

“Flags Governed By Statute,” News-Press

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By: Joseph E. Adams



Q: An issue has arisen in my homeowners’ association concerning what flags are permitted to be flown by homeowners. Certain owners have begun flying historic versions of the American flag stating that they are allowed to do so under the law. Can you give some guidance on this issue? (M.H.,

via e-mail)

A: Section 720.304(2)(a) of the Florida Homeowners’ Association Act, provides that “[a]ny homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.”

Further, the Act goes on to state that any homeowner is also entitled to erect a freestanding flagpole no more than twenty (20) feet in height on any portion of their property regardless of what the governing documents provide. Such flagpole may not obstruct sightlines at intersections and not be erected in an easement. The homeowner may display the same flags from the flagpole as were permitted to be displayed by the portable flag provision. There is no statutory right to display any other flags, including historic versions of the United States flag.

Accordingly, if an owner wanted to display a historic version of the United States flag, there is no right to do so under the Act, however the Act does not prohibit such display either. Ultimately it would be necessary to review the relevant provisions of the governing documents to determine if there is a regulation on displaying flags. If there is a prohibition on displaying flags, other than those flags permitted by the Act, such a prohibition would be enforceable. However, if the governing documents do not otherwise regulate the display of flags, arguably the homeowner could display any flag they wish, including historic versions of the United States flag.

The Florida Condominium Act, Chapter 718, also provides the right of unit owners to display a portable United States flag or the official flag of the State of Florida, the flags of the Armed Services, or the POW-MIA flag, regardless of the Governing Documents.

Q: My condominium association had the annual meeting in March 2019, and no board meetings since then. What's the Florida statute in reference to having board meetings? Is the association required to have a certain amount of meetings a year? Can they legally go 4 months without a board meeting? (T.P. via e-mail)

A: A condominium association is not required to have a certain number of meetings of the board of directors per year under Florida law, unless the condominium documents (the declaration of condominium, bylaws, articles of incorporation, or rules) so provide.

Every condominium association must hold an annual meeting of the members and a budget meeting. However, there is no requirement in the statute for regular meetings of the board of directors. Even if there is not a requirement for board meeting frequency in the condominium documents, if 20% of the voting interests in a condominium association petition the board of directors to address an item of business, the board of directors, within sixty (60) days after receipt of the petition, must place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose.

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