

By Senator Simpson

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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 authorizing local authorities to regulate the place
9 where such soundmaking devices may be operated;
10 providing an effective date.

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

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14 Section 1. Section 316.3045, Florida Statutes, is amended
15 to read:

16 316.3045 Operation of radios or other mechanical
17 soundmaking devices or instruments in vehicles; exemptions.—

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

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

25 ~~(b) Louder than necessary for the convenient hearing by~~
26 ~~persons inside the vehicle in areas adjoining churches, schools,~~
27 ~~or hospitals.~~

28 (2) ~~The provisions of~~ This section does ~~shall~~ not apply to
29 any law enforcement motor vehicle equipped with any

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30 communication device necessary in the performance of law
31 enforcement duties or to any emergency vehicle equipped with any
32 communication device necessary in the performance of any
33 emergency procedures.

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

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

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

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