

Sound record, sound ordinance

Governance, risk and compliance in Sarasota

GOVERNANCE

Evidence before policy

RISK

Tailoring grounded in place

COMPLIANCE

State law and field procedure

City Attorney briefing: evidence-based governance

02



NIJ LEADS advances data and science in government by helping agencies build research capacity and use evidence to shape policy and practice. Selected as a *U.S. NIJ LEADS Scholar* in 2024 for a three-year term.



2017

Co-developed SPD's homeless response program, which received the *IACP Leadership in Human and Civil Rights Award*.

2019

Developed SPD's Suncoast Powerboat Grand Prix environmental compliance program, which received the *IACP Chief David Cameron Leadership in Environmental Crimes Award*.

Experience informs this method: build a local fact record, conforming to legal authority and tested for enforceability.

Six disciplines recur across the cited frameworks

- Problem definition
- Relevant and reliable data
- Public and stakeholder input
- Analysis of options and effects
- Reasons tied to the record
- Monitoring and evaluation

INTERNATIONAL REGULATORY STANDARD

OECD Recommendation on Regulatory Policy and Governance

Good regulatory design rests on thorough evidence and data: define the problem, assess impacts, consult affected parties and review results.

LOCAL GOVERNMENT EVIDENCE PRACTICE

ICMA, Using Data to Improve Local Government Decision Making

Integrate local data and evidence into the critical decisions city policymakers make every day.

REGULATORY ANALYSIS STANDARD

OMB Circular A-4, Regulatory Analysis

Define the problem, compare reasonable alternatives, assess benefits and costs, and disclose uncertainty.

AUDIT + EVALUATION GUIDANCE

U.S. GAO, Evidence-Based Policymaking (GAO-23-105460)

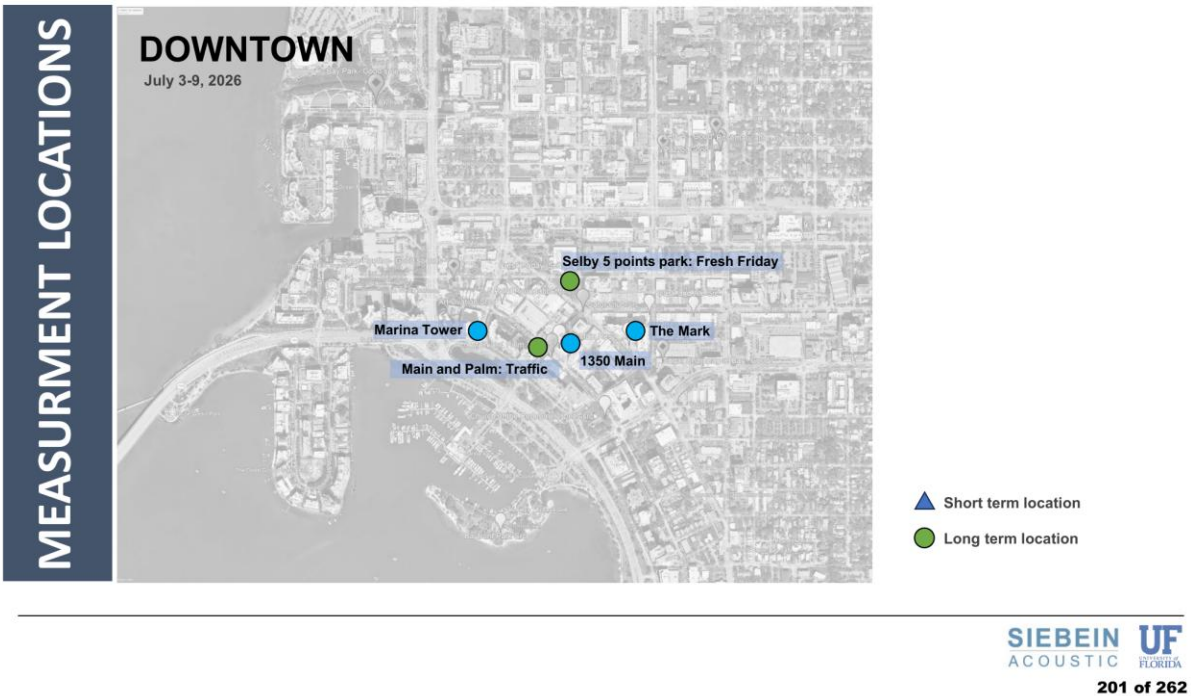
Set measurable outcomes, judge evidence quality, monitor performance and adjust from results.

