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CS/HB 1435, Engrossed 1

2022 Legislature

1
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; limiting
14 the term of such impoundment; requiring that the motor
15 vehicle be immediately released upon payment of
16 impoundment costs and fees; specifying persons who
17 must pay the costs and fees for the impoundment;
18 providing applicability; authorizing a sheriff or
19 chief administrative officer to grant certain
20 temporary authority to a law enforcement officer in a
21 special event zone; providing for recovery of costs
22 and fees associated with designating and enforcing a
23 special event zone; amending s. 316.3045, F.S.;
24 revising the types of soundmaking devices or
25 instruments subject to the prohibition against

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26 operating or amplifying sound from within a motor
 27 vehicle; applying such prohibition to sound emanating
 28 from a motor vehicle; prohibiting such operation or
 29 amplification in areas adjoining private residences;
 30 revising exemptions; providing construction; providing
 31 a penalty; providing an effective date.

32

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

34

35 Section 1. Section 316.1891, Florida Statutes, is created
 36 to read:

37 316.1891 Designation of special event zones; definitions;
 38 enhanced penalties; vehicle impoundment.-

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

40 (a) "Promoter or organizer" means a person or entity who
 41 arranges, organizes, or sponsors a special event.

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

47 (c) "Special event zone" means a contiguous area on or
 48 along a roadway, street, or highway which is designated by
 49 warning signs. The term includes a parking structure, a parking
 50 lot, or any other property, whether public or private,

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51 immediately adjacent to or along the designated area.

52 (2) In accordance with s. 316.008, the sheriff or chief
 53 administrative officer of a county or municipality may designate
 54 a special event zone in response to a special event that takes
 55 place or is reasonably anticipated to take place on a roadway,
 56 street, or highway over which the sheriff or chief
 57 administrative officer has jurisdiction. If a special event
 58 takes place or is reasonably anticipated to take place in
 59 multiple jurisdictions, the sheriff or chief administrative
 60 officer of each jurisdiction may coordinate to designate a
 61 special event zone covering multiple jurisdictions.

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

67 (a) Be designated by the posting of a clearly legible
 68 warning sign at each point of ingress or egress stating,
 69 "Special Event Zone—All Fines Doubled. Vehicles Subject to
 70 Impoundment for Traffic Infractions and Violations." The warning
 71 sign must be large enough to be clearly visible to occupants of
 72 passing vehicular traffic on roadways, with letters at least 3
 73 inches in height, and must be posted at least 24 hours before
 74 enforcement may commence.

75 (b) Remain in effect as long as is reasonably necessary to

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76 ensure the public health, safety, and welfare but may not remain
 77 in effect after the special event has dissipated.

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

81 (5) (a) In addition to any other penalty authorized by this
 82 section, a law enforcement officer may impound the motor vehicle
 83 of a person who commits a noncriminal traffic infraction or a
 84 criminal traffic violation in a special event zone. The term of
 85 impoundment authorized under this subsection may not exceed 72
 86 hours. The motor vehicle must be released immediately upon the
 87 payment of any impoundment costs and fees, regardless of whether
 88 the payment is made before the 72-hour period.

89 (b) All costs and fees for the motor vehicle impoundment
 90 must be paid by the owner of the vehicle or, if the vehicle is
 91 leased or rented, by the person leasing or renting the vehicle,
 92 unless the noncriminal traffic infraction or the criminal charge
 93 is dismissed.

94 (c) Section 713.78 applies to a vehicle impounded under
 95 this subsection.

96 (6) Notwithstanding s. 633.118, the sheriff or chief
 97 administrative officer of a county or municipality may
 98 temporarily authorize a law enforcement officer to enforce
 99 occupancy limits on private or public property in a special
 100 event zone. Temporary authority granted under this subsection is

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101 supplemental to the authority granted in s. 633.118.

102 (7) The sheriff or chief administrative officer of a
 103 county or municipality who designates a special event zone may
 104 recover from a promoter or organizer of a special event all
 105 relevant costs and fees associated with designating and
 106 enforcing the special event zone, including, but not limited to,
 107 costs and fees for the provision of supplemental law
 108 enforcement, firefighter, emergency medical technician or
 109 paramedic, and sanitation services.

110 Section 2. Section 316.3045, Florida Statutes, is amended
 111 to read:

112 316.3045 Operation of radios or other mechanical or
 113 electronic soundmaking devices or instruments in vehicles;
 114 exemptions.—

115 (1) ~~A It is unlawful for any person~~ operating or occupying
 116 a motor vehicle on a street or highway may not ~~to~~ operate or
 117 amplify the sound produced by a radio, tape player, compact disc
 118 player, portable music or video player, cellular telephone,
 119 tablet computer, laptop computer, stereo, television, musical
 120 instrument, or other mechanical or electronic soundmaking device
 121 or instrument, which sound emanates from within the motor
 122 vehicle, so that the sound is:

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

125 (b) Louder than necessary for the convenient hearing by

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126 | persons inside the vehicle in areas adjoining private
 127 | residences, churches, schools, or hospitals.

128 | (2) ~~The provisions of~~ This section does ~~shall~~ not apply to
 129 | a ~~any~~ law enforcement ~~motor~~ vehicle equipped with a ~~any~~
 130 | communication device necessary in the performance of law
 131 | enforcement duties or to an ~~any~~ emergency vehicle equipped with
 132 | a ~~any~~ communication device necessary in the performance of ~~any~~
 133 | emergency procedures.

134 | ~~(3) The provisions of this section do not apply to motor~~
 135 | ~~vehicles used for business or political purposes, which in the~~
 136 | ~~normal course of conducting such business use soundmaking~~
 137 | ~~devices. The provisions of this subsection shall not be deemed~~
 138 | ~~to prevent local authorities, with respect to streets and~~
 139 | ~~highways under their jurisdiction and within the reasonable~~
 140 | ~~exercise of the police power, from regulating the time and~~
 141 | ~~manner in which such business may be operated.~~

142 | ~~(3)-(4) The provisions of~~ This section does ~~do~~ not apply to
 143 | the noise made by a horn or other warning device required or
 144 | permitted by s. 316.271. The Department of Highway Safety and
 145 | Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
 146 | audible" and establish standards regarding how sound should be
 147 | measured by law enforcement personnel who enforce ~~the provisions~~
 148 | ~~of~~ this section.

149 | (4) This section does not prohibit a local authority from
 150 | lawfully imposing more stringent regulations on sound produced

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151 | by a radio or other mechanical or electronic soundmaking device
152 | or instrument as described in subsection (1), which sound
153 | emanates from a motor vehicle.

154 | (5) A violation of this section is a noncriminal traffic
155 | infraction, punishable as a nonmoving violation as provided in
156 | chapter 318.

157 | Section 3. This act shall take effect upon becoming a law.