

1 A bill to be entitled
2 An act relating to display of flags in residential
3 associations; amending s. 718.113, F.S.; authorizing
4 unit owners of a condominium to display no more than a
5 certain number of specified flags regardless of
6 certain prohibitions in the governing documents of the
7 condominium association; removing a limitation
8 relating to flying flags only on specified days;
9 defining the term "first responder flag"; authorizing
10 a civil cause of action; entitling prevailing parties
11 to attorney fees and costs in a civil cause of action;
12 amending s. 720.304, F.S.; authorizing homeowners to
13 display no more than a certain number of specified
14 flags regardless of certain prohibitions in the
15 governing documents of the homeowners' association;
16 defining the term "first responder flag"; entitling
17 prevailing parties to attorney fees and costs in a
18 civil cause of action; amending s. 720.3075, F.S.;
19 prohibiting certain homeowners' association documents
20 from precluding property owners from displaying
21 certain flags; requiring that such flags be displayed
22 in a specified manner; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

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

28 718.113 Maintenance; limitation upon improvement; display
 29 of flags ~~flag~~; hurricane shutters and protection; display of
 30 religious decorations.-

31 (4) (a) If any covenant, restriction, bylaw, rule, or
 32 requirement of an association prohibits a unit owner from
 33 displaying flags listed in subparagraphs 1.-5., the Any unit
 34 owner may still display ~~one portable, removable United States~~
 35 ~~flag~~ in a respectful manner, up to two of the following way and,
 36 ~~on Armed Forces Day, Memorial Day, Flag Day, Independence Day,~~
 37 ~~and Veterans Day,~~ may display in a respectful way portable,
 38 removable ~~official~~ flags, not larger than 4 1/2 feet by 6 feet;7
 39 ~~that represent~~

- 40 1. The United States flag.
- 41 2. The official flag of the State of Florida.
- 42 3. A flag that represents the United States Army, Navy,
 43 Air Force, Marine Corps, ~~or~~ Coast Guard, or Space Force.
- 44 4. A POW-MIA flag.
- 45 5. A first responder flag. A first responder flag may
 46 incorporate the design of any other flag permitted under this
 47 paragraph to form a combined flag. For purposes of this
 48 subsection, the term "first responder flag" means a flag that
 49 recognizes and honors the services of any of the following:
- 50 a. Law enforcement officers, as defined in s. 943.10(1),

HB 1371

2022

51 and is limited to the colors blue, black, and white and the
52 words "law enforcement"; "police"; "officers"; "first
53 responders"; "service"; "honor our"; "support our"; "in
54 memoriam"; "department"; and any other language, initials, or
55 acronyms that identify a particular law enforcement department
56 or law enforcement agency.

57 b. Firefighters, as defined in s. 112.191(1), and is
58 limited to the colors red, gold, black, and white and the words
59 "firefighter"; "F" or "D"; "FD"; "first responders"; "service";
60 "honor our"; "support our"; "in memoriam"; "department"; and any
61 other language, initials, or acronyms that identify a particular
62 fire department or public safety department.

63 c. Paramedics or emergency medical technicians, as those
64 terms are defined in s. 112.1911(1), and is limited to the
65 colors blue, black, and white and the words "paramedic";
66 "emergency medical"; "technician"; "EMT"; "first responders";
67 "service"; honor our"; "support our"; "in memoriam"; and any
68 other language, initials, or acronyms that identify a particular
69 emergency medical services department or emergency medical
70 services agency.

71 (b) A unit owner prevented from exercising his or her
72 rights guaranteed under this subsection may bring a civil cause
73 of action in the appropriate court of the county in which the
74 alleged infringement occurred. If the court finds that an
75 infringement has occurred, the court must enjoin the enforcement

76 of any covenant, restriction, bylaw, rule, or requirement of the
 77 association which operates to deprive the unit owner of his or
 78 her rights under this subsection. The prevailing party is
 79 entitled to reasonable attorney fees and costs ~~regardless of any~~
 80 ~~declaration rules or requirements dealing with flags or~~
 81 ~~decorations.~~

82 Section 2. Paragraphs (a) and (b) of subsection (2) and
 83 subsection (3) of section 720.304, Florida Statutes, are amended
 84 to read:

85 720.304 Right of owners to peaceably assemble; display of
 86 flags ~~flag~~; SLAPP suits prohibited.-

