

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 defining the term "first responder flag"; amending s.
 8 720.3075, F.S.; prohibiting certain homeowners'
 9 association documents from precluding property owners
 10 from displaying a certain number of specified flags;
 11 requiring that such flags be displayed in a specified
 12 manner; providing an effective date.

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

15
 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. The official flag of the State of Florida.
- 30 | 3. A flag that represents the United States Army, Navy,
 31 | Air Force, Marine Corps, Space Force, or Coast Guard. ~~or~~
- 32 | 4. A POW-MIA flag.
- 33 | 5. A first responder flag. A first responder flag may
 34 | incorporate the design of any other flag permitted under this
 35 | paragraph to form a combined flag. For purposes of this
 36 | subsection, the term "first responder flag" means a flag that
 37 | recognizes and honors the services of any of the following:
 - 38 | a. Law enforcement officers as defined in s. 943.10(1).
 - 39 | b. Firefighters as defined in s. 112.191(1).
 - 40 | c. Paramedics or emergency medical technicians as those
 41 | terms are defined in s. 112.1911(1).
 - 42 | d. Correctional officers as defined in s. 943.10(2).
 - 43 | e. 911 public safety telecommunicators as defined in s.
 44 | 401.465(1).
 - 45 | f. Advanced practice registered nurses, licensed practical
 46 | nurses, or registered nurses as those terms are defined in s.
 47 | 464.003.
 - 48 | g. Persons participating in a statewide urban search and
 49 | rescue program developed by the Division of Emergency Management
 50 | under s. 252.35.

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

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

75 Section 2. Subsection (3) of section 720.3075, Florida

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76 Statutes, is amended to read:

77 720.3075 Prohibited clauses in association documents.—

78 (3) Homeowners' association documents, including
79 declarations of covenants, articles of incorporation, or bylaws,
80 may not preclude the display of up to two ~~one~~ portable,
81 removable flags as described in s. 720.304(2)(a) United States
82 ~~flag~~ by property owners. However, all flags ~~the flag~~ must be
83 displayed in a respectful manner, consistent with the
84 requirements for the United States flag under Title 36 U.S.C.
85 chapter 10.

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