

By Senator Wright

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1 A bill to be entitled
2 An act relating to code and traffic enforcement;
3 creating s. 316.1891, F.S.; defining terms;
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; specifying
14 persons who must pay the costs and fees for the
15 impoundment; providing applicability; authorizing a
16 sheriff or chief administrative officer to grant
17 certain temporary authority to a law enforcement
18 officer in a special event zone; providing for
19 recovery of costs and fees associated with designating
20 and enforcing a special event zone from the special
21 event's promoter or organizer; amending s. 316.3045,
22 F.S.; revising the types of soundmaking devices or
23 instruments subject to the prohibition against
24 operating or amplifying sound from within a motor
25 vehicle in a certain manner; applying such prohibition
26 to sound emanating from a motor vehicle; prohibiting
27 such operation or amplification in areas adjoining
28 private residences; revising exemptions; providing
29 construction; providing a penalty; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 316.1891, Florida Statutes, is created
35 to read:

36 316.1891 Designation of special event zones; definitions;
37 enhanced penalties; vehicle impoundment.-

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

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

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

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

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

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59 officer of each jurisdiction may coordinate to designate a
60 special event zone covering multiple jurisdictions.

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

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

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

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

75 (5) (a) In addition to any other penalty authorized by this
76 section, a law enforcement officer may impound the motor vehicle
77 of a person who commits a noncriminal traffic infraction or a
78 criminal traffic violation in a special event zone. The term of
79 impoundment authorized under this subsection may not exceed 72
80 hours.

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

86 (c) Section 713.78 applies to a vehicle impounded under
87 this subsection.

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

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

102 Section 2. Section 316.3045, Florida Statutes, is amended
103 to read:

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

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

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

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

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

126 (3) ~~The provisions of this section do not apply to motor~~
127 ~~vehicles used for business or political purposes, which in the~~
128 ~~normal course of conducting such business use soundmaking~~
129 ~~devices. The provisions of this subsection shall not be deemed~~
130 ~~to prevent local authorities, with respect to streets and~~
131 ~~highways under their jurisdiction and within the reasonable~~
132 ~~exercise of the police power, from regulating the time and~~
133 ~~manner in which such business may be operated.~~

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

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

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

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