



City of Atlantic Beach
Draft Agenda
Regular City Commission Meeting
Monday, February 10, 2025 - 6:00 p.m.
Commission Chamber
City Hall, 800 Seminole Road
Atlantic Beach, FL 32233

INVOCATION AND PLEDGE TO THE FLAG
CALL TO ORDER

Page(s)

1. APPROVAL OF MINUTES

- 1.A. Approve minutes of the Town Hall meeting held on January 25, 2025. 3 - 20
[1-25-25 Town Hall Draft Minutes](#)

2. COURTESY OF FLOOR TO VISITORS

PUBLIC COMMENT

3. CITY MANAGER REPORTS

- 3.A. Accept the 90-Day Calendar (Feb. - April 2025) 21 - 24
[90-Day Calendar \(Feb. - April 2025\)](#)
- 3.B. Draft eBike legislation 25 - 39
[Draft eBike legislation](#)

4. REPORTS AND/OR REQUESTS FROM CITY COMMISSIONERS

5. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS

6. CONSENT AGENDA

7. COMMITTEE REPORTS

8. ACTION ON RESOLUTIONS

9. ACTION ON ORDINANCES

- 9.A. **ORDINANCE NO. 20-25-177, Public Hearing and Final Reading** 41 - 43
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ATLANTIC BEACH, FLORIDA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024 FOR APPROPRIATING ADDITIONAL FUNDS TO THE POLICE PENSION FUND; AND PROVIDING AN EFFECTIVE DATE.
[Ordinance No. 20-25-177](#)

9.B. **ORDINANCE NO. 95-25-125, Introduction and First Reading**

45 - 49

AN ORDINANCE TO AMEND CHAPTER 5 (BEACHES AND PARKS), ARTICLE III (PUBLIC PARKS), TO ADD A NEW SECTION 5-34 ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING BUSINESS ACTIVITIES IN CITY-OWNED PARKS AND FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCORPORATION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

[Ordinance No. 95-25-125](#)

10. MISCELLANEOUS BUSINESS

11. CITY ATTORNEY/CITY CLERK REPORTS AND/OR REQUESTS

12. CLOSING COMMENTS BY CITY COMMISSIONERS AND CITY MANAGER

13. ADJOURNMENT

This meeting will be live-streamed and videotaped. The video recording will be posted within four business days on the City's website. To access live or recorded videos, visit www.coab.us/live.

If any person decides to appeal any decision made by the City Commission with respect to any matter considered at any meeting, such person may need a record of the proceedings, and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record shall include the testimony and evidence upon which the appeal is to be based.

Any person wishing to speak to the City Commission on any matter at this meeting should submit a request to the City Clerk prior to the meeting. For your convenience, forms for this purpose are available at the entrance to the Commission Chamber.

Every effort is made to indicate what action the City Commission is expected to take on each agenda item. However, the City Commission may act upon any agenda subject, regardless of how the matter is stated on the agenda.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-5821 or at City Hall, 800 Seminole Road, Atlantic Beach, FL 32233, no later than 5:00 PM on the Thursday prior to the meeting.



MINUTES
Town Hall Meeting
Saturday, January 25, 2025 - 10:00 AM
Commission Chamber
City Hall, 800 Seminole Road
Atlantic Beach, FL 32233

Invocation and Pledge of Allegiance

Following the Pledge of Allegiance, Mayor Ford called the meeting to order at 10:02 AM.

ATTENDANCE:

Present: Curtis Ford, Mayor - Seat 1 (At Large)
Bruce Bole, Commissioner - Seat 2 (District 1308)
Thomas Grant, Commissioner - Seat 3 (District 1307)
Candace Kelly, Commissioner - Seat 4 (District 1306)
Jessica Ring, Commissioner - Seat 5 (District 1312)

Also Present: William B. Killingsworth, City Manager (CM)
Ladayija Nichols, Deputy City Clerk (DCC)
Victor Gualillo, Police Chief (PC)

1 TOPICS FOR DISCUSSION AND PUBLIC COMMENT

Seminole Road/Plaza/Sherry Drive roundabout feasibility study

Martha Moore and Ryan Thady gave a presentation (which is attached hereto and made a part of this official record as **Attachment A**). They also responded to questions from the Commission, staff, and attendees.