These authorities guide record-building and evaluation. They do not dictate a particular sound threshold.

04



Phase 1: Sarasota’s measurements and public input



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long-term meters

7 days

July 2–9, 2026

1,456

survey responses

3 areas

Downtown, Newtown, Lido Key

Phase 1 record: measurements, soundwalks, engagement and survey

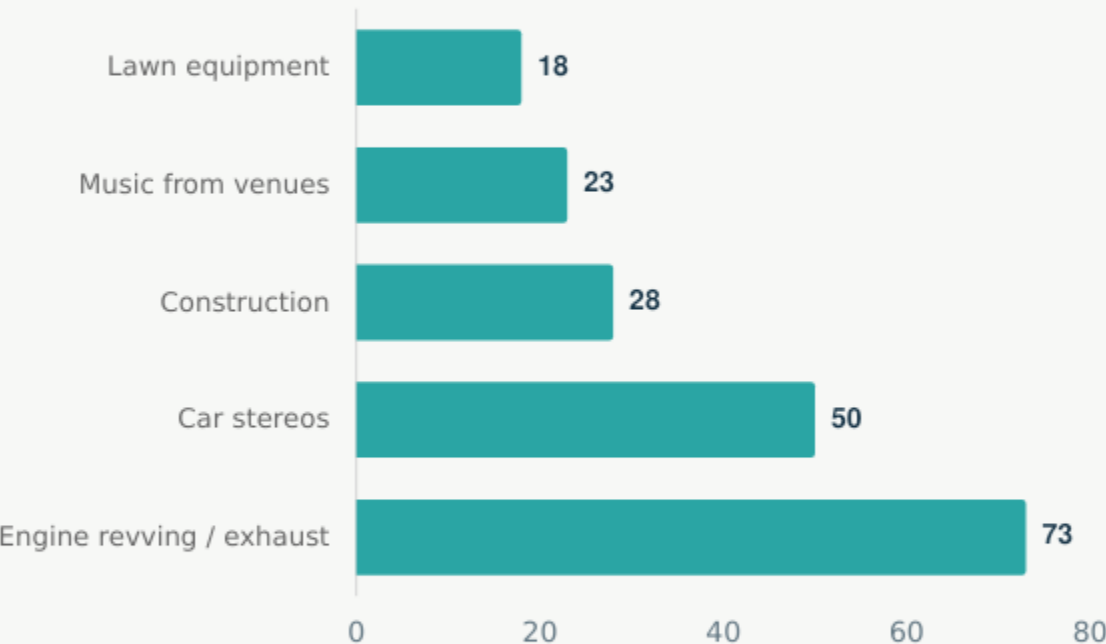
ENGAGEMENT BEFORE AND AFTER SIEBEIN ACOUSTICS’ PHASE 1 FIELD DEPLOYMENT

CCNA, DSCA, Lido Key Residents Association, St. Armands Residents Association, DID, Chamber of Commerce, Argus Foundation

Source: Siebein Acoustics Phase 1 report

Phase 1 identifies enforcement questions

Residents most often identified mobile, intermittent sources



Survey percentages are approximate and reflect self-selected responses.

OPERATIONAL FINDING

The current five-minute measurement can capture unrelated traffic, voices or other passing sound.

