

Mandatory Reporting Requirements, Law Enforcement, and Patient Confidentiality in Florida

Note: This resource is up to date as of January 2026.

Why use this fact sheet?

Confidentiality is central to the provider-patient relationship and a core part of medical ethics. In addition, violating patient confidentiality unnecessarily may carry professional or legal penalties. This fact sheet provides an overview of some of the major mandatory reporting requirements and where they may intersect with patient privacy - with a specific focus on self-managed abortion. This factsheet does not include reporting requirements that are specific to long-term care facilities. This fact sheet does not contain legal advice, and we recommend that providers who have further questions about their reporting requirements consult an in-state attorney for more information.

Who wrote this guide and why?

If/When/How: Lawyering for Reproductive Justice is a legal advocacy organization. We created this fact sheet in part because the most common cause of the criminalization of people who self-manage their own abortion care is unnecessary reports to law enforcement by medical providers. We also frequently field questions from providers who are concerned about what they may need to report. We know providers share our concern that risk to patients may be high when a report to law enforcement is triggered. In the case of reporting self-managed abortion, the consequences to patients might include jail time, losing custody of their children, a criminal record, or fines - all of which are unjust responses by an overzealous, racially biased system and frequently violate people's rights. Failure to report when it is necessary also carries risk of liability, so we want providers to feel confident in their ability to discern when reporting is legally required, and what must be included.

Providers can also help protect their patients from unjust criminalization.

Know your mandatory reporting obligations, and where they intersect with patient privacy.

This fact sheet covers most mandatory reporting requirements in Florida law. Your hospital, clinic, or practice may have additional reporting requirements that you should be familiar with. Providers can help patients maintain their agency and confidentiality while fulfilling their mandatory reporting obligations by:

- Not reporting patients if not legally required,
- Not asking patients for information that is not necessary to patient care,
- Informing patients of what the provider may have to report prior to treating the patient, and
- Carefully considering what information is necessary to document in a medical chart.

Providers can also help protect their patients from unjust criminalization by ensuring that their hospital or clinic reporting policies do not conflict with state laws on medical privacy.

Major Mandatory Reporting Requirements in Florida¹

Crime: Self-managed abortion is not a crime for abortion seekers in Florida.

Florida providers are only required to report (1) child abuse or neglect, (2) vulnerable adult abuse or neglect, (3) gunshot wounds and certain life-threatening injuries, (4) overdoses under some circumstances, and (5) human trafficking in some cases.

Child and vulnerable adult abuse: A minor² or vulnerable adult³ self-managing an abortion is not ordinarily reportable as abuse.

Legal requirements for child abuse reporting are fraught with bias, in particular toward families of color and families struggling to make ends meet. However, all health care providers in Florida who diagnose, examine, treat, or provide counseling are mandatory reporters for suspected child abuse and neglect. Health care providers are also mandatory reporters for suspected vulnerable adult abuse or neglect. Because suspicion is subjective and can often stem from bias, health care providers should thoroughly examine any potential bias at play when deciding whether or not a report is required under the law.

Have more questions? Reach out to request technical assistance.

Florida law requires providers to report to the Department of Children and Families (DCF) when they have cause to suspect that a minor is experiencing abuse⁴ or neglect⁵ from a parent, guardian, legal custodian, person responsible for the minor's care. Child abuse or neglect by any other person has to be reported to law enforcement.⁶ Providers must also report to DCF when they have reasonable cause to believe a vulnerable adult is experiencing abuse or neglect. Even if a provider decides to make an abuse report, the fact that a minor or vulnerable adult self-managed their own abortion would not ordinarily need to be included in a report.

Under Florida law, encountering a minor who is pregnant would not automatically trigger a report.⁸ Health care providers should inform young patients about what constitutes reportable sexual conduct prior to talking to them about care where possible.

Statutory rape: If a provider does need to report a statutory rape,⁹ the fact that the patient attempted to end the pregnancy is not relevant to the investigation.

In Florida, statutory rape means sex with a person under age 18.¹⁰ Not all statutory rape is reportable: Florida only requires health care providers to report statutory rape as child abuse if (1) the patient is under age 16,¹¹ or (2) the patient is 16-17 and their sexual partner is or was 24 years of age or older.¹² The age of a minor's partner is typically not relevant to their care.

Health care providers should inform young patients about what constitutes reportable sexual conduct prior to talking to them about care where possible.

