

CHAPTER 2022-149

Committee Substitute for House Bill No. 1435

An act relating to code and traffic enforcement; creating s. 316.1891, F.S.; providing definitions; authorizing a sheriff or chief administrative officer of a county or municipality to designate a special event zone under certain circumstances on a roadway, street, or highway; providing requirements for a special event zone; providing enhanced penalties for a person who commits a noncriminal traffic infraction in a special event zone; authorizing a law enforcement officer to impound the motor vehicle of a person who commits a noncriminal traffic infraction or a criminal traffic violation in a special event zone; limiting the term of such impoundment; requiring that the motor vehicle be immediately released upon payment of impoundment costs and fees; specifying persons who must pay the costs and fees for the impoundment; providing applicability; authorizing a sheriff or chief administrative officer to grant certain temporary authority to a law enforcement officer in a special event zone; providing for recovery of costs and fees associated with designating and enforcing a special event zone; amending s. 316.3045, F.S.; revising the types of soundmaking devices or instruments subject to the prohibition against operating or amplifying sound from within a motor vehicle; applying such prohibition to sound emanating from a motor vehicle; prohibiting such operation or amplification in areas adjoining private residences; revising exemptions; providing construction; providing a penalty; providing an effective date.

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

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

316.1891 Designation of special event zones; definitions; enhanced penalties; vehicle impoundment.—

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

(a) “Promoter or organizer” means a person or entity who arranges, organizes, or sponsors a special event.

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

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

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

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

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

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

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

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

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

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

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

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

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

316.3045 Operation of radios or other mechanical or electronic sound-making devices or instruments in vehicles; exemptions.—

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

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

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

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

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

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

(4) This section does not prohibit a local authority from lawfully imposing more stringent regulations on sound produced by a radio or

other mechanical or electronic soundmaking device or instrument as described in subsection (1), which sound emanates from a motor vehicle.

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

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

Approved by the Governor May 26, 2022.

Filed in Office Secretary of State May 26, 2022.