87 (2)(a) If any covenant, restriction, bylaw, rule, or
 88 requirement of an association prohibits a homeowner from
 89 displaying flags listed in subparagraphs 1.-5., the Any
 90 homeowner may still display one portable, removable United
 91 States flag or official flag of the State of Florida in a
 92 respectful manner, up to two of the following and one portable,
 93 removable flags official flag, in a respectful manner, not
 94 larger than 4 1/2 feet by 6 feet; ~~which represents~~

- 95 1. The United States flag.
- 96 2. The official flag of the State of Florida.
- 97 3. A flag that represents the United States Army, Navy,
 98 Air Force, Marine Corps, ~~or~~ Coast Guard, or Space Force.
- 99 4. A POW-MIA flag.
- 100 5. A first responder flag. A first responder flag may

101 incorporate the design of any other flag permitted under this
102 paragraph to form a combined flag. For purposes of this
103 subsection, the term "first responder flag" means a flag that
104 recognizes and honors the services of any of the following:

105 a. Law enforcement officers, as defined in s. 943.10(1),
106 and is limited to the colors blue, black, and white and the
107 words "law enforcement"; "police"; "officers"; "first
108 responders"; "service"; "honor our"; "support our"; "in
109 memoriam"; "department"; and any other language, initials, or
110 acronyms that identify a particular law enforcement department
111 or law enforcement agency.

112 b. Firefighters, as defined in s. 112.191(1), and is
113 limited to the colors red, gold, black, and white and the words
114 "firefighter"; "F" or "D"; "FD"; "first responders"; "service";
115 "honor our"; "support our"; "in memoriam"; "department"; and any
116 other language, initials, or acronyms that identify a particular
117 fire department or public safety department.

118 c. Paramedics or emergency medical technicians, as those
119 terms are defined in s. 112.1911(1), and is limited to the
120 colors blue, black, and white and the words "paramedic";
121 "emergency medical"; "technician"; "EMT"; "first responders";
122 "service"; honor our"; "support our"; "in memoriam"; and any
123 other language, initials, or acronyms that identify a particular
124 emergency medical services department or emergency medical
125 services agency, ~~regardless of any covenants, restrictions,~~

126 ~~bylaws, rules, or requirements of the association.~~

127 (b) Regardless of any covenants, restrictions, bylaws,
 128 rules, or requirements of the association, a ~~Any~~ homeowner may
 129 erect a freestanding flagpole no more than 20 feet high on any
 130 portion of the homeowner's real property, as long as regardless
 131 ~~of any covenants, restrictions, bylaws, rules, or requirements~~
 132 ~~of the association,~~ if the flagpole does not obstruct sightlines
 133 at intersections and is not erected within or upon an easement.
 134 The homeowner may further display in a respectful manner from
 135 that flagpole, ~~regardless of any covenants, restrictions,~~
 136 ~~bylaws, rules, or requirements of the association,~~ one official
 137 United States flag, not larger than 4 1/2 feet by 6 feet, and
 138 may additionally display one other official flag as described
 139 under paragraph (a) of the State of Florida or the United States
 140 ~~Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA~~
 141 ~~flag.~~ Such additional flag must be equal in size to or smaller
 142 than the United States flag. The flagpole and display are
 143 subject to all building codes, zoning setbacks, and other
 144 applicable governmental regulations, including, but not limited
 145 to, noise and lighting ordinances in the county or municipality
 146 in which the flagpole is erected and all setback and locational
 147 criteria contained in the governing documents.

148 (3) A homeowner ~~Any owner~~ prevented from exercising his or
 149 her rights guaranteed under ~~by~~ subsection (1) or subsection (2)
 150 may bring a civil cause of ~~an~~ action in the appropriate court of

HB 1371

2022

151 the county in which the alleged infringement occurred. If the
 152 court finds that an infringement has occurred, and, upon
 153 ~~favorable adjudication,~~ the court shall enjoin the enforcement
 154 of any covenant, restriction, bylaw, rule, or requirement of the
 155 ~~provision contained in any homeowners' association document or~~
 156 ~~rule~~ that operates to deprive the homeowner ~~owner~~ of his or her
 157 ~~such~~ rights. The prevailing party is entitled to reasonable
 158 attorney fees and costs.

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

161 720.3075 Prohibited clauses in association documents.—

162 (3) Homeowners' association documents, including
 163 declarations of covenants, articles of incorporation, or bylaws,
 164 may not preclude the display of up to two ~~one~~ portable,
 165 removable flags as described in s. 720.304(2) ~~United States flag~~
 166 by property owners. However, all flags ~~the flag~~ must be
 167 displayed in a respectful manner, consistent with the
 168 requirements for the United States flag under Title 36 U.S.C.
 169 chapter 10.

170 Section 4. This act shall take effect July 1, 2022.