

Committee on Regulated Industries

CS/CS/HB 437 — Property Owners’ Right to Install, Display, and Store Items

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Buchanan and others
(CS/SB 1454 by Regulated Industries Committee and Senator Gruters)

The bill expands the types of flags that a homeowner may display as a portable, removable flag display, notwithstanding any covenant, restriction, bylaw, or requirement of a homeowners’ association. Under the bill, a homeowner may display up to two of:

- The United States flag;
- The official flag of the State of Florida;
- A flag that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard;
- A POW-MIA flag; or
- A first responder flag that may incorporate the design of any other allowed flag permitted to form a combined flag.

The bill defines the term “first responder flag” to mean a flag that recognizes and honors the service of any of the following:

- Law enforcement officers;
- Firefighters;
- Paramedics or emergency medical technicians;
- Correctional officers;
- 911 public safety telecommunicators;
- Advanced practice registered nurses, licensed practical nurses, or registered nurses;
- Persons participating in a statewide urban search and rescue program developed by the Division of Emergency Management; or
- Federal law enforcement officers.

Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, in addition to the United States flag, a homeowner may display one of the flags identified above on a flagpole.

Regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, current law permits members of a homeowners’ association to display one portable, removable United States flag or official flag of the State of Florida in a respectful manner. Under current law, homeowners may also display one portable, removable official flag, in a respectful manner, not larger than 4.5 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, or a POW-MIA flag.

In addition, the bill provides that, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from storing or displaying 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.

The bill also allows unit owners in condominium associations to display one portable and removable flag on Patriot Day (September 11) that represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 110-0