

20081378er

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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.
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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.