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CS/CS/HB 441, Engrossed 1

2021 Legislature

1  
2 An act relating to an elder-focused dispute resolution  
3 process; creating s. 44.407, F.S.; providing  
4 legislative findings; defining terms; authorizing the  
5 courts to appoint an eldercaring coordinator and refer  
6 certain parties and elders to eldercaring  
7 coordination; prohibiting the courts from referring  
8 certain parties to eldercaring coordination without  
9 the consent of the elder and other parties to the  
10 action; specifying the duration of eldercaring  
11 coordinator appointments; requiring the courts to  
12 conduct intermittent review hearings regarding the  
13 conclusion or extension of such appointments;  
14 specifying mechanisms by which a court appointment is  
15 terminated or extended; providing qualifications and  
16 disqualifications for eldercaring coordinators;  
17 requiring prospective eldercaring coordinators to meet  
18 certain qualifications for background screening,  
19 unless otherwise exempt; requiring prospective  
20 eldercaring coordinators to submit fingerprints for  
21 purposes of criminal history background screening;  
22 requiring prospective eldercaring coordinators to pay  
23 the fees for state and federal fingerprint processing;  
24 providing for the disqualification and removal of  
25 certain eldercaring coordinators; requiring that

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

26 | notice of hearing on removal of an eldercaring  
27 | coordinator be timely served; authorizing the courts  
28 | to award reasonable attorney fees and costs under  
29 | certain circumstances; requiring the court to appoint  
30 | successor eldercaring coordinators under certain  
31 | circumstances; specifying the courts' authority to  
32 | make certain determinations based on the parties'  
33 | ability to pay the eldercaring coordination fees and  
34 | costs; providing that certain communications between  
35 | the parties, participants, and eldercaring  
36 | coordinators are confidential; providing exceptions;  
37 | providing requirements for emergency reporting to  
38 | courts under certain circumstances; providing immunity  
39 | from liability for eldercaring coordinators under  
40 | specified circumstances; requiring the Florida Supreme  
41 | Court to establish certain minimum standards and  
42 | procedures for eldercaring coordinators; authorizing a  
43 | court to address procedures governing complaints  
44 | against appointed eldercaring coordinators under  
45 | certain circumstances; authorizing the Florida Supreme  
46 | Court to appoint or employ personnel for specified  
47 | purposes; providing an effective date.

48 |  
49 | Be It Enacted by the Legislature of the State of Florida:  
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ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

51 Section 1. Section 44.407, Florida Statutes, is created to  
52 read:

53 44.407 Elder-focused dispute resolution process.-

54 (1) LEGISLATIVE FINDINGS.-The Legislature finds that:

55 (a) Denying an elder a voice in decisions regarding  
56 himself or herself may negatively affect the elder's health and  
57 well-being, as well as deprive the elder of his or her legal  
58 rights. Even if an elder is losing capacity to make major  
59 decisions for himself or herself, the elder is still entitled to  
60 the dignity of having his or her voice heard.

61 (b) In conjunction with proceedings in court, it is in the  
62 best interest of an elder, his or her family members, and  
63 legally recognized decisionmakers to have access to a  
64 nonadversarial process to resolve disputes relating to the elder  
65 which focuses on the elder's wants, needs, and best interests.  
66 Such a process will protect and preserve the elder's exercisable  
67 rights.

68 (c) By recognizing that every elder, including those whose  
69 capacity is being questioned, has unique needs, interests, and  
70 differing abilities, the Legislature intends for this section to  
71 promote the public welfare by establishing a unique dispute  
72 resolution option to complement and enhance, not replace, other  
73 services, such as the provision of legal information or legal  
74 representation; financial advice; individual or family therapy;  
75 medical, psychological, or psychiatric evaluation; or mediation,

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

76 specifically for issues related to the care and needs of elders.  
 77 The Legislature intends that this section be liberally construed  
 78 to accomplish these goals.

