Memorandum

MIAMI-DADE COUNTY

Date: September 20, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Report Regarding Low-Speed Vehicles – Directive #152962

On February 2, 2016, the Board of County Commissioners (Board) adopted Resolution R-129-16 directing the Mayor or Mayor's Designee to perform a study regarding low-speed vehicles currently operating in Miami-Dade County (County), and to prepare a report within 90 days regarding, among other things, the use of such vehicles on the public streets of the County, the adequacy of current state and federal laws regulating low-speed vehicles, and the need, if any, for further regulation by the County.

In 1998, in response to a growing public interest for using golf carts and other similar-sized 4-wheeled vehicles to make short trips for shopping, social and recreational purposes, the National Highway Traffic Safety Administration (NHTSA) established Federal Motor Vehicle Safety Standard No. 500 (49 CFR 571 Part 571.500). The standard requires low-speed vehicles to be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers. These requirements addressed the safety of low-speed vehicle occupants and other roadway users, given the vehicle speed capability of under 25 miles per hour, and the controlled environments in which they operate.

Low-speed vehicles are defined in Chapter 320 of the Florida Statutes as 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. In addition, Chapter 316 of the Florida Statutes outlines the safety requirements that these vehicles must comply with, including the provision that they must operate only on streets where the posted speed limit is 35 miles per hour or less, although they are not prohibited from crossing a street where the road or street has a posted speed limit of more than 35 miles per hour. Low-speed vehicles are also required to be equipped with the same safety features mandated by the above referenced Federal safety standard, that any person operating a low-speed vehicle have a valid driver license in their possession, and that the vehicle be registered and insured with Personal Liability Protection and Property Damage Liability. Furthermore, the Florida Statutes provide that a county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if such prohibition is necessary in the interest of public safety.

According to a survey from the International Association of Transportation Regulators (IATR), very few municipalities, all located in Texas and California, regulate low-speed vehicles within their for-hire regulations. In Florida, the City of Orlando provides for the regulation of these types of vehicles but as non-commercial, not for-hire vehicles, restricted to operating within residential communities, and authorized to operate on city streets within limited boundaries. Currently, the County does not regulate the use of low-speed vehicles within the public right-of-way. However, Chapter 31 of the County Code prohibits the operation of vehicles transporting passengers for compensation; including tips, donations, and commissions, without first having a County-issued license. As such, several companies have been permitted to provide service as long as they do not operate as a for-hire service, and after assurance that their only source of revenue is through advertising in order to avoid conflicting with County Code provisions. For example, free transportation services that utilize low-speed electrically powered open-air vehicles, resembling oversized golf cars, have been operating in popular high-traffic areas including

Miami Beach, Brickell, Wynwood, and downtown Miami. These vehicles are sponsored by advertising companies or business establishments that pay to outfit the vehicle and promote their brand or establishment. The vehicles offer the advantage of low-cost, quiet, energy-efficient mobility in comparison to larger, gasoline-powered vehicles.

Department of Transportation and Public Works staff identified the following four (4) companies providing low-speed transportation service in the County, although there may be smaller operators also providing this service:

Name/Trade Name	No. of vehicles	No. of drivers/employees	Area(s) of operation
Befree, LLC d/b/a Freebee	23	38	Miami Beach, Brickell, Wynwood, Midtown, and Design District
Swoop, LLC d/b/a Swoop	5	8	Miami Beach
Rideon Media LLC, d/b/a Rideon	4	9	Miami Beach, Downtown Miami, and Wynwood
Wynwood Buggies, Inc. d/b/a Wynwood Buggies	3	3	Wynwood

If the Board decides to regulate the use of low-speed vehicles as a for-hire industry, the most appropriate approach would be the creation of a new section in Chapter 31 of the County Code. This section would mirror recently approved provisions for taxicabs, limousines and transportation network entity vehicles, where the County issues a for-hire license to the company, and the company is responsible for certifying that drivers and vehicles are in compliance with the adopted regulations.

Pursuant to Ordinance 14-65, this memorandum will be placed on the next available Board meeting. If additional information is required, please contact Alice N. Bravo, P.E., Director of the DTPW, at (786) 469-5406.

c: Alina T. Hudak, Deputy Mayor, Office of the Mayor
Alice N. Bravo P.E., Director, Department of Transportation and Public Works
Raul A. Gonzalez, Special Projects Administrator, Department of Transportation and Public Works
Eugene Love, Agenda Coordinator

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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution directing the Mayor to perform a study regarding low-speed vehicles currently operating in Miami-Dade County and prepare a report within 90 days regarding, among other things, the use of such vehicles on the public streets of Miami-Dade County, the adequacy of current state and federal laws regulating low-speed vehicles and the need, if any, for further regulation by Miami-Dade County

Resolution No. R-129-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.

Abigail Price-Williams
County Attorney

APW/lmp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
2-2-16

RESOLUTION NO. R-129-16

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO PERFORM A STUDY REGARDING LOW-SPEED VEHICLES CURRENTLY OPERATING IN MIAMI-DADE COUNTY AND PREPARE A REPORT WITHIN 90 DAYS REGARDING, AMONG OTHER THINGS, THE USE OF SUCH VEHICLES ON THE PUBLIC STREETS OF MIAMI-DADE COUNTY, THE ADEQUACY OF CURRENT STATE AND FEDERAL LAWS REGULATING LOW-SPEED VEHICLES AND THE NEED, IF ANY, FOR FURTHER REGULATION BY MIAMI-DADE COUNTY

WHEREAS, in recent years a number of low-speed vehicle operators, commonly referred to as "free-ride" operators, have been operating in Miami-Dade County; and

WHEREAS, these "free-ride" operators generally transport the public short distances in electric vehicles and claim to generate their revenues through advertising; and

WHEREAS, these "free-ride" operators are most visible in downtown Miami and Miami Beach; and

WHEREAS, current state law imposes restrictions on the operation of low-speed vehicles; and

WHEREAS, low-speed vehicles are also subject to federal regulations promulgated by the National Highway Traffic Safety Administration; and

WHEREAS, the Board believes that it is in the best interest of the citizens of Miami-Dade County for the Mayor or the Mayor's designee to perform a study of low-speed vehicles operating in the County and prepare a report regarding among other things, the need, if any, for further regulation by the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board directs the Mayor or the Mayor's designee to perform a study regarding, among other things: (1) the use of low-speed vehicles on the public streets in Miami-Dade County; (2) the number of low-speed vehicles currently transporting members of the public; (3) the type of low-speed vehicles offering transportation to members of the public; (4) the compensation, if any, paid by passengers of low-speed vehicles; (5) the locations in Miami-Dade County where low-speed vehicles frequent; (6) a description of low-speed vehicles operating on the public streets in Miami-Dade County including, but not limited to, the maximum speed of such vehicles; (7) an analysis of current state and federal laws regulating low-speed vehicles; (8) an assessment of the adequacy of current state and federal laws regulating low-speed vehicles; and (9) the need, if any, for further regulation by Miami-Dade County. The Mayor or the Mayor's designee shall prepare a report within 90 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Vice Chairman Esteban L. Bovo, Jr. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez