

1 A bill to be entitled
2 An act relating to code and traffic enforcement;
3 creating s. 316.1891, F.S.; providing definitions;
4 authorizing a sheriff or chief administrative officer
5 of a county or municipality to designate a special
6 event zone under certain circumstances on a roadway,
7 street, or highway; providing requirements for a
8 special event zone; providing enhanced penalties for a
9 person who commits a noncriminal traffic infraction in
10 a special event zone; authorizing a law enforcement
11 officer to impound the motor vehicle of a person who
12 commits a noncriminal traffic infraction or a criminal
13 traffic violation in a special event zone; providing
14 for the payment of costs and fees related thereto;
15 providing applicability; authorizing a sheriff or
16 chief administrative officer to grant certain
17 temporary authority to a law enforcement officer in a
18 special event zone; providing for recovery of costs
19 and fees associated with designating and enforcing a
20 special event zone; amending s. 316.3045, F.S.;
21 revising the types of soundmaking devices or
22 instruments subject to the prohibition against
23 operating or amplifying sound from within a motor
24 vehicle; applying such prohibition to sound emanating
25 from a motor vehicle; prohibiting such operation or

26 | amplification in areas adjoining private residences;
 27 | revising exemptions; providing construction; providing
 28 | a penalty; providing an effective date.

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

32 | Section 1. Section 316.1891, Florida Statutes, is created
 33 | to read:

34 | 316.1891 Designation of special event zones; definitions;
 35 | enhanced penalties; vehicle impoundment.-

36 | (1) As used in this section, the term:

37 | (a) "Promoter or organizer" means a person or entity who
 38 | arranges, organizes, or sponsors a special event.

39 | (b) "Special event" means an unpermitted temporary
 40 | activity or event organized or promoted via a social media
 41 | platform, as defined in s. 501.2041(1), which is attended by 50
 42 | or more persons and substantially increases or disrupts the
 43 | normal flow of traffic on a roadway, street, or highway.

44 | (c) "Special event zone" means a contiguous area on or
 45 | along a roadway, street, or highway which is designated by
 46 | warning signs. The term includes a parking structure, a parking
 47 | lot, or any other property, whether public or private,
 48 | immediately adjacent to or along the designated area.

49 | (2) In accordance with s. 316.008, the sheriff or chief
 50 | administrative officer of a county or municipality may designate

51 a special event zone in response to a special event that takes
52 place or is reasonably anticipated to take place on a roadway,
53 street, or highway over which the sheriff or chief
54 administrative officer has jurisdiction. If a special event
55 takes place or is reasonably anticipated to take place in
56 multiple jurisdictions, the sheriff or chief administrative
57 officer of each jurisdiction may coordinate to designate a
58 special event zone covering multiple jurisdictions.

59 (3) The sheriff or chief administrative officer must
60 enforce a special event zone in a manner that causes the least
61 inconvenience to the public and that is consistent with
62 preserving the public health, safety, and welfare. A special
63 event zone must:

64 (a) Be designated by the posting of a clearly legible
65 warning sign at each point of ingress or egress stating,
66 "Special Event Zone—All Fines Doubled."

67 (b) Remain in effect as long as is reasonably necessary to
68 ensure the public health, safety, and welfare but may not remain
69 in effect after the special event has dissipated.

70 (4) Notwithstanding any other provision of law, a person
71 who commits a noncriminal traffic infraction in a special event
72 zone must pay a fine double the amount provided in chapter 318.

73 (5) (a) In addition to any other penalty authorized by this
74 section, a law enforcement officer may impound the motor vehicle
75 of a person who commits a noncriminal traffic infraction or a

76 criminal traffic violation in a special event zone. The term of
77 impoundment authorized under this subsection may not exceed 72
78 hours.

79 (b) All costs and fees for the motor vehicle impoundment
80 must be paid by the owner of the vehicle or, if the vehicle is
81 leased or rented, by the person leasing or renting the vehicle,
82 unless the noncriminal traffic infraction or the criminal charge
83 is dismissed.

84 (c) Section 713.78 applies to a vehicle impounded under
85 this subsection.

86 (6) Notwithstanding s. 633.118, the sheriff or chief
87 administrative officer of a county or municipality may
88 temporarily authorize a law enforcement officer to enforce
89 occupancy limits on private or public property in a special
90 event zone. Temporary authority granted under this subsection is
91 supplemental to the authority granted in s. 633.118.

92 (7) The sheriff or chief administrative officer of a
93 county or municipality who designates a special event zone may
94 recover from a promoter or organizer of a special event all
95 relevant costs and fees associated with designating and
96 enforcing the special event zone, including, but not limited to,
97 costs and fees for the provision of supplemental law
98 enforcement, firefighter, emergency medical technician or
99 paramedic, and sanitation services.

100 Section 2. Section 316.3045, Florida Statutes, is amended

101 to read:

102 316.3045 Operation of radios or other mechanical or
 103 electronic soundmaking devices or instruments in vehicles;
 104 exemptions.—

105 (1) ~~A It is unlawful for any~~ person operating or occupying
 106 a motor vehicle on a street or highway may not ~~to~~ operate or
 107 amplify the sound produced by a radio, tape player, compact disc
 108 player, portable music or video player, cellular telephone,
 109 tablet computer, laptop computer, stereo, television, musical
 110 instrument, or other mechanical or electronic soundmaking device
 111 or instrument, which sound emanates from ~~within~~ the motor
 112 vehicle, so that the sound is:

113 (a) Plainly audible at a distance of 25 feet or more from
 114 the motor vehicle; or

115 (b) Louder than necessary for the convenient hearing by
 116 persons inside the vehicle in areas adjoining private
 117 residences, churches, schools, or hospitals.

118 (2) ~~The provisions of~~ This section does ~~shall~~ not apply to
 119 a ~~any~~ law enforcement ~~motor~~ vehicle equipped with a ~~any~~
 120 communication device necessary in the performance of law
 121 enforcement duties or to an ~~any~~ emergency vehicle equipped with
 122 a ~~any~~ communication device necessary in the performance of ~~any~~
 123 emergency procedures.

124 ~~(3) The provisions of this section do not apply to motor~~
 125 ~~vehicles used for business or political purposes, which in the~~

126 ~~normal course of conducting such business use soundmaking~~
 127 ~~devices. The provisions of this subsection shall not be deemed~~
 128 ~~to prevent local authorities, with respect to streets and~~
 129 ~~highways under their jurisdiction and within the reasonable~~
 130 ~~exercise of the police power, from regulating the time and~~
 131 ~~manner in which such business may be operated.~~

132 ~~(3)-(4)~~ The provisions of This section does ~~de~~ not apply to
 133 the noise made by a horn or other warning device required or
 134 permitted by s. 316.271. The Department of Highway Safety and
 135 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
 136 audible" and establish standards regarding how sound should be
 137 measured by law enforcement personnel who enforce ~~the provisions~~
 138 ~~of~~ this section.

139 (4) This section does not prohibit a local authority from
 140 lawfully imposing more stringent regulations on sound produced
 141 by a radio or other mechanical or electronic soundmaking device
 142 or instrument as described in subsection (1), which sound
 143 emanates from a motor vehicle.

144 (5) A violation of this section is a noncriminal traffic
 145 infraction, punishable as a nonmoving violation as provided in
 146 chapter 318.

147 Section 3. This act shall take effect July 1, 2022.