79 (2) DEFINITIONS.—As used in this section, the term:

80 (a) "Action," for purposes of using eldercaring  
 81 coordination solely to address disputes regarding the care and  
 82 safety of the elder, means a proceeding in which a party sought  
 83 or seeks a judgment or order from the court to:

84 1. Determine if someone is or is not incapacitated  
 85 pursuant to s. 744.331.

86 2. Appoint or remove a guardian or guardian advocate.

87 3. Review any actions of a guardian.

88 4. Execute an investigation pursuant to s. 415.104.

89 5. Review an agent's actions pursuant to s. 709.2116.

90 6. Review a proxy's decision pursuant to s. 765.105.

91 7. Enter an injunction for the protection of an elder  
 92 under s. 825.1035.

93 8. Follow up on a complaint made to the Office of Public  
 94 and Professional Guardians pursuant to s. 744.2004.

95 9. At the discretion of the presiding judge, address any  
 96 other matters pending before the court which involve the care  
 97 and safety of an elder.

98  
 99 The term does not include any action brought under chapters 732,  
 100 733, and 736.

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

101        (b) "Care and safety" means the condition of the elder's  
102 general physical, mental, emotional, psychological, and social  
103 well-being. The term does not include a determination of  
104 capacity by the court under s. 744.331(5) and (6). Unless the  
105 parties agree otherwise, the term does not include matters  
106 relating to the elder's estate planning, the elder's agent  
107 designations under chapter 709, the elder's surrogate  
108 designations under chapter 765, trusts in which the elder is a  
109 grantor, fiduciary, or beneficiary, or other similar financially  
110 focused matters.

111        (c) "Elder" means a person 60 years of age or older who is  
112 alleged to be suffering from the infirmities of aging as  
113 manifested by a physical, a mental, or an emotional dysfunction  
114 to the extent that the elder's ability to provide adequately for  
115 the protection or care of his or her own person or property is  
116 impaired.

117        (d) "Eldercaring coordination" means an elder-focused  
118 dispute resolution process during which an eldercaring  
119 coordinator assists an elder, legally authorized decisionmakers,  
120 and others who participate by court order or by invitation of  
121 the eldercaring coordinator in resolving disputes regarding the  
122 care and safety of an elder by:

- 123            1. Facilitating more effective communication and  
124 negotiation and the development of problem-solving skills.  
125            2. Providing education about eldercare resources.

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

126       3. Facilitating the creation, modification, or  
 127 implementation of an eldercaring plan and reassessing it as  
 128 necessary to reach a resolution of ongoing disputes concerning  
 129 the care and safety of the elder.

130       4. Making recommendations for the resolution of disputes  
 131 concerning the care and safety of the elder.

132       5. With the prior approval of the parties to an action or  
 133 of the court, making limited decisions within the scope of the  
 134 court's order of referral.

135       (e) "Eldercaring coordination communication" means an oral  
 136 or written statement, or nonverbal conduct intended to make an  
 137 assertion, by, between, or among the parties, participants, or  
 138 eldercaring coordinator made during the course of eldercaring  
 139 coordination activity, or before an eldercaring coordination  
 140 activity if made in furtherance of eldercaring coordination. The  
 141 term does not include statements made during eldercaring  
 142 coordination which involve the commission of a crime, the intent  
 143 to commit a crime, or ongoing abuse, exploitation, or neglect of  
 144 a child or vulnerable adult.

145       (f) "Eldercaring coordinator" means an impartial third  
 146 person who is appointed by the court or designated by the  
 147 parties and who meets the requirements of subsection (5). The  
 148 role of the eldercaring coordinator is to assist parties through  
 149 eldercaring coordination in a manner that respects the elder's  
 150 need for autonomy and safety.