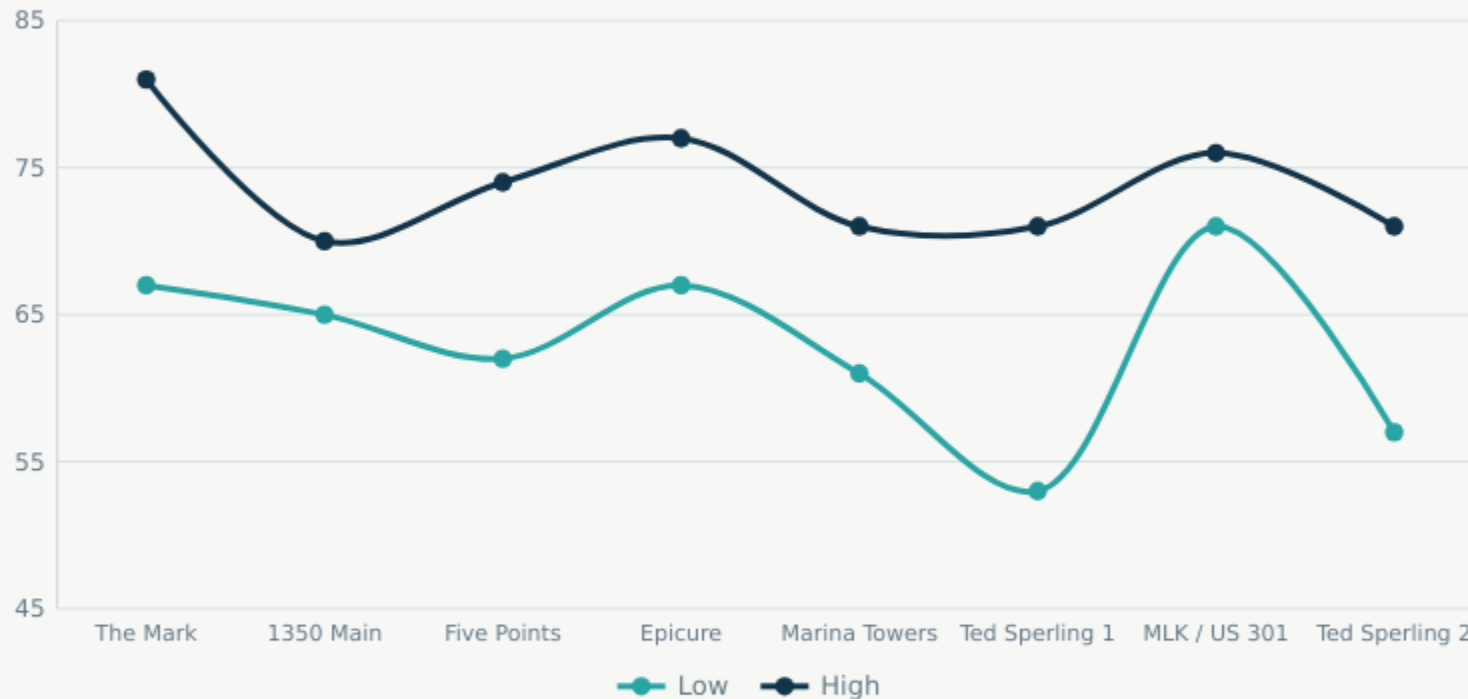
Phase 1 identifies candidate issues for deeper Phase 2 testing: shorter intervals, fixed measurement locations, fast-response metrics, calibrated special-event distances, and Type 1 meters.

Enforceability depends on the protocol as much as the numerical limit.

Measured sound levels vary by location

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Seven-day day-night level range by long-term site (dBA)



WHAT THE DATA SUPPORT

Different receiving environments may require different treatment.

Transient vehicles are difficult to capture with a long averaging window.

Special-event limits need a stated measurement distance.

WHAT REMAINS OPEN

High-season conditions and field testing of candidate rules

Source: Siebein Acoustics Phase 1 report, Table 2

Legal standards for sound regulation

01 AUTHORITY

Florida home rule authority permits municipal action for health, safety, and welfare **unless preempted**.

Fla. Const. art. VIII, § 2(b)
§ 166.021, Fla. Stat.

02 FEDERAL STANDARD

Amplified music is protected expression. A content-neutral sound rule must serve a significant interest, remain **narrowly tailored**, and may not burden substantially more speech than necessary.

Ward v. Rock Against Racism
491 U.S. 781, 791–803 (1989)

03 FLORIDA GUIDANCE

Sarasota’s blanket ban on outdoor amplified sound was overbroad. Sound rules need definite, **objective standards** tied closely to legitimate interests and must guard against arbitrary enforcement.

Daley v. City of Sarasota
752 So. 2d 124, 125–27 (Fla. 2d DCA 2000)

Neither case requires a fixed ambient-sound margin. Ambient data helps show that thresholds fit actual conditions and do not regulate more broadly than necessary.

Case law tests whether sound rules fit the setting

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RISK / CASE LAW

01 SARASOTA / DALEY

“Strict guidelines and definite standards closely related to **permissible governmental interests.**”

The City’s blanket ban ignored volume.

Daley, 752 So. 2d at 127

02 DOE / DEEGAN

“What is excessive must take into account the nature and purposes of the setting, along with its **ambient characteristics.**”

Deegan: certain thresholds can reach ordinary sound, depending on conditions.

