

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. www.miamibeachfl.gov

TO: Mayor Steven Meiner and Members of the City Commission

FROM: Eric Carpenter, City Manager  For E.C.

MEETING DATE: February 3, 2025

SUBJECT: BUSINESS IMPACT ESTIMATE FOR:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-66, ENTITLED "DEFINITIONS," BY CONFORMING THE DEFINITION OF MOTORIZED SCOOTER TO STATE LAW; AND BY AMENDING SECTION 70-67, ENTITLED "PROHIBITED ACTIVITIES," BY PROHIBITING MOTORIZED MEANS OF TRANSPORTATION, BICYCLING, IN-LINE SKATING, ROLLER SKATING, AND SKATEBOARDING ON THE BAYWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Is a Business Impact Estimate Required?

Yes **No** (If no, please check one of the boxes below)

If one or more boxes are checked below, this means the City of Miami Beach has determined that a Business Impact Estimate for the above-referenced Ordinance is not required by State law.

- The proposed Ordinance is required for compliance with Federal or State law or regulation;
- The proposed Ordinance relates to the issuance or refinancing of debt;
- The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the City;
- The proposed Ordinance is an emergency ordinance;
- The Ordinance relates to procurement; or
- The proposed Ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If none of the above exceptions apply, this Business Impact Estimate is hereby provided in accordance with Section 166.041(4), Florida Statutes.

1. A summary of the proposed Ordinance and its purpose is more fully set forth in the Commission Memorandum accompanying the Ordinance, as well as in the recitals to the Ordinance itself, which are attached hereto.

2. The City of Miami Beach estimates that the proposed Ordinance will have no direct economic impact on private, for-profit businesses in the City of Miami Beach; that the proposed Ordinance will have no direct compliance costs that businesses may reasonably incur; that the proposed Ordinance will not impose any new charge or fee for which businesses will be financially responsible; and that the proposed Ordinance will not impact the City of Miami Beach's regulatory costs and will not generate any revenue from new charges or fees.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance:

The City of Miami Beach estimates that no businesses are likely to be impacted by the proposed Ordinance.

4. Additional comments: None.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 9:31 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-66, ENTITLED "DEFINITIONS," BY CONFORMING THE DEFINITION OF MOTORIZED SCOOTER TO STATE LAW; AND BY AMENDING SECTION 70-67, ENTITLED "PROHIBITED ACTIVITIES," BY PROHIBITING MOTORIZED MEANS OF TRANSPORTATION, BICYCLING, IN-LINE SKATING, ROLLER SKATING, AND SKATEBOARDING ON THE BAYWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

City of Miami Beach, Florida

BACKGROUND/HISTORY

ANALYSIS

The proposed Ordinance, sponsored by Commissioner Laura Dominguez, is submitted for consideration by the Mayor and City Commission.

The Baywalk is a public walkway situated directly adjacent to Biscayne Bay, providing residents and visitors with scenic views and pedestrian access to the waterfront. The relative narrowness of the Baywalk inherently limits the available space for safe and comfortable use by pedestrians, including families with young children, seniors, and individuals with mobility challenges.

Importantly, the limited width of the Baywalk creates safety concerns when shared with motorized means of transportation, bicycles, in-line skates, roller skates, and skateboards, which may travel at high speeds and/or require a larger amount of space to maneuver. The use of such transportation and recreational equipment on the Baywalk poses a heightened risk of collisions, injuries, and potential harm to pedestrians. Moreover, the proximity of the Baywalk to Biscayne Bay presents additional safety concerns, as there are limited barriers or buffers between the walkway and the water.

The City is committed to ensuring the safety and enjoyment of public spaces for all users, particularly in areas of high pedestrian traffic. To that end, the use of motorized means of

transportation, bicycles, in-line skates, roller skates, and skateboards on the Baywalk creates safety hazards for pedestrians due to their speed, size, and maneuvering requirements.