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

151 (g) "Eldercaring plan" means a continually reassessed plan  
152 for the items, tasks, or responsibilities needed to provide for  
153 the care and safety of an elder which is modified throughout  
154 eldercaring coordination to meet the changing needs of the elder  
155 and which takes into consideration the preferences and wishes of  
156 the elder. The plan is not a legally enforceable document, but  
157 is meant for use by the parties and participants.

158 (h) "Good cause" means a finding that the eldercaring  
159 coordinator:

160 1. Is not fulfilling the duties and obligations of the  
161 position;

162 2. Has failed to comply with any order of the court,  
163 unless the order has been superseded on appeal;

164 3. Has conflicting or adverse interests that affect his or  
165 her impartiality;

166 4. Has engaged in circumstances that compromise the  
167 integrity of eldercaring coordination; or

168 5. Has had a disqualifying event occur.

169

170 The term does not include a party's disagreement with the  
171 eldercaring coordinator's methods or procedures.

172 (i) "Legally authorized decisionmaker" means an individual  
173 designated, either by the elder or by the court, pursuant to  
174 chapter 709, chapter 744, chapter 747, or chapter 765 who has  
175 the authority to make specific decisions on behalf of the elder

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

176 | who is the subject of an action.

177 |       (j) "Participant" means an individual who is not a party  
178 | who joins eldercaring coordination by invitation of or with the  
179 | consent of the eldercaring coordinator but who has not filed a  
180 | pleading in the action from which the case was referred to  
181 | eldercaring coordination.

182 |       (k) "Party" includes the elder who is the subject of an  
183 | action and any other individual over whom the court has  
184 | jurisdiction in the current case.

185 |       (3) REFERRAL.—

186 |       (a) Upon agreement of the parties to the action, the  
187 | court's own motion, or the motion of a party to the action, the  
188 | court may appoint an eldercaring coordinator and refer the  
189 | parties to eldercaring coordination to assist in the resolution  
190 | of disputes concerning the care and safety of the elder who is  
191 | the subject of an action.

192 |       (b) The court may not refer a party who has a history of  
193 | domestic violence or exploitation of an elderly person to  
194 | eldercaring coordination unless the elder and other parties in  
195 | the action consent to such referral.

196 |       1. The court shall offer each party an opportunity to  
197 | consult with an attorney or a domestic violence advocate before  
198 | accepting consent to such referral. The court shall determine  
199 | whether each party has given his or her consent freely and  
200 | voluntarily.



ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

201        2. The court shall consider whether a party has committed  
 202 an act of exploitation as defined in s. 415.102, exploitation of  
 203 an elderly person or disabled adult as defined in s. 825.103(1),  
 204 or domestic violence as defined in s. 741.28 against another  
 205 party or any member of another party's family; engaged in a  
 206 pattern of behaviors that exert power and control over another  
 207 party and that may compromise another party's ability to  
 208 negotiate a fair result; or engaged in behavior that leads  
 209 another party to have reasonable cause to believe that he or she  
 210 is in imminent danger of becoming a victim of domestic violence.  
 211 The court shall consider and evaluate all relevant factors,  
 212 including, but not limited to, the factors specified in s.  
 213 741.30(6)(b).

214        3. If a party has a history of domestic violence or  
 215 exploitation of an elderly person, the court must order  
 216 safeguards to protect the safety of the participants and the  
 217 elder and the elder's property, including, but not limited to,  
 218 adherence to all provisions of an injunction for protection or  
 219 conditions of bail, probation, or a sentence arising from  
 220 criminal proceedings.

221        (4) COURT APPOINTMENT.—

222        (a) A court appointment of an eldercaring coordinator is  
 223 for a term of up to 2 years and the court shall conduct review  
 224 hearings intermittently to determine whether the term should be  
 225 concluded or extended. Appointments conclude upon expiration of

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

226 | the term or upon discharge by the court, whichever occurs  
 227 | earlier.

228 | (b) The order of appointment by the court shall define the  
 229 | scope of the eldercaring coordinator's authority under the  
 230 | appointment in the action, consistent with this section.