The following speakers provided their comments to the public:

Steve Bildman
Mitch Reeves
Lisa Herrold
Steve Hauenstein
Sarah Boren
Patrick Rose
Steve Fouraker
Susan Grube
Non-Identified Speaker
Carolyn Zisser
Penny Rauckis

Town Hall
January 25, 2025

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Brinkley Harrell
Donald Campbell
[1-25-25 Attachment A](#)

eBike safety

The Commission and audience briefly went outside for an eBike demonstration.

PC Gualillo gave a presentation (which is attached hereto and made a part of this official record as **Attachment B**), and answered questions from the Commission and attendees.

The following speakers provided their comments to the public:

Carolyn Zisser
Elliot Zisser
Lisa Herrold
Sarah Boren
Steve Fouraker
Brinkley Harrell

The Commission reached a **CONSENSUS** for the CM and PC Gualillo to present a preliminary ordinance for discussion at the Regular Commission Meeting on February 10, 2025.

[1-25-25 Attachment B](#)

2 PUBLIC COMMENT - OPEN TOPICS

None.

ADJOURNMENT

The meeting adjourned at 12:12 PM.

Attest:

Ladayija Nichols, Deputy City Clerk

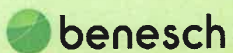
Curtis Ford, Mayor

Date Approved: _____

Town Hall
January 25, 2025

Atlantic Beach Roundabout Feasibility Study

January 25, 2025





Study Overview

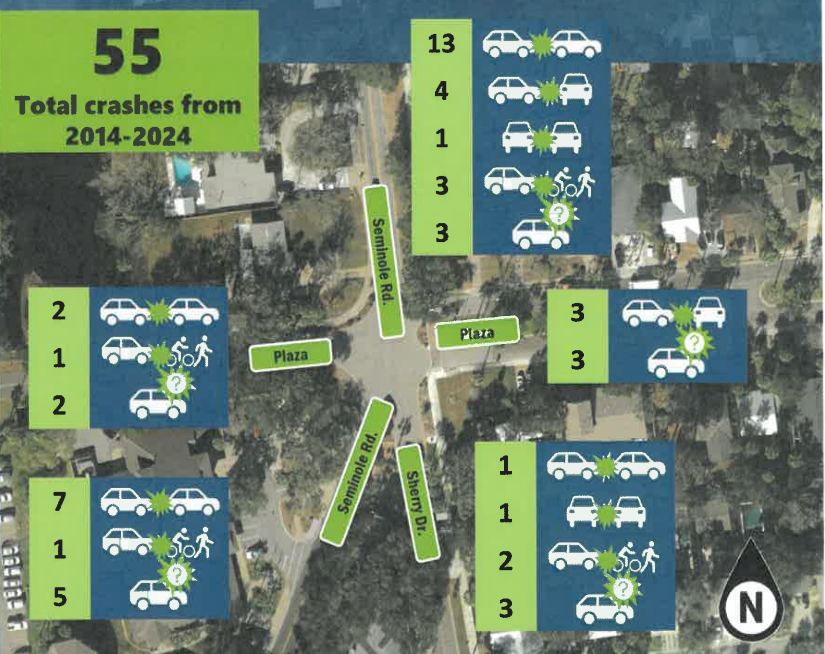
- Previous Study in 2004
- Update to Current Conditions:
 - Safety
 - Traffic Flow
 - Impacts
 - Cost



Crash History (2014-2024)



Crash Type	Injury Type			Total Crashes
	No Injury	Non-Incapacitating Injury	Possible Injury	
Rear End	20	1	2	23
Angle or Left Turn	7			7
Sideswipe	2			2
Bicyclist or Pedestrian		2	5	7
Other/Unknown	12	4		16
Total Injuries	41	7	7	



