

Florida Confidentiality & Minor Consent Laws

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or legal guardian must provide consent on behalf of a minor (under age 18) before health care services are provided, with **several important exceptions.**

- **Emergency care** ⁱ
- **Care for independent minors** ⁱⁱ
 - Age 16 or older, living apart from parents *and* managing their own financial affairs; OR legally married; OR minors who are prosecuted as an adult in the justice system and confined to a correctional institution (except for abortion and sterilization procedures)
- **Specific health care services related to:**
 - Sexual health
 - Mental health
 - Substance use treatment

Patients under 18 have the right to the following WITHOUT parent/guardian consent:

- Pregnancy testing, birth control information, and contraceptives only if:ⁱⁱⁱ
 - minor is married, pregnant, or a parent OR
 - a physician determines probable health hazards would occur if services are not provided
- Medical and surgical care related to pregnancy^{iv}
- Emergency contraception^v
- Testing and treatment for sexually transmitted infections/STIs (including HIV)^{*vi}
- Substance use treatment, including alcohol or drugs^{vii}
- Outpatient mental health services (age 13 and above) if:^{viii}
 - Treatment may not exceed 2 visits during a 1-week period
 - Does not include mental health medications and some types of therapy

*Florida law does not expressly allow minors to consent to HIV pre-exposure prophylaxis (PrEP) without parental/guardian involvement.^{ix} It is considered best practice as part of routine STI prevention to counsel clients on PrEP use when indicated or requested. However, we recommend that you confer with your legal and/or risk management team, and state public health officials, to develop institutional policies around providing PrEP without parental/guardian consent. You can contact the HIV/AIDS Section of the Florida Department of Health at DiseaseControl@flhealth.gov.

MINORS NEED A PARENT/GUARDIAN’S PERMISSION FOR:

- Vaccines (including HPV)^x
- Mental health medications^{xi}
- Abortions (unless judicial bypass waiver is obtained)^{xii}

HEALTH CARE PROVIDERS MUST OVERRIDE THE MINOR’S CONFIDENTIALITY AND REPORT IF:

- The minor is a risk to themselves or someone else
- There is suspicion of abuse or neglect

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- Sexual activity occurred that was nonconsensual, without equality, or as a result of coercion
- The minor is under age 16 and has been sexually active with an adult over the age of 24

LAW FOR PELVIC EXAMINATIONS:

Under legislation as of July 1, 2020, a provider must obtain written consent from the patient or their guardian to perform any pelvic examination unless:^{xiii}

- By court orders the performance of an examination OR
- Is immediately necessary to avoid serious risk

For services that minors can consent to (e.g. STD testing and treatment), minors can consent to a pelvic examination themselves, without needing a parent/guardian signature.

ⁱ Massullo. (February 1, 2022). Emergency Medical Care and Treatment to Minors Without Parental Consent. <https://www.flsenate.gov/Session/Bill/2022/817/Analyses/h0817c.HHS.PDF>. Fla. Stat. § 064. (2019). <https://www.flsenate.gov/Laws/Statutes/2019/0743.064>

ⁱⁱ Minors' Access to Confidential Reproductive Healthcare in Florida. (2005). https://www.law.miami.edu/_assets/pdf/minors-access-to-confidential-health-care-in-florida-2005.pdf.

ⁱⁱⁱ Guttmacher Institute. (2023). <https://www.guttmacher.org/state-policy/explore/minors-access-contraceptive-services>.

^{iv} Fla. Stat. § 065. (2019). <https://www.flsenate.gov/laws/statutes/2019/743.065>

^v Minors' Access to Confidential Reproductive Healthcare in Florida. (2005). https://www.law.miami.edu/_assets/pdf/minors-access-to-confidential-health-care-in-florida-2005.pdf. Fla. Stat. § 0051. (2018). <https://www.flsenate.gov/Laws/Statutes/2018/0381.0051>

^{vi} Centers for Disease Control and Prevention. (2022, October 25). CDC. <https://www.cdc.gov/hiv/policies/law/states/minors.html>.

^{vii} Fla. Stat. § 501. (2023). <https://www.flsenate.gov/Laws/Statutes/2023/0397.501>

^{viii} Florida Mental Health Act, Fla. Stat. § 4784. (2023). <https://www.flsenate.gov/Laws/Statutes/2023/0394.4784>.

^{ix} Centers for Disease Control and Prevention. (2022, October 25). CDC. <https://www.cdc.gov/hiv/policies/law/states/minors.html>.

^x Consent Laws: Florida. (n.d.). <https://www.vaxteen.org/florida#:~:text=In%20Florida%2C%20there%20are%20currently,you%20may%20have%20Other%20options..>

State Parental Consent Laws for COVID-19 Vaccination. (2021). <https://www.kff.org/other/state-indicator/state-parental-consent-laws-for-covid-19-vaccination/?currentTimeframe=0&sortModel=%7B%22colld%22:%22Location%22,%22sort%22:%22asc%22%7D>.

^{xi} Florida Mental Health Act, Fla. Stat. § 4784. (2023). <https://www.flsenate.gov/Laws/Statutes/2023/0394.4784>.

^{xii} Fla. Stat. § 01114. (2023). <https://www.flsenate.gov/Laws/Statutes/2023/0390.01114>

^{xiii} Fla. Stat. § 51. (2023). <https://www.flsenate.gov/Laws/Statutes/2023/0456.5>.