231 | (c) The order shall specify that, notwithstanding the  
 232 | intermittent review hearings under paragraph (a), a party may  
 233 | move the court at any time during the period of appointment for  
 234 | termination of the appointment. Upon the filing of such a  
 235 | motion, the court shall timely conduct a hearing to determine  
 236 | whether to terminate the appointment. Until the court has ruled  
 237 | on the motion, the eldercaring coordination process shall  
 238 | continue. In making the determination, the court shall consider  
 239 | at a minimum:

240 | 1. The efforts and progress of eldercaring coordination in  
 241 | the action to date;

242 | 2. The preference of the elder, if ascertainable; and

243 | 3. Whether continuation of the appointment is in the best  
 244 | interest of the elder.

245 | (5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—

246 | (a) The court shall appoint qualified eldercaring  
 247 | coordinators who:

248 | 1. Meet one of the following professional requirements:

249 | a. Are licensed as a mental health professional under  
 250 | chapter 491 and hold at least a master's degree in the

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

251 | professional field of practice;  
 252 |       b. Are licensed as a psychologist under chapter 490;  
 253 |       c. Are licensed as a physician under chapter 458 or  
 254 | chapter 459;  
 255 |       d. Are licensed as a nurse under chapter 464 and hold at  
 256 | least a master's degree;  
 257 |       e. Are certified by the Florida Supreme Court as a family  
 258 | mediator and hold at least a master's degree;  
 259 |       f. Are a member in good standing of The Florida Bar; or  
 260 |       g. Are a professional guardian as defined in s.  
 261 | 744.102(17) and hold at least a master's degree.  
 262 |       2. Have completed all of the following:  
 263 |       a. Three years of post-licensure or post-certification  
 264 | practice;  
 265 |       b. A family mediation training program certified by the  
 266 | Florida Supreme Court; and  
 267 |       c. An eldercaring coordinator training program certified  
 268 | by the Florida Supreme Court. The training must total at least  
 269 | 44 hours and must include advanced tactics for dispute  
 270 | resolution of issues related to aging, illness, incapacity, or  
 271 | other vulnerabilities associated with elders, as well as elder,  
 272 | guardianship, and incapacity law and procedures and less  
 273 | restrictive alternatives to guardianship; phases of eldercaring  
 274 | coordination and the role and functions of an eldercaring  
 275 | coordinator; the elder's role within eldercaring coordination;

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

276 family dynamics related to eldercaring coordination; eldercaring  
277 coordination skills and techniques; multicultural competence and  
278 its use in eldercaring coordination; at least 6 hours of the  
279 implications of elder abuse, neglect, and exploitation and other  
280 safety issues pertinent to the training; at least 4 hours of  
281 ethical considerations pertaining to the training; use of  
282 technology within eldercaring coordination; and court-specific  
283 eldercaring coordination procedures. Pending certification of a  
284 training program by the Florida Supreme Court, the eldercaring  
285 coordinator must document completion of training that satisfies  
286 the hours and the elements prescribed in this sub-subparagraph.

287 3. Have successfully passed a Level 2 background screening  
288 as provided in s. 435.04(2) and (3) or are exempt from  
289 disqualification under s. 435.07. The prospective eldercaring  
290 coordinator must submit a full set of fingerprints to the court  
291 or to a vendor, entity, or agency authorized by s. 943.053(13).  
292 The court, vendor, entity, or agency shall forward the  
293 fingerprints to the Department of Law Enforcement for state  
294 processing and the Department of Law Enforcement shall forward  
295 the fingerprints to the Federal Bureau of Investigation for  
296 national processing. The prospective eldercaring coordinator  
297 shall pay the fees for state and federal fingerprint processing.  
298 The state cost for fingerprint processing shall be as provided  
299 in s. 943.053(3)(e) for records provided to persons or entities  
300 other than those specified as exceptions therein.

