

1                                   A bill to be entitled  
 2           An act relating to homeowners' right to display flags;  
 3           amending s. 720.304, F.S.; authorizing homeowners to  
 4           display no more than a certain number of specified  
 5           flags regardless of certain prohibitions in the  
 6           governing documents of the homeowners' association;  
 7           amending s. 720.3075, F.S.; prohibiting certain  
 8           homeowners' association documents from precluding  
 9           property owners from displaying a certain number of  
 10          specified flags; requiring that such flags be  
 11          displayed in a specified manner; providing an  
 12          effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

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

18           720.304 Right of owners to peaceably assemble; display of  
 19          flags ~~flag~~; SLAPP suits prohibited.—

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

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

28 |       1. The United States flag.

29 |       2. A flag that utilizes the same emblems and proportions  
 30 | utilized by the United States flag, regardless of the colors  
 31 | used on the flag. For purposes of this subparagraph, the flag  
 32 | must display 50 stars and 13 stripes in the traditional manner,  
 33 | without any additional emblems or text.

34 |       3. The official flag of the State of Florida.

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

37 |       5. A POW-MIA flag, ~~regardless of any covenants,~~  
 38 | ~~restrictions, bylaws, rules, or requirements of the association.~~

39 |       (b) Regardless of any covenants, restrictions, bylaws,  
 40 | rules, or requirements of the association, a ~~Any~~ homeowner may  
 41 | erect a freestanding flagpole no more than 20 feet high on any  
 42 | portion of the homeowner's real property as long as, ~~regardless~~  
 43 | ~~of any covenants, restrictions, bylaws, rules, or requirements~~  
 44 | ~~of the association, if~~ the flagpole does not obstruct sightlines  
 45 | at intersections and is not erected within or upon an easement.  
 46 | The homeowner may further display in a respectful manner from  
 47 | that flagpole, ~~regardless of any covenants, restrictions,~~  
 48 | ~~bylaws, rules, or requirements of the association,~~ one official  
 49 | United States flag, not larger than 4 1/2 feet by 6 feet, and  
 50 | may additionally display one other ~~official~~ flag permitted under

51 ~~paragraph (a) of the State of Florida or the United States Army,~~  
 52 ~~Navy, Air Force, Marines, Space Force, or Coast Guard, or a POW-~~  
 53 ~~MIA flag.~~ Such additional flag must be equal in size to or  
 54 smaller than the United States flag. The flagpole and display  
 55 are subject to all building codes, zoning setbacks, and other  
 56 applicable governmental regulations, including, but not limited  
 57 to, noise and lighting ordinances in the county or municipality  
 58 in which the flagpole is erected and all setback and locational  
 59 criteria contained in the governing documents.

60 Section 2. Subsection (3) of section 720.3075, Florida  
 61 Statutes, is amended to read:

62 720.3075 Prohibited clauses in association documents.—

63 (3) Homeowners' association documents, including  
 64 declarations of covenants, articles of incorporation, or bylaws,  
 65 may not preclude the display of up to two ~~one~~ portable,  
 66 removable flags as described in s. 720.304(2)(a) United States  
 67 ~~flag~~ by property owners. However, all flags ~~the flag~~ must be  
 68 displayed in a respectful manner, consistent with the  
 69 requirements for the United States flag under Title 36 U.S.C.  
 70 chapter 10.

71 Section 3. This act shall take effect July 1, 2023.