Doe, 968 F.2d at 91
Deegan, 444 F.3d at 143–44

03 PINE / QUIET ZONE

A broad reading “stretches well beyond what is needed to safeguard the sick.”

The court read the quiet-zone rule more narrowly.

Pine, 762 F.3d at 1272–75

For Sarasota: compare proposed limits with local conditions and ordinary activity.

Ambient sound and overbreadth

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WHAT AMBIENT MEANS

The ordinary background at a particular place and time.

WHAT THE LAW ASKS

Does the rule address an actual harm without sweeping in ordinary activity?

One citywide number cannot answer that question for every street, hour and receiving property.

No case establishes a universal mathematical margin above ambient sound.

State law sharply limits local vehicle-noise ordinances

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COMPLIANCE / STATUTORY MAP

01 CHAPTER-WIDE RULE

Section 316.002 bars conflicting local ordinances. Section 316.007 requires express authority for a local rule on a matter Chapter 316 covers.

§§ 316.002, .007, Fla. Stat.

02 LOCAL AUTHORITY

Section 316.008 lists local traffic powers. It does not list regulation of vehicle operating or exhaust noise. Section 316.3045(4) separately permits stricter local rules for specified in-car audio.

§§ 316.008, .3045(4), Fla. Stat.

03 THE 1974 ACT

The Florida Motor Vehicle Noise Prevention and Control Act of 1974 states: “no local authority shall enact or enforce any ordinance on a matter covered by this section unless expressly authorized.”

§ 403.415(1), (10), Fla. Stat.

Section 316.293 covers total operating noise, including acceleration. A separate City vehicle-noise offense faces substantial preemption risk.

Vehicle noise enforcement and Chapter 316 preemption

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MASONE

Chapter 316 requires express authorization for a local ordinance on a covered matter. General traffic powers did not save a separate city enforcement scheme.

CLASSY CYCLES

The First DCA invalidated added vest and insurance rules. Chapter 316's "broad preemption" bars local supplementation except as § 316.008 allows. Its survey named §§ 316.272 and .293.

SARASOTA

Section 316.293 covers total vehicle noise during acceleration. A separate local revving offense presents substantial risk; neither case decided a vehicle-noise ordinance.

Masone, 147 So. 3d at 496–97; Classy Cycles, 201 So. 3d 779; § 316.293(2), Fla. Stat.

OPPAGA's review of vehicle-noise enforcement

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OPPAGA'S LEGAL ASSESSMENT

“Thus, excessive motor vehicle noise appears to be a matter preempted to the state.”

STATE ENFORCEMENT ROUTES

Equipment rules address exhaust systems and modifications. Section 316.293(2) sets operating-noise limits at 50 feet from lane center.

USE IN THE 2026 SESSION

The House analysis for 2026 HB 543 cited OPPAGA's enforcement findings and its discussion of a possible “plainly audible” standard for exhaust noise. HB 543 did not become law.

Sources: OPPAGA Report 23-04 (2023); House analysis of CS/CS/CS/HB 543 (2026), p. 17.

Phase 2: legal options and operational capacity

	LEGAL AND REGULATORY QUESTION	CITY SOUND TEAM FIELD TEST
VEHICLE OPERATING NOISE	Apply §§ 316.272 and .293 to exhaust equipment and measured vehicle operating noise.	Can SPD document equipment violations and conduct valid meter tests under field conditions?
IN-CAR AUDIO	Apply § 316.3045 to vehicle audio and assess the local authority preserved in subsection (4).	Can SPD operationalize at scale?
LOCAL CHAPTER 20	Test candidate thresholds with ambient conditions by place and time. Test zone-based options.	Can Code Enforcement, SPD, and Special Events respond, measure, and document cases with available staff and equipment?

The City Sound Team tests legal paths and field capacity before proposed ordinance language goes to the Commission.

The rule must fit the record and work in the field

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GOVERNANCE

Good governance starts with Sarasota's measured conditions, public input, and options grounded in evidence.

RISK

Tailor regulatory limits by land use, time, and ambient conditions. Scientifically measure how ordinary sound stays outside regulatory reach.

COMPLIANCE

Examine regulatory preemption landscape. Field test state and local rule enforcement against organizational capacity.

Phase 2 returns a proposed ordinance, legal rationale and tested enforcement protocol for Commission consideration.