

By the Committee on Transportation; and Senator Wright

596-02635-22

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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; 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; requiring a sheriff or chief  
19          administrative officer designating a special event  
20          zone to notify the State Fire Marshal or certain  
21          designated person, who shall assist with occupancy  
22          limit enforcement; providing for recovery of costs and  
23          fees associated with designating and enforcing a  
24          special event zone from the special event's promoter  
25          or organizer; amending s. 316.3045, F.S.; revising the  
26          types of soundmaking devices or instruments subject to  
27          the prohibition against operating or amplifying sound  
28          from within a motor vehicle in a certain manner;  
29          applying such prohibition to sound emanating from a

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30 motor vehicle; prohibiting such operation or  
31 amplification in areas adjoining private residences;  
32 revising exemptions; providing construction; providing  
33 a penalty; providing an effective date.  
34

35 Be It Enacted by the Legislature of the State of Florida:  
36

37 Section 1. Section 316.1891, Florida Statutes, is created  
38 to read:

39 316.1891 Designation of special event zones; definitions;  
40 enhanced penalties; vehicle impoundment.-

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

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

44 (b) "Special event" means an unpermitted temporary activity  
45 or event organized or promoted via a social media platform, as  
46 defined in s. 501.2041(1), which is attended by 200 or more  
47 persons and substantially increases or disrupts the normal flow  
48 of traffic on a roadway, street, or highway.

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

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

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59 administrative officer has jurisdiction. If a special event  
60 takes place or is reasonably anticipated to take place in  
61 multiple jurisdictions, the sheriff or chief administrative  
62 officer of each jurisdiction may coordinate to designate a  
63 special event zone covering multiple jurisdictions.

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

69 (a) Be designated by the posting of a clearly legible  
70 warning sign at each point of ingress or egress stating,  
71 "Special Event Zone—All Fines Doubled. Vehicles Subject to  
72 Impoundment for Traffic Infractions and Violations." The warning  
73 sign must be large enough to be clearly visible to occupants of  
74 passing vehicular traffic on roadways, with letters at least 3  
75 inches in height, and must be posted at least 24 hours before  
76 enforcement may commence. The sheriff or chief administrative  
77 officer shall maintain a log of the date and time that, and the  
78 location where, each warning sign is posted.

79 (b) Remain in effect as long as is reasonably necessary to  
80 ensure the public health, safety, and welfare but shall not  
81 remain in effect after the special event has dissipated or is  
82 attended by fewer than 100 people.

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

86 (5) (a) In addition to any other penalty authorized by this  
87 section, a law enforcement officer may impound the motor vehicle

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88 of a person who commits a noncriminal traffic infraction or a  
89 criminal traffic violation in a special event zone. The term of  
90 impoundment authorized under this subsection shall not exceed 72  
91 hours, and the motor vehicle must be released immediately upon  
92 the payment of any costs and fees for its impoundment,  
93 regardless of whether the payment is made before the 72-hour  
94 period.

95 (b) All costs and fees for the motor vehicle impoundment  
96 must be paid by the owner of the vehicle or, if the vehicle is  
97 leased or rented, by the person leasing or renting the vehicle,  
98 unless the noncriminal traffic infraction or the criminal charge  
99 is dismissed.

100 (c) Section 713.78 applies to a vehicle impounded under  
101 this subsection.

102 (6) The sheriff or chief administrative officer of a county  
103 or municipality who designates a special event zone in response  
104 to a special event shall notify the State Fire Marshal or person  
105 designated pursuant to s. 633.118, who shall assist with the  
106 enforcement of occupancy limits on private or public property in  
107 a special event zone.

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

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

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117 to read:

118 316.3045 Operation of radios or other mechanical or  
119 electronic soundmaking devices or instruments in vehicles;  
120 exemptions.-

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

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

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

134 (2) ~~The provisions of~~ This section does ~~shall~~ not apply to  
135 a any law enforcement ~~motor~~ vehicle equipped with a any  
136 communication device necessary in the performance of law  
137 enforcement duties or to an any emergency vehicle equipped with  
138 a any communication device necessary in the performance of ~~any~~  
139 emergency procedures.

140 (3) ~~The provisions of this section do not apply to motor~~  
141 ~~vehicles used for business or political purposes, which in the~~  
142 ~~normal course of conducting such business use soundmaking~~  
143 ~~devices. The provisions of this subsection shall not be deemed~~  
144 ~~to prevent local authorities, with respect to streets and~~  
145 ~~highways under their jurisdiction and within the reasonable~~

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146 ~~exercise of the police power, from regulating the time and~~  
147 ~~manner in which such business may be operated.~~

148 ~~(4) The provisions of~~ This section does ~~de~~ not apply to the  
149 noise made by a horn or other warning device required or  
150 permitted by s. 316.271. The Department of Highway Safety and  
151 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly  
152 audible" and establish standards regarding how sound should be  
153 measured by law enforcement personnel who enforce ~~the provisions~~  
154 ~~of~~ this section.

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

160 (5) A violation of this section is a noncriminal traffic  
161 infraction, punishable as a nonmoving violation as provided in  
162 chapter 318.

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