

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Passidomo offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 72-98 and insert:

5 468.4334 Professional practice standards; liability.-

6 (1) A community association manager or a community
7 association management firm are deemed to act as agent on behalf
8 of a community association as principal within the scope of
9 authority authorized by a written contract or under this
10 chapter. A community association manager and a community
11 association management firm shall discharge duties performed on
12 behalf of the association as authorized by this chapter loyally,
13 skillfully, and diligently; dealing honestly and fairly; in good

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14 faith; with care and full disclosure to the community
15 association; and accounting for all funds.

16 (2) (a) A contract between a community association and a
17 community association manager or a contract between a community
18 association and a community association management firm may
19 provide that the community association indemnifies and holds
20 harmless the community association manager and the community
21 association management firm for ordinary negligence resulting
22 from the manager or management firm's act or omission that is
23 the result of an instruction or direction of the community
24 association. This paragraph does not preclude any other
25 negotiated indemnity or hold harmless provision.

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

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34 **T I T L E A M E N D M E N T**

35 Remove lines 5-6 and insert:
36 providing powers and duties of community association
37 managers and community association management firms;

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