



861104

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/1/2008	.	
Floor: 1/AD/2R	.	
4/10/2008 12:34 PM	.	

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1 The Committee on Military Affairs and Domestic Security (Dean)  
2 recommended the following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

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8 Section 1. Subsection (2) of section 720.304, Florida  
9 Statutes, is amended to read:

10 720.304 Right of owners to peaceably assemble; display of  
11 flag; SLAPP suits prohibited.--

12 (2) (a) Any homeowner may display one portable, removable  
13 United States flag or official flag of the State of Florida in a  
14 respectful manner, and one ~~on Armed Forces Day, Memorial Day,~~  
15 ~~Flag Day, Independence Day, and Veterans Day may display in a~~  
16 ~~respectful manner~~ portable, removable official flag flags, in a  
17 respectful manner, not larger than 4 1/2 feet by 6 feet, which



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18 represents ~~represent~~ the United States Army, Navy, Air Force,  
19 Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of  
20 any covenants, restrictions, bylaws, ~~declaration~~ rules, or  
21 requirements of the association ~~dealing with flags or~~  
22 ~~decorations~~.

23 (b) Any homeowner may erect a freestanding flagpole no more  
24 than 20 feet high on any portion of the homeowner's real  
25 property, regardless of any covenants, restrictions, bylaws,  
26 rules, or requirements of the association, if the flagpole does  
27 not obstruct sightlines at intersections and is not erected  
28 within or upon an easement. The homeowner may further display in  
29 a respectful manner from that flagpole, regardless of any  
30 covenants, restrictions, bylaws, rules, or requirements of the  
31 association, one official United States flag, not larger than 4  
32 1/2 feet by 6 feet, and may additionally display one official  
33 flag of the State of Florida or the United States Army, Navy, Air  
34 Force, Marines, or Coast Guard, or a POW-MIA flag. Such  
35 additional flag must be equal in size to or smaller than the  
36 United States flag.

37 (c) This subsection applies to all community development  
38 districts and homeowners' associations, regardless of whether  
39 such homeowners' associations are authorized to impose  
40 assessments that may become a lien on the parcel.

41 Section 2. Subsection (3) is added to section 723.075,  
42 Florida Statutes, to read:

43 723.075 Homeowners' associations.--

44 (3) Notwithstanding subsection (1), if a portion of the  
45 park contains concrete block homes occupying lots under 99-year  
46 leases, those homeowners may be part of the association and may  
47 serve on the board of directors of the association based on the



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48 percentage of lots containing concrete block homes to the total  
49 number of mobile home lots in the park.

50 Section 3. This act shall take effect July 1, 2008.

51  
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete everything before the enacting clause  
55 and insert:

56 A bill to be entitled  
57 An act relating to rights of homeowners; amending s.  
58 720.304, F.S.; authorizing a homeowner to display  
59 certain types of flags in a respectful manner on his or  
60 her property, regardless of any covenants,  
61 restrictions, bylaws, rules, or requirements of the  
62 parcel owner's homeowners' association; providing a  
63 list of flags that may be displayed; providing size  
64 limitations for such flags; authorizing a homeowner to  
65 erect a flagpole meeting specified requirements on his  
66 or her property; authorizing a homeowner to display  
67 certain flags from such flagpole; providing  
68 restrictions; providing for the application of such  
69 provisions related to the display of flags and  
70 construction of a flagpole; amending s. 723.075, F.S.;  
71 providing that certain homeowners may be part of the  
72 homeowners' association and may serve on the board of  
73 directors of the association under certain  
74 circumstances; providing an effective date.