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2 An act relating to to homeowners' associations;  
3 amending s. 720.304, F.S.; providing that any  
4 homeowner may display a United States flag;  
5 amending s. 720.3075, F.S.; prohibiting  
6 association documents from placing certain  
7 restrictions on the display of a United States  
8 flag; providing for retroactive application of  
9 the act; providing an effective date.

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

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13 Section 1. Section 720.304, Florida Statutes, is  
14 amended to read:15 720.304 Right of owners to peaceably assemble; display  
16 of flag.--17 (1) All common areas and recreational facilities  
18 serving any homeowners' association shall be available to  
19 parcel owners in the homeowners' association served thereby  
20 and their invited guests for the use intended for such common  
21 areas and recreational facilities. The entity or entities  
22 responsible for the operation of the common areas and  
23 recreational facilities may adopt reasonable rules and  
24 regulations pertaining to the use of such common areas and  
25 recreational facilities. No entity or entities shall  
26 unreasonably restrict any parcel owner's right to peaceably  
27 assemble or right to invite public officers or candidates for  
28 public office to appear and speak in common areas and  
29 recreational facilities.30 (2) Any homeowner may display one portable, removable  
31 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.

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