

Amendment No.

CHAMBER ACTION

Senate

House

.
.
.
.

1 Representative Nehr offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 720.304 Right of owners to peaceably assemble; display of
8 flag; SLAPP suits prohibited.--

9 (2) (a) Any homeowner may display one portable, removable
10 United States flag or official flag of the State of Florida in a
11 respectful manner, and one ~~on Armed Forces Day, Memorial Day,~~
12 ~~Flag Day, Independence Day, and Veterans Day may display in a~~
13 ~~respectful manner~~ portable, removable official flag flags, in a
14 respectful manner, not larger than 4 1/2 feet by 6 feet, which
15 represents ~~represent~~ the United States Army, Navy, Air Force,
16 Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of

304775

4/3/2008 3:09 PM

Amendment No.

17 any covenants, restrictions, bylaws, ~~declaration~~ rules, or
18 requirements of the association ~~dealing with flags or~~
19 decorations.

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

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

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

40 723.075 Homeowners' associations.--

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

304775

4/3/2008 3:09 PM

Amendment No.

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

47 Section 3. This act shall take effect July 1, 2008.
48
49

50 -----

51 **T I T L E A M E N D M E N T**

52 Remove the entire title and insert:

53 A bill to be entitled

54 An act relating to rights of homeowners; amending s.
55 720.304, F.S.; authorizing a homeowner to display
56 certain types of flags in a respectful manner on his
57 or her property, regardless of any covenants,
58 restrictions, bylaws, rules, or requirements of the
59 parcel owner's homeowners' association; providing a
60 list of flags that may be displayed; providing size
61 limitations for such flags; authorizing a homeowner to
62 erect a flagpole meeting specified requirements on his
63 or her property; authorizing a homeowner to display
64 certain flags from such flagpole; providing
65 restrictions; providing for the application of such
66 provisions related to the display of flags and
67 construction of a flagpole; amending s. 723.075, F.S.;
68 providing that certain homeowners may be part of the
69 homeowners' association and may serve on the board of
70 directors of the association under certain
71 circumstances; providing an effective date.