

By Senator Martin

33-00775C-24

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1                   A bill to be entitled  
2       An act relating to the display of flags by  
3       governmental entities; creating s. 256.045, F.S.;  
4       providing a definition; prohibiting certain  
5       governmental entities from erecting or displaying  
6       certain flags; requiring the governmental entity to  
7       remain neutral in certain circumstances; providing  
8       applicability; requiring certain governmental entities  
9       to display the United States flag in a certain  
10      position; authorizing a current or retired member of  
11      the United States Armed Forces or the National Guard  
12      to use reasonable force to prevent the desecration,  
13      destruction, or removal of the United States flag or  
14      to replace such flag to a position of prominence;  
15      providing an exception; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. Section 256.045, Florida Statutes, is created to  
20 read:

21       256.045 Display of flags; governmental agencies, local  
22 governments, or other units of local government.-

23       (1) For purposes of this section, the term "governmental  
24 entity" means a governmental agency, a local government, or  
25 another unit of local government and includes public schools,  
26 public colleges, and public universities.

27       (2) (a) A governmental entity may not erect or display a  
28 flag that represents a political viewpoint, including, but not  
29 limited to, a politically partisan, racial, sexual orientation

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30 and gender, or political ideology viewpoint. The governmental  
31 entity must remain neutral when representing political  
32 viewpoints in displaying or erecting a flag.

33 (b) This subsection does not limit the ability of:

34 1. A private individual to express private speech or  
35 viewpoints or exercise rights protected by the First Amendment  
36 to the United States Constitution.

37 2. A governmental entity to display or erect a flag  
38 required or authorized by general law.

39 (3) A governmental entity that displays the United States  
40 flag must display the United States flag in a prominent position  
41 that is superior to any other flag that is also displayed.

42 (4) An active or retired member of the United States Armed  
43 Forces or National Guard at any time may use reasonable force to  
44 prevent the desecration, destruction, or removal of the United  
45 States flag or to replace the United States flag to a position  
46 of prominence consistent with subsection (3), except when  
47 directly ordered not to use such force by a law enforcement  
48 officer acting in the course and scope of the law enforcement  
49 officer's employment.

50 Section 2. This act shall take effect July 1, 2024.