”](#). These laws are changing rapidly so consultation with counsel is essential. See also [Appendix G](#).

Parent Consent

Fla. Stat. Ann. § 1014.06 provides that except as otherwise provided by law, a “health care practitioner” or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child, or a “provider” may not allow a medical procedure to be performed on a minor child in its facility, without first obtaining written parental consent. This section does not apply to an abortion, which is governed by separate law. “Health care practitioner” for this purpose is defined by *Fla. Stat. Ann. § 456.001*. “Provider” is defined by *Fla. Stat. Ann. § 1014.06*.

Florida Statutes <https://www.flsenate.gov/laws/statutes>

Florida Administrative Code <https://www.flrules.org/>

Appendices

Appendix A. Glossary of Terms

Appendix B. Overview of Consent and Confidentiality When Minors Seek Health Care

Appendix C. Contraception, Abortion, and Pregnancy-Related Care for Minors: Consent and Confidentiality Considerations

Appendix D. Sexually Transmitted Infections, Sexually Transmitted Diseases, and HIV Care for Minors: Consent and Confidentiality Considerations

Appendix E. Mental Health Care for Minors: Consent and Confidentiality Considerations

Appendix F. Substance Use Care for Minors: Consent and Confidentiality Considerations

Appendix G. Gender Affirming Care for Minors: Consent and Confidentiality Considerations

Appendix H. HIPAA Privacy Rule and Confidentiality Implications for Minors' Health Information

Appendix I. Title X Family Planning Program and Family Planning Services for Minors

Appendix J. 42 CFR Part 2 and Confidentiality Implications for Substance Use Care for Minors

Appendix K. FERPA and Confidentiality Implications for School-Based and School-Linked Health Care for Minors

Appendix L. Confidentiality in Health Insurance Claims and Billing

Appendix M. Electronic Health Information, the 21st Century Cures Act, and Confidentiality for Minor Patients

Appendix N. State Law Table: Minor Consent/Access Based on Status

Appendix O. State Law Table: Minor Consent/Access for Specific Services