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

301 4. Have not been a respondent in a final order granting an  
 302 injunction for protection against domestic, dating, sexual, or  
 303 repeat violence or stalking or exploitation of an elder or a  
 304 disabled person.

305 5. Have met any additional qualifications the court may  
 306 require to address issues specific to the parties.

307 (b) A qualified eldercaring coordinator must be in good  
 308 standing or in clear and active status with all professional  
 309 licensing authorities or certification boards to which the  
 310 eldercaring coordinator is subject.

311 (6) DISQUALIFICATIONS AND REMOVAL OF ELDERCARING  
 312 COORDINATORS.—

313 (a) An eldercaring coordinator must resign and immediately  
 314 report to the court if he or she no longer meets the minimum  
 315 qualifications or if any of the disqualifying circumstances  
 316 occurs.

317 (b) The court shall remove an eldercaring coordinator upon  
 318 the eldercaring coordinator's resignation or disqualification or  
 319 upon a finding of good cause shown based on the court's own  
 320 motion or a party's motion.

321 (c) Upon the court's own motion or upon a party's motion,  
 322 the court may suspend the authority of an eldercaring  
 323 coordinator pending a hearing on the motion for removal. Notice  
 324 of hearing on removal must be timely served on the eldercaring  
 325 coordinator and all parties.

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

326 (d) If a motion was made in bad faith, a court may, in  
327 addition to any other remedy authorized by law, award reasonable  
328 attorney fees and costs to a party or an eldercaring coordinator  
329 who successfully challenges a motion for removal.

330 (7) SUCCESSOR ELDERCARING COORDINATORS.—If an eldercaring  
331 coordinator resigns, is removed, or is suspended from an  
332 appointment, the court shall appoint a successor qualified  
333 eldercaring coordinator who is agreed to by all parties or, if  
334 the parties do not reach agreement on a successor, another  
335 qualified eldercaring coordinator to serve for the remainder of  
336 the original term.

337 (8) FEES AND COSTS.—The eldercaring coordinator's fees  
338 shall be paid in equal portions by each party referred to the  
339 eldercaring coordination process by the court. The order of  
340 referral shall specify which parties are ordered to the process  
341 and the percentage of the eldercaring coordinator's fees that  
342 each shall pay. The court may determine the allocation among the  
343 parties of fees and costs for eldercaring coordination and may  
344 make an unequal allocation based on the financial circumstances  
345 of each party, including the elder.

346 (a) A party who is asserting that he or she is unable to  
347 pay the eldercaring coordination fees and costs must complete a  
348 financial affidavit form approved by the presiding court. The  
349 court shall consider the party's financial circumstances,  
350 including income; assets; liabilities; financial obligations;

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

351 and resources, including, but not limited to, whether the party  
352 can receive or is receiving trust benefits, whether the party is  
353 represented by and paying a lawyer, and whether paying the fees  
354 and costs of eldercaring coordination would create a substantial  
355 hardship.

356 (b) If a court finds that a party is indigent based upon  
357 the criteria prescribed in s. 57.082, the court may not order  
358 the party to eldercaring coordination unless funds are available  
359 to pay the indigent party's allocated portion of the eldercaring  
360 coordination fees and costs, which may include funds provided  
361 for that purpose by one or more nonindigent parties who consent  
362 to paying such fees and costs, or unless insurance coverage or  
363 reduced or pro bono services are available to pay all or a  
364 portion of such fees and costs. If financial assistance, such as  
365 health insurance or eldercaring coordination grants, is  
366 available, such assistance must be taken into consideration by  
367 the court in determining the financial abilities of the parties.

