

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on State Administration offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

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

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1 public office to appear and speak in common areas and  
2 recreational facilities.

3 (2) Any homeowner may display one United States flag  
4 in a respectful manner.

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

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

14 720.3075 Prohibited clauses in association  
15 documents.--

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

24 Section 3. This act applies retroactively.

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

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, lines 2 through 4,

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1 remove: all of said lines  
2  
3 and insert:  
4 An act relating to to homeowners' associations;  
5 amending s. 720.304, F.S.; providing that any  
6 homeowner may display a United States flag;  
7 amending s. 720.3075, F.S.; prohibiting  
8 association documents from placing certain  
9 restrictions on the display of a United States  
10 flag; providing for retroactive application of  
11 the act;  
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