Traffic Counts (2024)



AM PEAK HOUR



PM PEAK HOUR



Traffic Counts (2050)



AM PEAK HOUR



PM PEAK HOUR



Existing Traffic Operations



Intersection Delay

- Minor Delay* (0-20 seconds)
- Moderate Delay* (>20-55 seconds)
- Severe Delay* (Over 55 seconds)

* Minor, moderate and severe delay values defined in the Highway Capacity Manual

Projected Traffic Growth 2024-2050

Intersection Leg	Traffic Growth
South Leg of Seminole Rd	13% increase
North Leg of Seminole Rd	14% increase
East Leg of Plaza	11% increase
West Leg of Plaza	14% increase
South Leg of Sherry Dr	13% increase

- More approaches (5) means more driver indecision – *Who has right of way?*
- Indecision leads to increased delay and longer queues.
- Projected growth places more demand through intersection. Drivers will experience longer delay and queues.



AM PEAK HOUR



PM PEAK HOUR



Projected Traffic Operations



Intersection Delay

- Minor Delay* (0-20 seconds)
- Moderate Delay* (>20-55 seconds)
- Severe Delay* (Over 55 seconds)

* Minor, moderate and severe delay values defined in the Highway Capacity Manual



AM PEAK HOUR

2050 Traffic – No Change to Intersection



2050 Traffic – No Change to Intersection

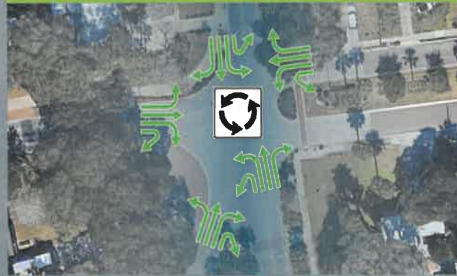


PM PEAK HOUR



AM PEAK HOUR

2050 Traffic - Roundabout



2050 Traffic – Roundabout



PM PEAK HOUR

Concept



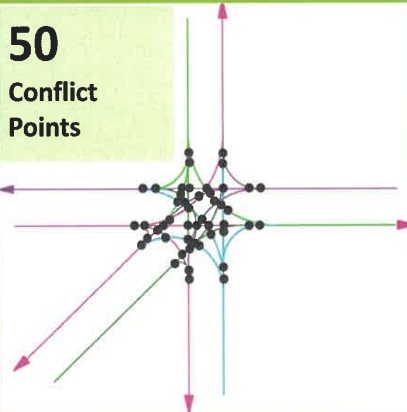


Roundabout Safety

- ✓ Reduces the number of conflict points
- ✓ Reduces severity of crashes
- ✓ Reduces speed through the intersection
- ✓ Reduces number of fatal and injury crashes

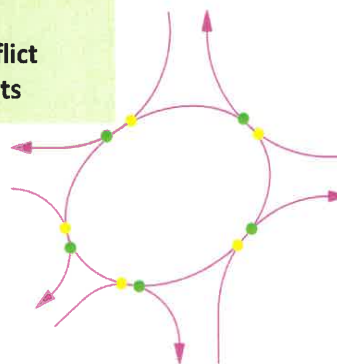
Intersection Conflict Points

50
Conflict Points



Roundabout Conflict Points

10
Conflict Points



Potential Impacts and Cost



Potential Impacts

- South corner between Seminole Rd and Sherry Dr
 - City of Atlantic Beach Property
 - Tide Clock
- “In Search of Atlantis” statue in Plaza median (Frazier Park)
- Coordinate with Emergency Services to confirm access/flow
- Property/utility impacts will be confirmed during design study

Cost

Construction
\$1,808,675

Design/CEI
\$642,603

Total
\$2,451,278

Contact Us!



