

MEMORANDUM

Agenda Item No.

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to operation of micromobility devices, electric bicycles, and motorized scooters in the incorporated and unincorporated areas of Miami-Dade County; creating section 2-98.3 of the Code; providing regulations for operation of micromobility devices, electric bicycles, and motorized scooters on rights-of-way; providing for legislative intent, applicability, and definitions; providing mechanism for municipal enforcement of regulations; providing for enforcement by civil penalty

A substitute was presented and forwarded to the BCC with a favorable recommendation at the April 8, 2024 Chairman's Policy Council and Intergovernmental Affairs Committee.

This substitute differs from the original item in that it: (1) changes and limits the scope of applicability from Countywide to that portion of Crandon Boulevard between the northern limits of the Village of Key Biscayne to the northern entrance of the Bill Baggs Cape Florida State Park; (2) specifically excludes wheelchairs and other power-driven mobility devices as defined under the Americans with Disabilities Act (ADA), 28 CFR § 35.104, as may be amended; (3) includes a sunset provision of 2 years from the effective date.

Rule 5.06(i) of the Board's Rules of Procedure provides that differences between an original item and a substitute item should be uniquely identified in the substitute by double underlining and double strike-through, or where such approach would not clearly show the difference or are not practical, by providing footnotes or comments on the item. Based on Rule 5.06(i), the preceding description of the differences between the original item and the substitute item is provided in lieu of double underlining and double strike-through.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001

Memorandum



Date: May 7, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Danielle Levine Cava
Mayor

A handwritten signature in blue ink that reads "Danielle Levine Cava".

Subject: Social Equity Statement for Ordinance Related to the Operation of Micromobility Devices, Electric Bicycles, and Motorized Scooters

This Supplement No. 3 corrects information included in Supplement No. 2.

This proposed ordinance seeks to create Section 2-98.3 of the Code of Miami-Dade County, Florida, to regulate the operation of micromobility devices, electric bicycles, and motorized scooters. Persons choosing to operate a micromobility device, electric bicycle, or motorized scooter do so at their own risk, and must be observant of, and attentive to, the safety of themselves and other motorists, bicyclists, and pedestrians. Section 2-98.3 defines “micromobility device” as any motorized transportation device which can travel at speeds greater than 20 miles per hour on level ground. The term “micromobility device” also includes the terms “motorized scooter” and “electric bicycle,” but specifically excludes wheelchairs and other power-driven mobility devices as defined under the American with Disabilities Act. This proposed ordinance has a sunset provision of two years from the effective date.

County residents and visitors to that portion of Crandon Boulevard between the northern limits of the Village of Key Biscayne to the northern entrance of the Bill Baggs Cape Florida State Park have a growing interest in using personal micromobility devices for transportation and recreational purposes. These devices meet the transportation needs of this community and help to promote environmental goals, because they are battery-powered, and thus emission-free.

This proposed ordinance creates a social benefit for the impacted County residents and visitors who may not have access to an automobile or public transit and desire an alternative mode of transportation. Moreover, this ordinance will provide equitable access to mobility by increasing travel options for individuals who do not live or work within walking distance of public transit stations. By regulating the safe operation of micromobility devices, said residents and visitors can more easily travel throughout the County for work or leisure. This proposed ordinance has the potential to create a social burden should it encourage greater ridership which in turn may create additional danger on the roads to vehicular and pedestrian traffic due to issues such as overcrowding and careless operation. App-based micromobility services can also be a burden for unbanked individuals or communities that lack accessibility to cell phones or internet services.

A handwritten signature in blue ink that reads "James Reyes".

James Reyes
Chief of Public Safety



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.

