

## CHAPTER 2023-64

### Committee Substitute for Committee Substitute for House Bill No. 437

An act relating to property owners' right to install, display, and store items; amending s. 718.113, F.S.; authorizing condominium unit owners to display certain flags on Patriot Day; amending s. 720.304, F.S.; authorizing homeowners to display a certain number of specified flags regardless of certain prohibitions in the governing documents of the homeowners' association; defining the term "first responder flag"; creating s. 720.3045, F.S.; prohibiting homeowners' associations from restricting parcel owners and their tenants from installing, displaying, or storing items on parcels under certain circumstances; providing exceptions; amending s. 720.3075, F.S.; prohibiting certain homeowners' association documents from precluding property owners from displaying a certain number of specified flags; requiring that such flags be displayed in a specified manner; providing an effective date.

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

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

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

(4) Any unit owner may display one portable, removable United States flag in a respectful way and, on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Patriot Day, and Veterans Day, may display in a respectful way portable, removable official flags, not larger than 4½ feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, regardless of any declaration rules or requirements dealing with flags or decorations.

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

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

(2)(a) If any covenant, restriction, bylaw, rule, or requirement of an association prohibits a homeowner from displaying flags permitted under this paragraph, the Any homeowner may still display one portable, removable United States flag or official flag of the State of Florida in a respectful manner up to two of the following, ~~and one portable, removable flags official flag, in a respectful manner, not larger than 4½ feet by 6 feet;~~ which represents

1. The United States flag.
  2. The official flag of the State of Florida.
  3. A flag that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard,~~or~~
  4. A POW-MIA flag.
  5. A first responder flag. A first responder flag may incorporate the design of any other flag permitted under this paragraph to form a combined flag. For purposes of this subsection, the term “first responder flag” means a flag that recognizes and honors the service of any of the following:
    - a. Law enforcement officers as defined in s. 943.10(1).
    - b. Firefighters as defined in s. 112.191(1).
    - c. Paramedics or emergency medical technicians as those terms are defined in s. 112.1911(1).
    - d. Correctional officers as defined in s. 943.10(2).
    - e. 911 public safety telecommunicators as defined in s. 401.465(1).
    - f. Advanced practice registered nurses, licensed practical nurses, or registered nurses as those terms are defined in s. 464.003.
    - g. Persons participating in a statewide urban search and rescue program developed by the Division of Emergency Management under s. 252.35.
    - h. Federal law enforcement officers as defined in 18 U.S.C. s. 115(c)(1), regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.
- (b) Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, a Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner’s real property as long as, 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 4½ feet by 6 feet, and may additionally display one other official flag permitted under paragraph (a) of the State of Florida or the United States Army, Navy, Air Force, Marines, Space Force, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in

which the flagpole is erected and all setback and locational criteria contained in the governing documents.

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

720.3045 Installation, display, and storage of items.—Regardless of any covenants, restrictions, bylaws, rules, or requirements of an association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel’s frontage or an adjacent parcel, including, but not limited to, artificial turf, boats, flags, and recreational vehicles.

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

720.3075 Prohibited clauses in association documents.—

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

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

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.