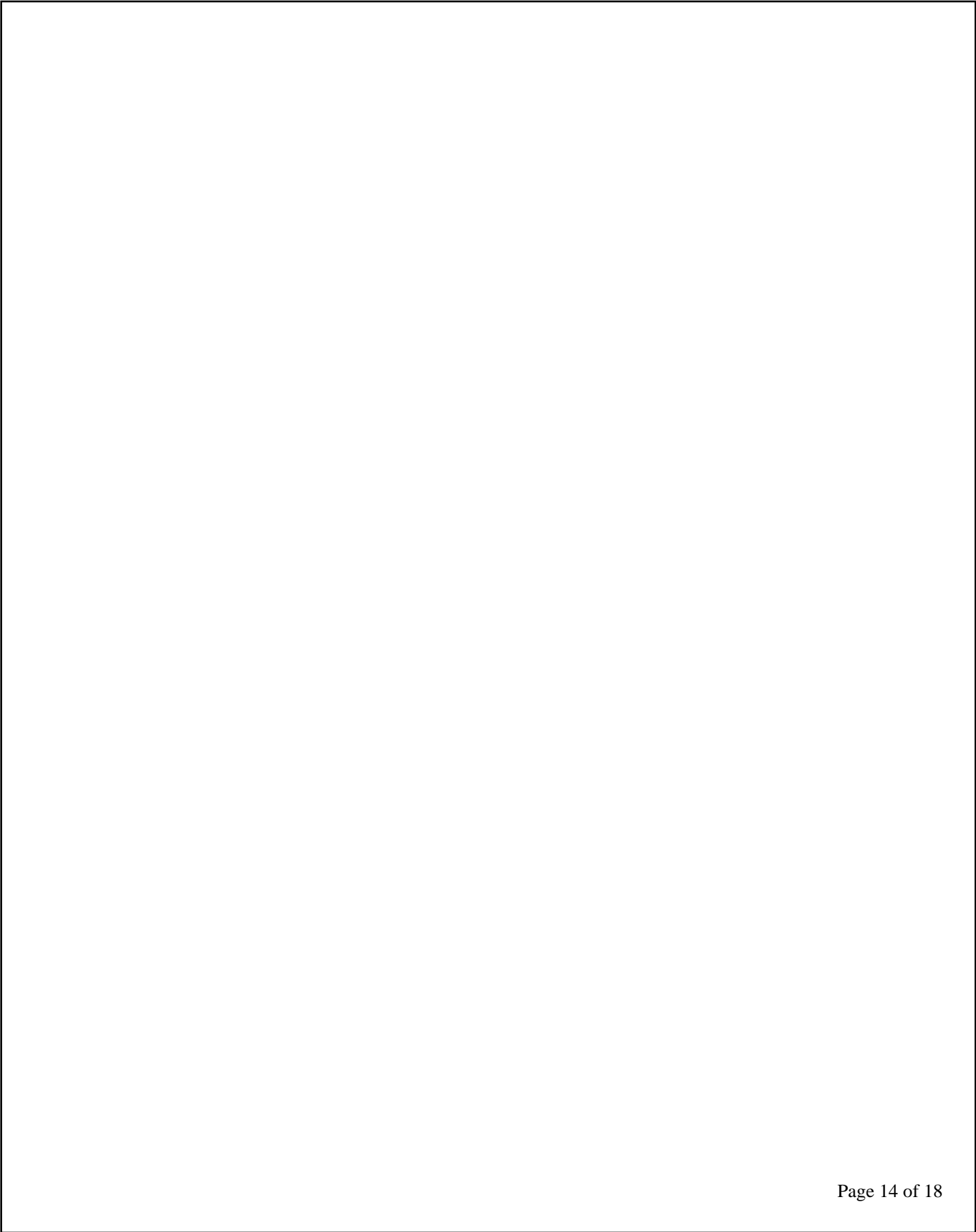
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Attachment B to
I-25-25 Minutes

**Atlantic Beach Municipal Ordinance bicycle, electric bicycle,
other personal mobility devices**

Questions:

Does the City want to limit the use of electric bicycles, scooters, micromobility devices (rental scooters), golf carts, electric toys and Electric Personal Assistive Mobility Device (Segways) to include but not limited to...