368 (9) CONFIDENTIALITY; PRIVILEGE; EXCEPTIONS.-

369 (a) Except as provided in this subsection, all eldercaring  
370 coordination communications are confidential. An eldercaring  
371 coordination party, participant, or eldercaring coordinator may  
372 not disclose an eldercaring coordination communication to a  
373 person other than another eldercaring coordination party,  
374 participant, or eldercaring coordinator, or a party's or  
375 participant's counsel. A violation of this subsection may be

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

376 remedied as provided in paragraph (g). If the eldercaring  
377 coordination is court ordered, a violation of this subsection  
378 may also subject the eldercaring coordination participant to  
379 sanctions by the court, including, but not limited to, costs,  
380 attorney fees and costs, and eldercaring coordinator's fees and  
381 costs.

382 (b) An eldercaring coordination party, participant, or  
383 eldercaring coordinator has a privilege to refuse to testify and  
384 to prevent any other person from testifying in a subsequent  
385 proceeding regarding eldercaring coordination communications.

386 (c) Notwithstanding paragraphs (a) and (b), there is no  
387 confidentiality or privilege attached to any signed written  
388 agreement reached during eldercaring coordination, unless the  
389 parties agree otherwise, or to any eldercaring coordination  
390 communication:

391 1. Necessary to identify, authenticate, confirm, or deny a  
392 written and signed agreement entered into by the parties during  
393 eldercaring coordination.

394 2. Necessary to identify an issue for resolution by the  
395 court, including to support a motion to terminate eldercaring  
396 coordination, without otherwise disclosing communications made  
397 by any party, participant, or the eldercaring coordinator.

398 3. Limited to the subject of a party's compliance with the  
399 order of referral to eldercaring coordination, orders for  
400 psychological evaluation, court orders or health care provider



ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

401 recommendations for counseling, or court orders for substance  
 402 abuse testing or treatment.

403 4. Necessary to determine the qualifications of an  
 404 eldercaring coordinator or to determine the immunity and  
 405 liability of an eldercaring coordinator who has acted in bad  
 406 faith or with malicious purpose or in a manner exhibiting wanton  
 407 and willful disregard for the rights, safety, or property of the  
 408 parties pursuant to subsection (11).

409 5. The parties agree may be disclosed or for which  
 410 privilege against disclosure has been waived by all parties.

411 6. Made in the event the eldercaring coordinator needs to  
 412 contact persons outside of the eldercaring coordination process  
 413 to give or obtain information that furthers the eldercaring  
 414 coordination process.

415 7. That requires a mandatory report pursuant to chapter 39  
 416 or chapter 415 solely for the purpose of making the mandatory  
 417 report to the entity requiring the report.

418 8. Necessary to protect any person from future acts that  
 419 would constitute domestic violence under chapter 741; child  
 420 abuse, neglect, or abandonment under chapter 39; or abuse,  
 421 neglect, or exploitation of an elderly or disabled adult under  
 422 chapter 415 or chapter 825, or are necessary in an investigation  
 423 conducted under s. 744.2004 or a review conducted under s  
 424 744.368 (5) .

425 9. Offered to report, prove, or disprove professional

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

426 misconduct alleged to have occurred during eldercaring  
427 coordination, solely for the internal use of the body conducting  
428 the investigation of such misconduct.

429 10. Offered to report, prove, or disprove professional  
430 malpractice alleged to have occurred during eldercaring  
431 coordination solely for the professional malpractice proceeding.

432 11. Willfully used to plan a crime, commit or attempt to  
433 commit a crime, conceal ongoing criminal activity, or threaten  
434 violence.

435 (d) An eldercaring coordination communication disclosed  
436 under any provision of subparagraph (c)1., subparagraph (c)2.,  
437 subparagraph (c)5., subparagraph (c)8., or subparagraph (c)9. is  
438 confidential and is not discoverable or admissible for any other  
439 purpose, unless otherwise permitted by this section.

440 (e) Information that is otherwise admissible or  
441 discoverable does not become inadmissible or protected from  
442 discovery by reason of its disclosure or use in eldercaring  
443 coordination.

444 (f) A party that discloses or makes a representation about  
445 a privileged eldercaring coordination communication waives that  
446 privilege, but only to the extent necessary for the other party  
447 or parties to respond to the disclosure or representation.

