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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/28/2014 03:49 PM

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Senator Lee moved the following:

**Senate Amendment (with title amendment)**

Delete lines 69 - 87

and insert:

Section 2. Section 468.4334, Florida Statutes, is created  
to read:

468.4334 Professional practice standards; liability.-

(1) A community association manager or a community  
association management firm is deemed to act as agent on behalf  
of a community association as principal within the scope of  
authority granted by a written contract or allowed under this



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12 chapter. A community association manager and a community  
13 association management firm shall discharge duties performed on  
14 behalf of the association as authorized by this chapter loyally,  
15 skillfully, and diligently; dealing honestly and fairly; in good  
16 faith; with care and full disclosure to the community  
17 association; and accounting for all funds.

18 (2) (a) A contract between a community association and a  
19 community association manager or a contract between a community  
20 association and a community association management firm may  
21 provide that the community association indemnifies and holds  
22 harmless the community association manager or the community  
23 association management firm from liability for ordinary  
24 negligence resulting from the manager or management firm's act  
25 or omission when acting in his, her, or its capacity as agent of  
26 the community association. This paragraph does not preclude any  
27 other negotiated indemnity or hold-harmless provision.

28 (b) Indemnification under paragraph (a) may not cover any  
29 act or omission that violates criminal law; derives an improper  
30 personal benefit, either directly or indirectly; is grossly  
31 negligent; or is reckless, is in bad faith, is with malicious  
32 purpose, or exhibits wanton and willful disregard of human  
33 rights, safety, or property.

34  
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 5 - 8

38 and insert:

39 providing powers and duties of community association  
40 managers and community association management firms as



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41 agents of a community association; providing for  
42 liability of community association managers and  
43 community association management firms; amending s.