- to not be operated by anyone under the age of 16 (with a Drivers License), this would need to be added to the Draft MO
- to not operate on public sidewalks *(included)*
- to not operate in areas designated only for pedestrian foot traffic (city parks and walking trails) *(included)*
- to not operate on the beach *(included)*

For a violation of the new COAB MO officers may choose to issue civil citations with a fine of \$50 and a late fee of \$50.

- COAB controls the amount of fines for MO violations.
- Issuing a COAB civil fine means that enforcement stays within COAB. If the fine is not paid we suggest using a collection agency to recoup outstanding fines.

In this MO Officers are given the discretion to issues State of Florida Uniform Traffic Citations for violations of law that are specified in § 316 Florida Statutes (traffic laws). In this case the officer would issue a traffic ticket through the state of FL.

- There are provisions in FSS for non-payment of a traffic citation.
- There are provisions in § 318.18 for children under 14 years of age who violate bicycle laws. The disposition of any violation of § 316 traffic laws committed by a minor are governed by 318.143 Florida Statutes.

**Attachment B to
1-25-25 Minutes**

DRAFT Municipal Ordinance

Article VIII. - Regulation of Bicycles, Electric bicycles and, Personal Mobility Devices

Sec. 105-1 - Definitions

For the purposes of this chapter, the following words and phrases shall have their respective meanings ascribed to them within this section. Where applicable and appropriate to the context, definitions and provisions refer to Florida Statutes and are used in conjunction with these terms and the requirements of this chapter.

Bicycle shall be defined as in § 316.003 Florida Statutes, as amended from time to time.

Electric bicycle (electric bicycle) shall be defined as in § 316.003 Florida Statutes, as amended from time to time.

Motorized shall mean: anything powered by other than human muscular power.

Personal mobility device shall mean: motorized scooters, micromobility devices, golf carts, electric personal assistive mobility devices, miniature motorcycle or other transportation device whose use may be restricted by local ordinance .

Sec. 105-2 - Operation on city property

- (a) Bicycle riding is allowed upon and along the public sidewalks, roadways, and public spaces in the city when not restricted by municipal ordinance or state law.
- (b) Electric bicycle riding with the use of motorized assistance is allowed upon and along the roadways and sidewalks within the city with the following restrictions;
 - 1. E-bicycles may not exceed 10 MPH on a sidewalk or multi use pathway
 - 2. E-bicycles may not exceed the posted speed limit on any roadway within the city
 - 3. E-bicycles may not operate under motorized power or assistance within any city park, upon any trail network, right of way or upon the beach.

**Attachment B to
1-25-25 Minutes**

- (c) A person may not operate a personal mobility device upon, a street, a sidewalk, bicycle path, bicycle lane, the beach, within a city park, or upon any city property.
- (d) Mopeds may only be operated on city roadways while in accordance with § 316.208 Florida Statutes governing their operation. No person may operate a Moped upon a sidewalk, within a city park or trail network or upon a city right of way by any means other than human power.
- (e) Low Speed Vehicles as defined by Florida Statutes must be properly registered and may only be operated on the roadways within the city.
- (f) No person shall ride a bicycle or e-bicycle over or upon any sidewalk or crosswalk within the city in a manner that impedes or endangers pedestrian traffic.
- (g) A person propelling a bicycle or e-bicycle upon a sidewalk, across a roadway or upon a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (h) Each person who rides or operates a bicycle or electric bicycle within the city shall comply with all traffic regulations, signal lights, stop signs and other traffic-control devices as required in § 316.2065 and 316.20655, Florida Statutes.
- (i) No person shall operate a bicycle or electric bicycle at a speed greater than is reasonable and prudent considering the conditions then existing.
- (j) No person operating a bicycle or electric bicycle shall exceed the posted speed limit.
- (k) No person operating a bicycle or electric bicycle shall carry any package, bundle or article which causes the vehicle to be unstable or dangerous to operate.
- (l) Official emergency services and law enforcement agencies and city personnel in the course and scope of their duties are exempt from this section.
- (m) In accordance with § 316.1995, Florida Statutes, this section does not apply to motorized wheelchairs.

