

Committee Substitute for Senate Bill No. 1378

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

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

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

720.304 Right of owners to peaceably assemble; display of flag; SLAPP suits prohibited.—

(2)(a) Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and ~~one on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day may display in a respectful manner~~ portable, removable official flag flags, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which ~~represents~~ represent the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, ~~or a POW-MIA flag~~, regardless of any covenants, restrictions, bylaws, declaration rules, or requirements of the association dealing with flags or decorations.

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

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

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

723.075 Homeowners' associations.—

(3) Notwithstanding subsection (1), if a portion of the park contains concrete block homes occupying lots under 99-year leases, those homeowners may be part of the association and may serve on the board of directors of the association based on the percentage of lots containing concrete block homes to the total number of mobile home lots in the park.

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

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.