ORDINANCE NO. _____

ORDINANCE RELATING TO OPERATION OF MICROMOBILITY DEVICES, ELECTRIC BICYCLES, AND MOTORIZED SCOOTERS IN THE INCORPORATED AND UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; CREATING SECTION 2-98.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING REGULATIONS FOR OPERATION OF MICROMOBILITY DEVICES, ELECTRIC BICYCLES, AND MOTORIZED SCOOTERS ON RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE INTENT, APPLICABILITY, AND DEFINITIONS; PROVIDING MECHANISM FOR MUNICIPAL ENFORCEMENT OF REGULATIONS; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the public has a growing interest in using personal micromobility devices, including electric bicycles, motorized scooters, and rented micromobility devices (collectively “micromobility devices”) for transportation and recreational purposes; and

WHEREAS, in addition to meeting the transportation needs of local communities, micromobility devices may help to promote environmental goals, because they are battery-powered, and thus emission-free; and

WHEREAS, this Board supports the safe use of low-cost, energy-efficient micromobility devices on County roads; and

WHEREAS, sections 316.2128 and 316.20655, Florida Statutes, regulate micromobility devices and authorize the County, under certain circumstances, to adopt an ordinance governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas under the County’s jurisdiction; and

WHEREAS, section 1.01(A)(1) of the Miami-Dade County Home Rule Charter vests this Board with the power to “carry on a central metropolitan government” by, among other powers, “provid[ing] and regulat[ing] arterial, toll, and other roads, bridges, tunnels, and related facilities; . . . and develop[ing] and enforce[ing] master plans for the control of traffic and parking”; and

WHEREAS, among other mechanisms, this Board has exercised this power through adoption of ordinances that have been codified in the Code of Miami-Dade County, Florida (the “Code”); and

WHEREAS, section 2-95.1 of the Code empowers and imposes the duty and responsibility on the Department of Transportation and Public Works (DTPW) to provide, develop, maintain, improve, implement, and enforce a master plan for the control, regulation, and appropriate movement of traffic throughout the County, including both the incorporated and unincorporated areas thereof; and

WHEREAS, section 2-95.1 also grants DTPW exclusive jurisdiction over all matters of traffic engineering Countywide, subject only to the jurisdiction of the state road department with respect to state highways; and

WHEREAS, section 2-96.1 of the Code vests DTPW with the exclusive jurisdiction to address traffic movement, traffic engineering, and traffic control devices throughout the County; and

WHEREAS, this Board wishes to authorize municipalities to regulate the operation of micromobility devices on County-owned or -maintained roads and sidewalks in the incorporated areas, and subject to legislation sponsored by the district commissioner in whose district any portion of a municipality lies approving an interlocal agreement, delegate to municipalities the

authority to enforce the County's micromobility device regulations within their respective jurisdictions, which may include the authority provided in chapter 8CC of the Code for municipalities to use the County's code enforcement system under certain circumstances for such enforcement; and

WHEREAS, the Board wishes to implement this regulatory structure on a limited basis prior to determining whether to apply such regulations Countywide,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 2-98.3 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Section 2-98.3 – Regulation of Micromobility Devices, Electric Bicycles, and Motorized Scooters

- (1) Legislative Intent. It is the intent of this section to, under certain circumstances, authorize municipal regulation of the operation of micromobility devices, electric bicycles, and motorized scooters upon County maintained roads and sidewalks in certain incorporated areas of the County. Adoption of this section shall not be relied upon as a determination that the operation of micromobility devices, electric bicycles, and motorized scooters on roads or public sidewalks is safe or advisable. All persons operating micromobility devices, electric bicycles, and motorized scooters do so at their own risk, and must be observant of, and attentive to, the safety of themselves and other motorists, bicyclists and pedestrians.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(2) Applicability.

- (a) This section shall be applicable to Crandon Boulevard between the northern limits of the Village of Key Biscayne to the northern entrance of Bill Baggs Cape Florida State Park, upon the municipality through which such road traverses entering into an interlocal agreement as provided in this section.
- (b) This section shall not be construed to regulate “wheelchairs” or “other power-driven mobility devices” as defined under the Americans with Disabilities Act (ADA), 28 CFR § 35.104, as may be amended.

(3) Definitions. As used in this section:

- (a) “County-owned” means (i) property in which the County has a property interest, such as fee simple ownership or an easement, and (ii) property that the County maintains regardless of ownership, such as rights-of-way that are in incorporated areas but are maintained by the County.
- (b) “Director” shall be as defined in section 2-99.
- (c) “Electric bicycle” or “e-bike” means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts. This term includes devices defined as electric bicycles pursuant to section 316.003(23), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.
- (d) “Motorized scooter” or “scooters” means any vehicle or micromobility device, other than an electric bicycle, 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. This term includes those devices defined as motorized scooters pursuant to section 316.003(48), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

(e) “Micromobility device” means motorized scooters and electric bicycles as defined herein, and shall include any motorized transportation device which is incapable of traveling at speeds greater than 20 miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR § 35.104, as may be amended.