Accordingly, the proposed Ordinance would prohibit the use of motorized means of transportation (except for motorized devices and wheelchairs when used by disabled persons), bicycling, in-line skating, roller skating, and skateboarding on the Baywalk (with the exception of the Marina Baywalk south of 5th Street wherein only motorized means of transportation will be prohibited, but the other activities shall remain permissible). These prohibitions will enhance pedestrian safety, reduce conflicts, and preserve the Baywalk as a safe and tranquil space for the walking and enjoyment of all.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

9:31 a.m. PH, Motorized Means of Transportation and Other Means of Transportation Prohibited on the Baywalk. (Dominguez) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CITY CODE, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE II, ENTITLED "PUBLIC PLACES," BY AMENDING DIVISION 2, ENTITLED "BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING, MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS, MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS," BY AMENDING SECTION 70-66, ENTITLED "DEFINITIONS," BY CONFORMING THE DEFINITION OF MOTORIZED SCOOTER TO STATE LAW; AND BY AMENDING SECTION 70-67, ENTITLED "PROHIBITED ACTIVITIES," BY PROHIBITING MOTORIZED MEANS OF TRANSPORTATION, BICYCLING, IN-LINE SKATING, ROLLER SKATING, AND SKATEBOARDING ON THE BAYWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Baywalk is a public walkway situated directly adjacent to Biscayne Bay, providing residents and visitors with scenic views and pedestrian access to the waterfront; and

WHEREAS, the Baywalk is also a very narrow walkway, which limits the available space for safe and comfortable use by pedestrians; and

WHEREAS, many pedestrians, including families with young children, seniors, and individuals with mobility challenges, utilize the Baywalk; and

WHEREAS, the limited width of the Baywalk creates safety concerns when shared with motorized means of transportation, bicycles, in-line skates, roller skates, and skateboards, which may travel at high speeds and/or require a larger amount of space to maneuver; and

WHEREAS, the use of such transportation and recreational equipment on the Baywalk poses a heightened risk of collisions, injuries, and potential harm to pedestrians; and

WHEREAS, the proximity of the Baywalk to Biscayne Bay presents additional safety concerns, as there are limited barriers or buffers between the walkway and the water; and

WHEREAS, the City of Miami Beach is committed to ensuring the safety and enjoyment of public spaces for all users, particularly in areas of high pedestrian traffic; and

WHEREAS, the use of motorized means of transportation, bicycles, in-line skates, roller skates, and skateboards on the Baywalk creates safety hazards for pedestrians due to their speed, size, and maneuvering requirements; and

WHEREAS, the shared use of the Baywalk by pedestrians and users of such devices increases the risk of collisions, injuries, and obstructions, thereby compromising the safety and accessibility of the walkway; and

WHEREAS, prohibiting the use of motorized means of transportation, bicycling, in-line skating, roller skating, and skateboarding on the Baywalk will enhance pedestrian safety, reduce conflicts, and preserve the Baywalk as a safe and tranquil space for walking and enjoyment; and

WHEREAS, the City Commission finds it in the public interest to adopt reasonable regulations to ensure the safety and accessibility of the Baywalk for pedestrians, while protecting the health, safety, and welfare of its residents and visitors.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 70-66 of Division 2 of Article II of Chapter 70 of the Miami Beach City Code is hereby amended as follows:

CHAPTER 70

MISCELLANEOUS OFFENSES

* * *

ARTICLE II. PUBLIC PLACES

* * *

**DIVISION 2. BICYCLING, SKATEBOARDING, ROLLER SKATING, IN-LINE SKATING,
MOTORIZED MEANS OF TRANSPORTATION, ELECTRIC BICYCLES, MOPEDS,
MOTORCYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS**

* * *

Sec. 70-66. - Definitions.

The following definitions are applicable to this division:

Autocycle means a three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

Bicycle means every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. The term does not include non-motorized vehicles for hire as defined in [section 70-46](#) of the city Code.

Bicycle path means any road, path or way that is open to bicycle travel which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way, and as defined and authorized by state law and the city Code, and includes the city's coastal pathways, beachwalk, baywalk, and cutwalk that are within the Atlantic Greenway Network as set forth in appendix A.

Code compliance officer means a code inspector as defined in [section 40-3](#) of the city Code and, for purposes of this division shall include without limitation police officers.

Electric bicycle means a bicycle propelled by an electric motor, having two tandem wheels, and including any device generally recognized as an electric bicycle though equipped with two front or two rear wheels.

Electric personal assistive mobility device means any self-balancing, two non-tandem wheeled device, designed to transport only one person, with an electric propulsion system, and includes the definition set forth in F.S. § 316.003(83), as may be amended.

Golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

Grinding means the process by which a skater or skateboarder attaches to a curb or rail and slides along the edge of the curb or rail.