Sec. 105 - 3 - Enforcement, penalties and appeals.

**Attachment B to
1-25-25 Minutes**

- (a) Law Enforcement officers of the city's police department are hereby authorized to enforce the provisions of this Code.
- (b) Violations of this section may be enforced as a civil infraction of the city's ordinances or the violator may be cited under Florida Statutes at the discretion of a law enforcement officer.
- (c) The civil penalty for bicycle and electric bicycle violations of this section shall be (\$50) fifty dollars.
- (d) Any person who receives a civil citation for a violation of this section shall elect either to:
 - (1) Pay the civil fine within thirty (30) days from the date of the infraction, in the manner indicated on the citation. If such payment is not timely paid, a late fee of fifty dollars (\$50.00) shall be imposed on the named violator; or
 - (2) Request a hearing with the Duval County Court to appeal the citation. The request shall be made to the Duval County Clerk of Court in the manner indicated on the citation no later than ten (10) days after service of the citation.
- (e) Failure of the violator to pay or appeal the civil citation within the prescribed time period shall constitute a waiver of the violator's right to a hearing before the county court and shall be treated as an admission of the violation and penalties shall be assessed per city policy for recovery of outstanding debits.

State Law reference— Bicycle regulations, § 316.2065 Florida Statutes.

- The provisions of this division may be enforced by any and all lawful means available to the city pursuant to all codes and ordinances duly adopted by the city commission or as may otherwise be available to the city pursuant to state law and nothing contained in this division shall prohibit the city from enforcing this division by other means set forth in the city's codes and ordinances, provided for in the statutory law of the State of Florida, or otherwise available to the city.

**CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT**

AGENDA ITEM: 90-Day Calendar for the City Commission

SUBMITTED BY: Adrianna Walsh, Executive Assistant to the City Manager

TODAY'S DATE: January 29, 2024

MEETING DATE: February 10, 2025

BACKGROUND: The rolling 90-day calendar is routinely revised based on input from City staff and the Commission, and is included in each agenda for consideration by consensus.

Please note that the 2025 town hall meetings have been scheduled for:

- Saturday, April 5 at Jordan Park
- Saturday, July 19 at Gail Baker Community Center
- Saturday, October 18 at the Adele Grage Cultural Center

BUDGET: None

RECOMMENDATION: Accept the 90-Day Calendar for February 2025-April 2025 by consensus

ATTACHMENT(S): City Commission 90-Day Calendar (February 2025-April 2025)

REVIEWED BY CITY MANAGER:



CITY COMMISSION

February 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2 Farmers Market 10 am-2 pm (Russell Park) Songwriters Concert 6 pm (Gulliford Hall)	3	4	5	6 Speaker Series 6 pm (Chamber)	7	8
9 Farmers Market 10 am-2 pm (Russell Park)	10 City Commission 6:30 pm (Invoc-Grant)	11 Arts, Recreation, Culture Committee 6 pm	12 Environmental Stewardship Cmte. 6 pm	13 Pension Boards 6:30 pm	14	15 Line Dancing 1-3:30 pm (Veterans Park) Black History Month Movie at Sunset (Jordan Park)
16 Farmers Market 10 am-2 pm (Russell Park)	17 President's Day City Offices Closed	18 Community Development Board 6 pm	19 ESC Outreach Subcommittee 4:45 pm ESC Tree Subcmtc. 6 pm	20 Artist Reception 5-7 pm (Adele Grage)	21	22
23 Farmers Market 10 am-2 pm (Russell Park)	24 City Commission 6:30 pm (Invoc-Kelly)	25	26	27 ESC Sustainability Subcmtc. 9 am	28	

