

By the Committee on Regulated Industries; and Senator Gruters

580-02860-23

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1 A bill to be entitled
2 An act relating to homeowners' right to display and
3 store items; amending s. 720.304, F.S.; authorizing
4 homeowners to display no more than a certain number of
5 specified flags regardless of certain prohibitions in
6 the governing documents of the homeowners'
7 association; defining the term "first responder flag";
8 creating s. 720.3045, F.S.; prohibiting homeowners'
9 associations from restricting parcel owners or tenants
10 from displaying items on a parcel which are not
11 visible from the parcel's frontage; amending s.
12 720.3075, F.S.; prohibiting certain homeowners'
13 association documents from precluding property owners
14 from displaying a certain number of specified flags;
15 requiring that such flags be displayed in a specified
16 manner; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraphs (a) and (b) of subsection (2) of
21 section 720.304, Florida Statutes, are amended to read:

22 720.304 Right of owners to peaceably assemble; display of
23 flags ~~flag~~; SLAPP suits prohibited.—

24 (2) (a) If any covenant, restriction, bylaw, rule, or
25 requirement of an association prohibits a homeowner from
26 displaying flags permitted under this paragraph, the Any
27 homeowner may still display one portable, removable United
28 States flag or official flag of the State of Florida in a
29 respectful manner up to two of the following, and one portable,

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removable flags ~~official flag, in a respectful manner,~~ not
larger than 4 1/2 feet by 6 feet; which represents

1. The United States flag.

2. The official flag of the State of Florida.

3. A flag that represents the United States Army, Navy, Air
Force, Marine Corps, Space Force, or Coast Guard. ~~or~~

4. A POW-MIA flag.

5. A first responder flag. A first responder flag may
incorporate the design of any other flag permitted under this
paragraph to form a combined flag. For purposes of this
subsection, the term "first responder flag" means a flag that
recognizes and honors the service of any of the following:

a. Law enforcement officers as defined in s. 943.10(1).

b. Firefighters as defined in s. 112.191(1).

c. Paramedics or emergency medical technicians as those
terms are defined in s. 112.1911(1).

d. Correctional officers as defined in s. 943.10(2).

e. 911 public safety telecommunicators as defined in s.
401.465(1).

f. Advanced practice registered nurses, licensed practical
nurses, or registered nurses as those terms are defined in s.
464.003.

g. Persons participating in a statewide urban search and
rescue program developed by the Division of Emergency Management
under s. 252.35.

h. Federal law enforcement officers as defined in 18 U.S.C.
s. 115(c)(1), regardless of any covenants, restrictions, bylaws,
rules, or requirements of the association.

(b) Regardless of any covenants, restrictions, bylaws,

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59 rules, or requirements of the association, a Any homeowner may
60 erect a freestanding flagpole no more than 20 feet high on any
61 portion of the homeowner's real property as long as, ~~regardless~~
62 ~~of any covenants, restrictions, bylaws, rules, or requirements~~
63 ~~of the association,~~ if the flagpole does not obstruct sightlines
64 at intersections and is not erected within or upon an easement.
65 The homeowner may further display in a respectful manner from
66 that flagpole, ~~regardless of any covenants, restrictions,~~
67 ~~bylaws, rules, or requirements of the association,~~ one official
68 United States flag, not larger than 4 1/2 feet by 6 feet, and
69 may additionally display one other official flag permitted under
70 paragraph (a) of the State of Florida or the United States Army,
71 Navy, Air Force, Marines, Space Force, or Coast Guard, or a POW-
72 MIA flag. Such additional flag must be equal in size to or
73 smaller than the United States flag. The flagpole and display
74 are subject to all building codes, zoning setbacks, and other
75 applicable governmental regulations, including, but not limited
76 to, noise and lighting ordinances in the county or municipality
77 in which the flagpole is erected and all setback and locational
78 criteria contained in the governing documents.

79 Section 2. Section 720.3045, Florida Statutes, is created
80 to read:

81 720.3045 Display and storage of items.—Regardless of any
82 covenants, restrictions, bylaws, rules, or requirements of the
83 association, and unless prohibited by general law or local
84 ordinance, an association may not restrict parcel owners or
85 their tenants from storing or displaying any items on a parcel
86 which are not visible from the parcel's frontage or an adjacent
87 parcel, including, but not limited to, artificial turf, boats,

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88 flags, and recreational vehicles.

89 Section 3. Subsection (3) of section 720.3075, Florida
90 Statutes, is amended to read:

91 720.3075 Prohibited clauses in association documents.—

92 (3) Homeowners' association documents, including
93 declarations of covenants, articles of incorporation, or bylaws,
94 may not preclude the display of up to two ~~one~~ portable,
95 removable flags as described in s. 720.304(2)(a) United States
96 ~~flag~~ by property owners. However, all flags ~~the flag~~ must be
97 displayed in a respectful manner, consistent with the
98 requirements for the United States flag under Title 36 U.S.C.
99 chapter 10.

100 Section 4. This act shall take effect July 1, 2023.