

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Geller

316-837-02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to to homeowners' associations;
amending s. 720.304, F.S.; providing that any
homeowner may display a United States flag;
amending s. 720.3075, F.S.; prohibiting
association documents from placing certain
restrictions on the display of a United States
flag; providing for retroactive application of
the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 720.304, Florida Statutes, is amended to read:

720.304 Right of owners to peaceably assemble; display of flag.--

(1) All common areas and recreational facilities serving any homeowners' association shall be available to parcel owners in the homeowners' association served thereby and their invited guests for the use intended for such common areas and recreational facilities. The entity or entities responsible for the operation of the common areas and recreational facilities may adopt reasonable rules and regulations pertaining to the use of such common areas and recreational facilities. No entity or entities shall unreasonably restrict any parcel owner's right to peaceably assemble or right to invite public officers or candidates for public office to appear and speak in common areas and recreational facilities.

(2) Any homeowner may display one portable, removable United States flag in a respectful manner, regardless of any

1 declaration rules or requirements dealing with flags or
2 decorations.

3 (3)~~(2)~~ Any owner prevented from exercising rights
4 guaranteed by subsection (1) or subsection (2) may bring an
5 action in the appropriate court of the county in which the
6 alleged infringement occurred, and, upon favorable
7 adjudication, the court shall enjoin the enforcement of any
8 provision contained in any homeowners' association document or
9 rule that operates to deprive the owner of such rights.

10 Section 2. Subsection (3) of section 720.3075, Florida
11 Statutes, is amended to read:

12 720.3075 Prohibited clauses in association
13 documents.--

14 (3) Homeowners' association documents, including
15 declarations of covenants, articles of incorporation, or
16 bylaws, may not preclude the display of one portable,
17 removable United States flag by property owners. However, the
18 flag must be displayed in a respectful manner ~~way and may be~~
19 ~~subject to reasonable standards for size, placement, and~~
20 ~~safety, as adopted by the homeowners' association, consistent~~
21 with Title 36 U.S.C. chapter 10 ~~and any local ordinances.~~

22 Section 3. This act applies retroactively regardless
23 of any declaration rules or requirements of a homeowners'
24 association dealing with flags or decorations.

25 Section 4. This act shall take effect upon becoming a
26 law.

27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 148

This committee substitute differs from the bill as filed in that it:

- creates s. 720.304(2), F.S., to allow homeowners to "display one portable, removable U. S. flag in a respectful way regardless of any declaration rules or requirements dealing with flags or decorations";
- amends s. 720.3075, F.S., to delete the authority of homeowners' associations to set "reasonable standards" for flag size, placement, and safety; and
- stipulates that the act applies retroactively.