CITY COMMISSION

March 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2 Farmers Market 10 am-2 pm (Russell Park) Songwriters Concert 6 pm (Gulliford Hall)	3	4 Code Enforcement Special Magistrate 2 pm	5	6 Speaker Series 6 pm (Chamber)	7	8
9 Farmers Market 10 am-2 pm (Russell Park)	10 City Commission 6:30 pm (Invoc-Ring)	11 Arts, Recreation, Culture Committee 6 pm	12 Environmental Stewardship Cmte. 6 pm	13	14	15 Wild Wonders 1 pm (Dutton Island Pavillion)
16 Farmers Market 10 am-2 pm (Russell Park)	17	18 Community Development Board 6 pm	19 ESC Outreach Subcmte. 4:45 pm ESC Tree Subcmte. 6 pm	20 Artist Reception 5-7 pm (Adele Grage)	21	22
23 Farmers Market 10 am-2 pm (Russell Park) Acoustic Night 6 pm (Bull Park)	24 City Commission 6:30 pm (Invoc-Ford)	25	26	27 ESC Sustainability Subcmte. 9 am	28	29
30 Farmers Market 10 am-2 pm (Russell Park)	31					

CITY COMMISSION

April 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3 Speaker Series 6pm	4	5 Town Hall Meeting 10 am (Jordan Park) Wild Wonders 1 pm (Dutton Island Pavillion)
6 Farmers Market 10 am-2 pm (Russell Park) Songwriters Concert 6 pm (Gulliford Hall)	7	8 Arts, Recreation, Culture Committee 6 pm	9 Environmental Stewardship Cmte. 6 pm	10	11	12
13 Farmers Market 10 am-2 pm (Russell Park)	14 City Commission 6:30 pm (Invoc-Bole)	15 Community Development Board 6 pm	16 ESC Outreach Subcmte. 4:45 pm ESC Tree Subcmte. 6 pm	17 Artist Reception 5-7 pm (Adele Grage)	18	19 Easter Egg Hunt 10 am-1 pm (Jordan Park)
20 Farmers Market 10 am-2 pm (Russell Park)	21	22	23	24 ESC Sustainability Subcmte. 9 am	25	26 Arts in the Park 10 am-4 pm (Johansen Park) Wild Wonders 1 pm (Dutton Island Pavillion)
27 Farmers Market 10 am-2 pm (Russell Park) Acoustic Night 6 pm (Bull Park)	28 City Commission 6:30 pm (Invoc-Grant)	29	30			

Atlantic Beach Municipal Ordinance bicycle, electric bicycle, other personal mobility devices

Questions:

Based on input from the Commission the draft ordinance has been drafted to:

- to not allow operation of e-bikes and other motorized devices in areas designated only for pedestrian foot traffic (city parks and walking trails)
- to not operate on the beach
- *to have a speed limit on sidewalks*
- *to be allowed to operate on the roadways with the same requirements as a bicycle*
- *outlaw careless operation on our city streets and sidewalks*

For a violation of the new COAB MO officers may choose to issue civil citations with a fine of \$50 and a late fee of \$50.

- COAB controls the amount of fines for city MO violations.
- Issuing a COAB civil fine means that enforcement stays within COAB. If the fine is not paid we suggest using a collection agency to recoup outstanding fines.

In this MO Officers are given the discretion to issue State of Florida Uniform Traffic Citations for violations of law that are specified in § 316 Florida Statutes (traffic laws). In this case the officer would issue a traffic ticket through the state of FL.

- There are provisions in FSS for non-payment of a traffic citation.
- There are provisions in § 318.18 for children under 14 years of age who violate bicycle laws. The disposition of any violation of § 316 traffic laws committed by a minor are governed by 318.143 Florida Statutes.

DRAFT Municipal Ordinance

Article VIII. - Regulation of Bicycles, Electric bicycles and, Personal Mobility Devices

Sec. 105-1 – Definitions

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Bicycle shall be defined as in § 316.003 Florida Statutes, as amended from time to time.

