

20081378e1

1                   A bill to be entitled  
2           An act relating to rights of homeowners; amending s.  
3           720.304, F.S.; authorizing a homeowner to display  
4           certain types of flags in a respectful manner on his or  
5           her property, regardless of any covenants,  
6           restrictions, bylaws, rules, or requirements of the  
7           parcel owner's homeowners' association; providing a  
8           list of flags that may be displayed; providing size  
9           limitations for such flags; authorizing a homeowner to  
10          erect a flagpole meeting specified requirements on his  
11          or her property; authorizing a homeowner to display  
12          certain flags from such flagpole; providing  
13          restrictions; providing for the application of such  
14          provisions related to the display of flags and  
15          construction of a flagpole; amending s. 723.075, F.S.;  
16          providing that certain homeowners may be part of the  
17          homeowners' association and may serve on the board of  
18          directors of the association under certain  
19          circumstances; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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

25           720.304 Right of owners to peaceably assemble; display of  
26           flag; SLAPP suits prohibited.--

27           (2) (a) Any homeowner may display one portable, removable  
28           United States flag or official flag of the State of Florida in a  
29           respectful manner, and one ~~on Armed Forces Day, Memorial Day,~~

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30 ~~Flag Day, Independence Day, and Veterans Day may display in a~~  
31 ~~respectful manner portable, removable official flag flags, in a~~  
32 ~~respectful manner, not larger than 4 1/2 feet by 6 feet, which~~  
33 ~~represents ~~represent~~ the United States Army, Navy, Air Force,~~  
34 ~~Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of~~  
35 ~~any covenants, restrictions, bylaws, declaration rules, or~~  
36 ~~requirements of the association ~~dealing with flags or~~~~  
37 ~~decorations.~~

38 (b) Any homeowner may erect a freestanding flagpole no more  
39 than 20 feet high on any portion of the homeowner's real  
40 property, regardless of any covenants, restrictions, bylaws,  
41 rules, or requirements of the association, if the flagpole does  
42 not obstruct sightlines at intersections and is not erected  
43 within or upon an easement. The homeowner may further display in  
44 a respectful manner from that flagpole, regardless of any  
45 covenants, restrictions, bylaws, rules, or requirements of the  
46 association, one official United States flag, not larger than 4  
47 1/2 feet by 6 feet, and may additionally display one official  
48 flag of the State of Florida or the United States Army, Navy, Air  
49 Force, Marines, or Coast Guard, or a POW-MIA flag. Such  
50 additional flag must be equal in size to or smaller than the  
51 United States flag.

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

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

58 723.075 Homeowners' associations.--

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59       (3) Notwithstanding subsection (1), if a portion of the  
60 park contains concrete block homes occupying lots under 99-year  
61 leases, those homeowners may be part of the association and may  
62 serve on the board of directors of the association based on the  
63 percentage of lots containing concrete block homes to the total  
64 number of mobile home lots in the park.

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