Certain traumas and injuries: Self-managed abortion is generally not a reportable injury.

Florida health care providers must report gunshot wounds and any life-threatening injuries that indicate there was a violent act.¹³ Most people who self-manage do so with medication. Sometimes, people without access to medication or other safe abortion care may utilize more physical methods (such as asking someone to punch them in the stomach) which may result in a reportable injury. If a reportable injury or condition is somehow connected to a self-managed abortion, the health care provider is not required to report the intent behind the injury. Health care providers should inform patients about what constitutes a reportable injury prior to talking to them about care where possible.

Additionally, the requirement for providers to report certain injuries does not mean that they must allow police into a patient's room, which is typically not required by law. In fact, allowing law enforcement into a patient's room is often a patient privacy violation. Any patient consent to police presence while suffering from a serious injury or illness is likely not true informed consent.¹⁴

Overdoses and drug use during pregnancy: Health care providers may be required to report overdose or drug use during pregnancy under certain circumstances.

If the patient was not transported via ambulance, Florida providers must notify the Department of Health when they treat a patient for a suspected or actual overdose from a controlled substance.¹⁵

Providers must report to the Department of Children and Families if a newborn tests positive for exposure to a controlled substance or alcohol.¹⁶

However, a positive test for a controlled substance due to medical treatment for the birthing parent or newborn is *not* reportable abuse.¹⁷ Accordingly, medications like buprenorphine for opioid use disorder treatment would not trigger an abuse report if taken as recommended. Providers with questions regarding what type of drug use triggers a report should contact If/When/How's Technical Assistance team.

Self-harm: Florida health care providers may be required to report threats of self-harm.

Mental health providers in Florida are required to make a report to law enforcement when (1) a patient has communicated a specific threat of bodily injury or death to a clearly identified person and (2) the provider believes that the patient has the ability and intent to carry out the threat imminently.¹⁸

Generally, revealing an intention to self-manage an abortion is not a threat of physical harm unless the patient reveals a threat to themselves, such as intending to self-manage by self-harm behaviors (e.g. throwing themselves down the stairs). Use of abortion pills or herbal abortifacients would not constitute self-harm.

If a patient indicates they may engage in an unsafe method of self-managed abortion, there are clinical interventions that support patient safety without a report. Mental health providers may be able to mitigate the risk of self-harm by, for example, ensuring a pregnant patient understands that abortion is legal in other states, and that travel to those states for abortion care is legal. Florida law does not require providers to report a patient's intent to self-manage an abortion as a threat to another person.

Abortion:¹⁹ It is never necessary to report a patient's intention to self-manage an abortion.

Florida health care providers²⁰ must report all abortions²¹ that they perform to the Agency for Health Care Administration.²²

The intent to self-manage – or the event of self-managing – is not information a provider is required to disclose under state law.

If a patient seeks an abortion under Florida's abortion ban exception for rape/incest/trafficking and they are an adult, providers are required to report any suspected or actual human trafficking to the police.²³ If the patient is a minor seeking an exception for rape/incest/trafficking, then providers must report it as child abuse to DCF.²⁴

Fetal death: Under the current definition of “fetal death,” providers do not have to report abortions.²⁵

Providers who attend a fetal death that occurred at or after 20 weeks gestational age must file a fetal death report within 5 days with the local registrar in the district where the delivery occurred.²⁶ There are certain circumstances in which a provider is required to report a fetal death to the medical examiner, including when the fetal death is due to an unlawful act or an otherwise "suspicious circumstance."²⁷ Under the current definition of fetal death, providers are not required to report, as fetal death, any induced termination of pregnancy, including self-managed abortion.

HIPAA:

HIPAA generally prevents health care providers and entities from disclosing patient information without patient consent, and the state reporting laws discussed in this fact sheet are exceptions to that rule.²⁸ This means that when a provider is legally required to make a report, HIPAA allows them to share patient information that is specifically required or permitted by the applicable state reporting law. Providing any additional patient information beyond what is specifically required or permitted by state law would likely violate HIPAA.

Accordingly, providers should carefully consider what patient information is necessary for making a report. For example, if a provider treats a minor patient for an injury that gives them cause to suspect physical abuse, the provider could share the records that are relevant to the suspected abuse, but they likely could not share the patient's *entire* medical record without violating HIPAA.

Providers with questions about medical privacy laws in relation to reproductive health care can request technical assistance from If/When/How: <https://ifwhenhow.org/learn/technical-assistance/>.

