

By Senator Fine

19-00465-25

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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 defining the term "governmental entity"; prohibiting
5 governmental entities from erecting or displaying
6 certain flags; requiring governmental entities to
7 remain neutral in certain circumstances; providing
8 applicability; requiring that a United States flag
9 displayed by governmental entities be in a certain
10 position relative to other flags; authorizing a
11 current or retired member of the United States Armed
12 Forces or the National Guard to use reasonable force
13 to prevent the desecration, destruction, or removal of
14 the United States flag or to replace such flag to a
15 position of prominence; providing an exception;
16 providing an effective date.

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

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

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

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

28 (2) (a) A governmental entity may not erect or display a
29 flag that represents a political viewpoint, including, but not

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30 limited to, a politically partisan, racial, sexual orientation
31 and gender, or political ideology viewpoint. The governmental
32 entity must remain neutral when representing political
33 viewpoints in displaying or erecting a flag.

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

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

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

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

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

51 Section 2. This act shall take effect July 1, 2025.