(f) “Rider” or “operator” means a person riding, driving, or otherwise operating a micromobility device.

(g) “Right-of-way” means land devoted to or required for use as a roadway, sidewalk, or other associated feature, and includes, without limitation, (i) all existing or dedicated road rights-of-way and (ii) all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to tentative plats.

(h) “Sidewalk” means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(4) Operation and parking.

(a) Riders of micromobility devices shall comply with all applicable state and County traffic laws, rules, and regulations as may be applicable to such devices.

(b) Ridership of more than one person on any micromobility device is prohibited, unless such micromobility device is specifically designed to

carry more than one person. This restriction shall not be construed to prohibit an adult rider from carrying a child securely attached to his or her person in a backpack or sling.

(c) The maximum speed of a micromobility device on a County-owned right-of-way shall be limited to 20 miles per hour.

(d) The operation of micromobility devices upon a public sidewalk or walkway is prohibited except for the purpose of parking the device in a location designated for the parking of such devices by the County or applicable municipality.

(e) Micromobility devices shall only be operated within bike lanes, if available, or upon streets with a posted speed limit of 30 mph or less.

(f) Micromobility devices shall not be parked:

(i) upon any County-owned roadway or sidewalk, except in a location designated for such parking;

(ii) in a manner that obstructs the ingress or egress from any park or parking location; or

(iii) in a manner that prevents any sidewalk or walkway from maintaining at least 3 feet of walkway clearance.

(g) Riders of micromobility devices may be ticketed for traffic violations, as applicable, in the same manner as motor vehicles.

(5) *Enforcement by municipalities.* A municipality may, upon approval by the Board of County Commissioners of an interlocal agreement between the County and such municipality, enforce the provisions of this section as it relates to roads within the boundaries of said municipality. The agenda item approving such interlocal agreement shall be sponsored by a district commissioner in whose district any portion of such municipality lies.

(6) Enforcement.

- (a) Any person violating a provision of this chapter shall be subject to the penalties and remedies provided in section 1-5 and chapter 8CC and any other penalties or remedies provided by law.
- (b) Each violation, and each day, or portion thereof, that a violation of this section exists shall constitute a separate offense.
- (c) Pursuant to section 8CC-3 and subject to entering into an interlocal agreement as provided in this section, a municipality may designate code inspectors to issue civil violation notices for violations of this article.
- (d) A municipality entering into an interlocal agreement as provided in this section may in the alternative provide for enforcement in accordance with its own procedures.

(7) Municipal regulations.

- (a) A municipality may adopt additional rules restricting micromobility devices on County-owned roads within the boundaries of such municipality, subject to the following:
 - (i) Any such additional restrictions shall be included in the interlocal agreement with the County authorizing the municipality's enforcement of the provisions of this section.
 - (ii) Such additional restrictions shall not be enforceable until adopted by municipal ordinance in accordance with section 316.008, Florida Statutes, as may be amended.
 - (iii) The municipality shall be responsible for providing a method of enforcement for any such additional restrictions.

- (b) A municipality entering into an interlocal agreement with the County for the enforcement of this section shall:
- (i) prior to its enforcement of this section, be required to carry out a public information and awareness campaign of no fewer than 60 days to educate its residents and visitors about the provisions of this section; and
 - (ii) be responsible for posting appropriate signage providing notice to riders of the applicable regulations.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
* * *		
>>> <u>2-98.3</u>	<u>Wrongful operation of micromobility device.</u> <u>First offense:</u> <u>Second or subsequent offense:</u>	<u>\$250.00</u> <u>\$500.00<<</u>
* * *		

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 7. This ordinance shall stand repealed 2 years from its effective date.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GBK

Prepared by:

D.P.C

Dale P. Clarke
Bruce Libhaber

Prime Sponsor: Commissioner Raquel A. Regalado