Citations

1. This fact sheet focuses on mandatory reporting requirements that involve law enforcement or an analogous health authority. It does not include mandatory reporting requirements concerning communicable diseases, childhood blood lead levels, etc. It also does not include reporting requirements specific to long-term care facilities. The fact sheet intends to cover reporting requirements for physicians, nurses, physician assistants, midwives, social workers, mental health professionals, and emergency medical technicians. If you know of a mandatory reporting requirement for these professionals in Florida involving or potentially involving law enforcement that is not covered on this sheet, please contact info@ifwhenhow.org.
2. A "minor" or "child" means "any unmarried person under the age of 18 years who has not been emancipated by order of the court." Fla. Stat. § 39.01(12).
3. "Vulnerable Adult" is defined as "a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging." Fla. Stat. § 415.102(28).
4. Abuse means "any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired." Fla. Stat. § 39.01(2); *See also* Fla. Stat. § 39.201 (reporting requirement).
5. Neglect "occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person." Fla. Stat. § 39.01(53). *See also* Fla. Stat. § 39.201 (reporting requirement).
6. Fla. Stat. § 39.201(1)(a).
7. Abuse "means any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult's physical, mental, or emotional health. Abuse includes acts and omissions." Fla. Stat. § 415.102(1).
8. In Florida, it is considered child abuse for an adult 21 years or older to impregnate a minor that is under 16 years of age. However, the provider is exempt from reporting this as child abuse if as part of providing "medical or counseling services to pregnant children...such reporting would interfere with the provision of such medical or counseling services." Fla. Stat. § 39.201(3)(c).

Citations

9. Florida's relevant definition of abuse includes sexual abuse. Fla. Stat. § 39.01(2). This would include statutory rape in certain circumstances. *Id.* at (41), (80).
10. Fla. Stat. § 794.05.
11. Fla. Stat. § 800.04.
12. Fla. Stat. § 794.05.
13. Fla. Stat. § 790.24. "Violent act" is not further defined in statute, but generally could be understood to mean a non-accidental injury involving another.
14. Working Grp. on Policing and Patient Rts., *Police in the Emergency Department: A Medical Provider Toolkit for Protecting Patient Privacy* (2021), <https://perma.cc/T8QF-PGY8> (last visited Jan. 21, 2026).
15. Fla. Stat. § 395.1041(8).
16. Fla. Stat. § 39.01(37)(g)(1).
17. Fla. Stat. § 39.01(37)(g)(1).
18. Fla. Stat. § 456.059.
19. "Abortion means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus." Fla. Stat. § 390.011(1).
20. For more information about Florida abortion laws, see Abortion Def. Network, *Know Your State's Abortion Laws A Guide for Medical Professionals: Florida*, <https://abortiondefensenetwork.org/wp-content/uploads/2025/12/Florida-October-2025.pdf>.
21. In Florida, abortion clinics are subject to additional reporting requirements for adverse events that occur as a result of an abortion. These requirements do not apply to other healthcare facilities or providers. See Fla. Stat. §§ 390.011(2), 390.012(3)(h)(1)-(h)(2).
22. Fla. Stat. § 390.0112(1).
23. Fla. Stat. § 390.0111(1)(d).
24. Fla. Stat. § 390.0111(1)(d).
25. Fetal death "means death prior to the complete expulsion or extraction of a product of human conception from its mother if the 20th week of gestation has been reached and the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles." Fla. Stat. § 382.002(8).
26. Fla. Stat. § 382.008.
27. See Fla. Stat. §§ 382.011, 406.11. The list of reportable circumstances is fairly broad. Since death and fetal death are mentioned together for the purpose of these statutes, it is likely that not all the listed circumstances were intended to apply in the case of fetal deaths.

Citations

28. See, e.g., Dep't of Health & Hum. Servs., *My state law authorizes health care providers to report suspected child abuse to the state department of health and social services. Does the HIPAA Privacy Rule preempt this state law?*, <https://perma.cc/4BUP-ZZDA> (last reviewed Dec. 28, 2022). “[I]f a provision of State law provided for [reporting of disease or injury, child abuse, birth, or death, or for public health surveillance, investigation, or intervention] and was contrary to the [HIPAA] Privacy Rule, the State law would prevail.” *Id.* In other words, HIPAA protects all patient information from disclosure, except for what a state reporting law either requires or permits.