

1 A bill to be entitled
 2 An act relating to motor vehicles; amending s.
 3 316.3045, F.S.; revising provisions relating to the
 4 operation of radios or other soundmaking devices in
 5 vehicles; deleting a standard for determining
 6 prohibited sound levels; deleting an exception for
 7 vehicles operated for business or political purposes;
 8 specifying that such provisions do not prevent local
 9 authorities from regulating the time, place, and
 10 manner that such soundmaking devices may be operated
 11 within their respective jurisdictions; providing an
 12 effective date.

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

16 Section 1. Section 316.3045, Florida Statutes, is amended
 17 to read:

18 316.3045 Operation of radios or other mechanical
 19 soundmaking devices or instruments in vehicles; exemptions.—

20 (1) A ~~It is unlawful for any person who operates or~~
 21 occupies ~~operating or occupying~~ a motor vehicle on a street or
 22 highway may not ~~to~~ operate or amplify the sound produced by a
 23 radio, tape player, or other mechanical soundmaking device or
 24 instrument from within the motor vehicle so that the sound is:

25 ~~(a)~~ plainly audible at a distance of 25 feet or more from
 26 the motor vehicle; ~~or~~

27 ~~(b) Louder than necessary for the convenient hearing by~~
 28 ~~persons inside the vehicle in areas adjoining churches, schools,~~

29 | ~~or hospitals.~~

30 | (2) ~~The provisions of~~ This section does ~~shall~~ not apply to
 31 | any law enforcement motor vehicle equipped with any
 32 | communication device necessary in the performance of law
 33 | enforcement duties or to any emergency vehicle equipped with any
 34 | communication device necessary in the performance of any
 35 | emergency procedures.

36 | (3) ~~The provisions of~~ This section does ~~do~~ not apply to
 37 | ~~motor vehicles used for business or political purposes, which in~~
 38 | ~~the normal course of conducting such business use soundmaking~~
 39 | ~~devices. The provisions of this subsection shall not be deemed~~
 40 | ~~to~~ prevent local authorities, with respect to streets and
 41 | highways under their jurisdiction and within the reasonable
 42 | exercise of the police power, from regulating the time, place,
 43 | and manner in which a device or instrument described in
 44 | subsection (1) ~~such business~~ may be operated.

45 | (4) ~~The provisions of~~ This section does ~~do~~ not apply to
 46 | the noise made by a horn or other warning device required or
 47 | permitted by s. 316.271. The Department of Highway Safety and
 48 | Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
 49 | audible" and shall establish standards regarding how sound
 50 | should be measured by law enforcement personnel who enforce the
 51 | provisions of this section.

52 | (5) A violation of this section is a noncriminal traffic
 53 | infraction, punishable as a nonmoving violation as provided in
 54 | chapter 318.

55 | Section 2. This act shall take effect July 1, 2013.

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