

1 A bill to be entitled
 2 An act relating to property owners' right to install,
 3 display, and store items; amending s. 718.113, F.S.;
 4 allowing a condominium unit owner to display certain
 5 flags on Patriot Day; amending s. 720.304, F.S.;
 6 authorizing homeowners to display no more than a
 7 certain number of specified flags regardless of
 8 certain prohibitions in the governing documents of the
 9 homeowners' association; defining the term "first
 10 responder flag"; creating s. 720.3045, F.S.;
 11 prohibiting a homeowners' association from imposing
 12 certain restrictions; amending s. 720.3075, F.S.;
 13 prohibiting certain homeowners' association documents
 14 from precluding property owners from displaying a
 15 certain number of specified flags; requiring that such
 16 flags be displayed in a specified manner; providing an
 17 effective date.

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 19 Be It Enacted by the Legislature of the State of Florida:

20 Section 1. Subsection (4) of section 718.113, Florida
 21 Statutes, is amended to read:

22 718.113 Maintenance; limitation upon improvement; display
 23 of flag; hurricane shutters and protection; display of religious
 24 decorations.—

25 (4) Any unit owner may display one portable, removable

26 United States flag in a respectful way and, on Armed Forces Day,
 27 Memorial Day, Flag Day, Independence Day, Patriot Day, and
 28 Veterans Day, may display in a respectful way portable,
 29 removable official flags, not larger than 4 1/2 feet by 6 feet,
 30 that represent the United States Army, Navy, Air Force, Marine
 31 Corps, Space Force, or Coast Guard, regardless of any
 32 declaration rules or requirements dealing with flags or
 33 decorations.

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

36 720.304 Right of owners to peaceably assemble; display of
 37 flags ~~flag~~; SLAPP suits prohibited.—

38 (2)(a) If any covenant, restriction, bylaw, rule, or
 39 requirement of an association prohibits a homeowner from
 40 displaying flags permitted under this paragraph, the Any
 41 homeowner may still display ~~one portable, removable United~~
 42 ~~States flag or official flag of the State of Florida~~ in a
 43 respectful manner up to two of the following, ~~and one portable,~~
 44 removable flags ~~official flag, in a respectful manner~~, not
 45 larger than 4 1/2 feet by 6 feet: ~~which represents~~

- 46 1. The United States flag.
- 47 2. The official flag of the State of Florida.
- 48 3. A flag that represents the United States Army, Navy,
 49 Air Force, Marine Corps, Space Force, or Coast Guard. ~~or~~
- 50 4. A POW-MIA flag.

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

56 a. Law enforcement officers as defined in s. 943.10(1).
 57 b. Firefighters as defined in s. 112.191(1).
 58 c. Paramedics or emergency medical technicians as those
 59 terms are defined in s. 112.1911(1).
 60 d. Correctional officers as defined in s. 943.10(2).
 61 e. 911 public safety telecommunicators as defined in s.
 62 401.465(1).
 63 f. Advanced practice registered nurses, licensed practical
 64 nurses, or registered nurses as those terms are defined in s.
 65 464.003.
 66 g. Persons participating in a statewide urban search and
 67 rescue program developed by the Division of Emergency Management
 68 under s. 252.35.
 69 h. Federal law enforcement officers as defined in 18
 70 U.S.C. s. 115(c)(1), ~~regardless of any covenants, restrictions,~~
 71 ~~bylaws, rules, or requirements of the association.~~

72 (b) Regardless of any covenants, restrictions, bylaws,
 73 rules, or requirements of the association, a ~~Any~~ homeowner may
 74 erect a freestanding flagpole no more than 20 feet high on any
 75 portion of the homeowner's real property as long as, ~~regardless~~

76 ~~of any covenants, restrictions, bylaws, rules, or requirements~~
 77 ~~of the association, if the flagpole does not obstruct sightlines~~
 78 at intersections and is not erected within or upon an easement.
 79 The homeowner may further display in a respectful manner from
 80 that flagpole, ~~regardless of any covenants, restrictions,~~
 81 ~~bylaws, rules, or requirements of the association,~~ one official
 82 United States flag, not larger than 4 1/2 feet by 6 feet, and
 83 may additionally display one other official flag permitted under
 84 paragraph (a) of the State of Florida or the United States Army,
 85 ~~Navy, Air Force, Marines, Space Force, or Coast Guard, or a POW-~~
 86 ~~MIA flag.~~ Such additional flag must be equal in size to or
 87 smaller than the United States flag. The flagpole and display
 88 are subject to all building codes, zoning setbacks, and other
 89 applicable governmental regulations, including, but not limited
 90 to, noise and lighting ordinances in the county or municipality
 91 in which the flagpole is erected and all setback and locational
 92 criteria contained in the governing documents.

93 Section 3. Section 720.3045, Florida Statutes, is created
 94 to read:

95 720.3045 Installation, display, and storage of items.-
 96 Regardless of any covenants, restrictions, bylaws, rules, or
 97 requirements of the association, and unless prohibited by
 98 general law or local ordinance, an association may not restrict
 99 parcel owners or their tenants from installing, displaying, or
 100 storing any items on a parcel which are not visible from the

101 parcel's frontage or an adjacent parcel, including, but not
 102 limited to, artificial turf, boats, flags, and recreational
 103 vehicles.

104 Section 4. Subsection (3) of section 720.3075, Florida
 105 Statutes, is amended to read:

106 720.3075 Prohibited clauses in association documents.—

107 (3) Homeowners' association documents, including
 108 declarations of covenants, articles of incorporation, or bylaws,
 109 may not preclude the display of up to two ~~one~~ portable,
 110 removable flags as described in s. 720.304(2)(a) United States
 111 ~~flag~~ by property owners. However, all flags ~~the flag~~ must be
 112 displayed in a respectful manner, consistent with the
 113 requirements for the United States flag under Title 36 U.S.C.
 114 chapter 10.

115 Section 5. This act shall take effect July 1, 2023.

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