448 (g)1. An eldercaring coordination party or participant who  
449 knowingly and willfully discloses an eldercaring coordination  
450 communication in violation of this subsection, upon application

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

451 by any party to a court of competent jurisdiction, is subject to  
 452 remedies, including:

453 a. Equitable relief.

454 b. Compensatory damages.

455 c. Contribution to the other party's or parties' attorney  
 456 fees and costs, the other party's or parties' portion of the  
 457 eldercaring coordinator fees, and the other party's or parties'  
 458 portion of the costs incurred in the eldercaring coordination  
 459 process.

460 d. Reasonable attorney fees and costs incurred in the  
 461 application for remedies under this subsection.

462 2. Notwithstanding any other law, an application for  
 463 relief filed under this paragraph may not be commenced later  
 464 than 2 years after the date on which the party had a reasonable  
 465 opportunity to discover the breach of confidentiality, but in no  
 466 case more than 4 years after the breach.

467 3. An eldercaring coordination party or participant is not  
 468 subject to a civil action under this paragraph for lawful  
 469 compliance with s. 119.07.

470 (10) EMERGENCY REPORTING TO THE COURT.—

471 (a) An eldercaring coordinator must immediately inform the  
 472 court by affidavit or verified report, without notice to the  
 473 parties, if:

474 1. The eldercaring coordinator has made or will make a  
 475 report pursuant to chapter 39 or chapter 415; or

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

476        2. A party, including someone acting on a party's behalf,  
 477 is threatening or is believed to be planning to commit the  
 478 offense of kidnapping, as defined in s. 787.01(1), upon an  
 479 elder, or wrongfully removes or is removing the elder from the  
 480 jurisdiction of the court without prior court approval or  
 481 compliance with the requirements of s. 744.1098. If the  
 482 eldercaring coordinator suspects that a party or family member  
 483 has relocated an elder within this state to protect the elder  
 484 from a domestic violence situation, the eldercaring coordinator  
 485 may not disclose the location of the elder unless required by  
 486 court order.

487        (b) An eldercaring coordinator shall immediately inform  
 488 the court by affidavit or verified report and serve a copy of  
 489 such affidavit or report on each party upon learning that a  
 490 party is the subject of a final order or injunction of  
 491 protection against domestic violence or exploitation of an  
 492 elderly person or has been arrested for an act of domestic  
 493 violence or exploitation of an elderly person.

494        (11) IMMUNITY FROM AND LIMITATION OF LIABILITY.—

495        (a) A person who is appointed or employed to assist the  
 496 body designated to perform duties relating to disciplinary  
 497 proceedings involving eldercaring coordinators has absolute  
 498 immunity from liability arising from the performance of his or  
 499 her duties while acting within the scope of his or her appointed  
 500 functions or duties of employment.

ENROLLED

CS/CS/HB 441, Engrossed 1

2021 Legislature

501        (b) An eldercaring coordinator who is appointed by the  
502 court is not liable for civil damages for any act or omission  
503 within the scope of his or her duties under an order of referral  
504 unless such person acted in bad faith or with malicious purpose  
505 or in a manner exhibiting wanton and willful disregard for the  
506 rights, safety, or property of the parties.

507        (12) MINIMUM STANDARDS AND PROCEDURES.—The Florida Supreme  
508 Court shall establish minimum standards and procedures for the  
509 qualification, ethical conduct, discipline, and training and  
510 education of eldercaring coordinators who serve under this  
511 section. Pending establishment of minimum standards and  
512 procedures for the discipline of eldercaring coordinators, the  
513 order of referral by the court may address procedures governing  
514 complaints against the appointed eldercaring coordinator  
515 consistent with this section. The Florida Supreme Court may  
516 appoint or employ such personnel as are necessary to assist the  
517 court in exercising its powers and performing its duties under  
518 this section.

519        Section 2. This act shall take effect July 1, 2021.