High impact periods mean those periods of time as annually designated by the city manager during which one or more of the following occur:

- (1) There is a designated major event period;
- (2) A maintenance of traffic plan is required (e.g., including, but not limited to, street closures, lane closures, shuttle service);
- (3) Hotel occupancy levels are anticipated to be greater than 75 percent;
- (4) Mutual aid or other assistance from outside agencies is required to provide for the safety and well-being of residents and visitors to the destinations; or
- (5) An event on public property is anticipated to result in more than 25,000 visitors to the destination.

Launching means using any angled or elevated surface which the skater, skateboarder, or cyclist can jump from in order to get airborne.

Low-speed vehicle means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour including, but not limited to, neighborhood electric vehicles.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

Motorized means of transportation means any devices or means of transportation which are propelled other than solely by human power and includes, but is not limited to, electric personal assistive mobility devices, motorized skateboards, motorized skates, and any other motorized device not defined as a vehicle in F.S. § 316.003, as may be amended; but shall not include motorized devices and wheelchairs when used by disabled persons.

Motorized bicycle means a bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground, having two tandem wheels, and including any device generally recognized as a motorized bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle or motorized bicycle.

Rail sliding means an activity similar to curb or edge grinding. Handrails are often used for rail sliding, in which the skater jumps to the top of the rail and slides down the decline.

Stalling means the process by which a skater or skateboarder attaches to a curb or edge in the space between the second and third wheel of the in-line skate or any part of the skateboard.

* * *

SECTION 2. That Section 70-67 of Division 2 of Article II of Chapter 70 of the Miami Beach City Code is hereby amended as follows:

Sec. 70-67. Prohibited activities.

- (a) It shall be unlawful for any person to engage in skateboarding, roller skating, and in-line skating at any time, to operate any motorized means of transportation at any time, or to engage in bicycling between 9:00 a.m. and 2:00 a.m., in, on, or upon any portion of Lincoln Road Mall lying west of the westerly line of Washington Avenue to the easterly line of Alton Road.
- (b) It shall be unlawful for any person to engage in bicycling, roller skating, in-line skating, or skateboarding, in, on, or upon any portion of the sidewalk on the east and west sides of Ocean Drive between South Pointe Drive and 15th Street at any time.
- (c) It shall be unlawful for any person to engage in bicycling, skateboarding, roller skating, or in-line skating, or to operate any motorized means of transportation, in, on, or upon any portion of the Baywalk (excluding the Marina Baywalk adjacent and parallel to Biscayne Bay and south of 5th Street), and on any additional segments of the Baywalk that may be constructed in the future.
- (e) (d) It shall be unlawful to operate, at any time, any motorized means of transportation, in, on, or upon any portion of:

- (1) The Beachwalk between 15th and 23rd Streets, between 64th and 79th Streets, south of 5th Street and on any additional segments of the Beachwalk that may be constructed in the future;
 - (2) The Lummus Park Promenade (also known as the Lummus Park Serpentine Walkway) between 5th and 15th Streets;
 - (3) The sidewalks on the east and west sides of Ocean Drive between South Pointe Drive and 15th Street;
 - (4) The South Pointe Park Cutwalk adjacent and parallel to Government Cut;
 - (5) The Marina Baywalk adjacent and parallel to Biscayne Bay and south of 5th Street;
 - (6) The interior pathways within South Pointe Park and Collins Park; and
 - (7) The South Pointe Park Pier.
- (d) It shall be unlawful to operate any motorized means of transportation, in, on, or upon any sidewalk or sidewalk areas in the city, except for (a) wheelchairs or other motorized means of transportation when used by disabled persons and (b) electric personal assistive mobility devices, where otherwise not prohibited, which shall be restricted to a maximum speed of eight miles per hour.
 - (e) It shall be unlawful to operate an electric personal assistive mobility device on any bicycle path in the city, where otherwise not prohibited, at a speed greater than eight miles per hour.
 - (f) It shall be unlawful to grind, rail slide, launch, stall or to engage in any other such type of activity on a skateboard, in-line skates, or roller skates which results in the damage of public or private property.
 - (g) It shall be unlawful to operate any motorized device defined as a vehicle in F.S. § 316.003, and any motorized means of transportation, on any street or road that is closed to motor vehicle traffic by the police department for events during high impact periods.
 - (h) All of the prohibitions in this section shall apply to the areas identified notwithstanding any change in the name of the street, right-of-way, or facility.

* * *

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions.
~~Strikethrough~~ denotes deletions.

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/3/2024
Date