Electric bicycle (electric bicycle) shall be defined as in § 316.003 Florida Statutes, as amended from time to time.

Motorized shall mean: anything powered by anything other than human muscular power.

Personal mobility device shall mean: motorized scooters, micromobility devices, electric personal assistive mobility devices, or a transportation device other than a motor vehicle as defined in Florida Statute 316.003.

Sec. 105-2 - Operation on city property

- (a) Riding bicycles, electric bicycles and personal mobility devices is allowed upon and along the public sidewalks, roadways, and public spaces in the city when these devices are operated solely by human power and when not otherwise restricted by municipal ordinance or state law.
- (b) When operating bicycles, electric bicycles, personal mobility devices, within the city, these restrictions apply;
 - 1. When permitted on sidewalks by Florida State Statute, devices may not exceed 10 MPH on a sidewalk or multi-use pathway.
 - 2. These devices may not operate under motorized power or assistance within any city park, upon any trail network, right of way or upon the beach.
- (c) Each person who rides or operates a bicycle, electric bicycle or personal mobility device within the city shall comply with all traffic regulations, signal lights, stop

signs and other traffic-control devices as required in § 316.2065, 316.20655 and 316.2128 Florida Statutes.

- (d) A person propelling a bicycle, e-bicycle or personal mobility device upon a sidewalk, across a roadway or upon a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (e) Any person operating a bicycle, electric bicycle or personal mobility device upon the streets or sidewalks within the city will do so in a careful and prudent manner, having regard for speed, width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section.
- (f) No person operating a bicycle, electric bicycle or personal mobility device on a roadway shall exceed the posted speed limit.
- (g) No person operating a bicycle, electric bicycle or personal mobility device shall carry any package, bundle or article which causes the vehicle to be unstable or dangerous to operate.
- (h) Official emergency services and law enforcement agencies and city personnel in the course and scope of their duties are exempt from this section.
- (i) Low Speed Vehicles as defined by Florida Statutes must be properly registered and may only be operated on the roadways within the city.
- (j) In accordance with § 316.1995, Florida Statutes, this section does not apply to motorized wheelchairs.

Sec. 105 - 3 - Enforcement, penalties and appeals.

- (a) Law Enforcement officers of the city's police department are hereby authorized to enforce the provisions of this Code.
- (b) At the discretion of a law enforcement officer. Violations of this section may be enforced as a civil infraction of the city's ordinances or the violator may be cited under Florida Statutes.
- (c) The civil penalty for violations of this section shall be (\$50) fifty dollars.
- (d) Any person who receives a civil citation for a violation of this section shall elect either to:

- (1) Pay the civil fine within thirty (30) days from the date of the infraction, in the manner indicated on the citation. If such payment is not timely paid, a late fee of fifty dollars (\$50.00) shall be imposed on the named violator; or
 - (2) Request a hearing before the Duval County Court to appeal the citation. The request shall be made to the Duval County Clerk of Court in the manner indicated on the citation no later than ten (10) days after service of the citation.
- (e) Failure of the violator to pay or appeal the civil citation within the prescribed time period shall constitute a waiver of the violator's right to a hearing before the county court and shall be treated as an admission of the violation and penalties shall be assessed per city policy for recovery of outstanding debits.

State Law reference— Bicycle regulations § 316.2065, Electric Bicycle regulations § 316.20655 and Micromobility devices § 316.2128 Florida Statutes.

- The provisions of this division may be enforced by any and all lawful means available to the city pursuant to all codes and ordinances duly adopted by the city commission or as may otherwise be available to the city pursuant to state law and nothing contained in this division shall prohibit the city from enforcing this division by other means set forth in the city's codes and ordinances, provided for in the statutory law of the State of Florida, or otherwise available to the city.

FSS related to Bicycles, e-bicycles, scooters, mobility devices, etc.

*Highlighted sections are for information only.

316.008 Powers of local authorities.—

(1) The provisions of this chapter 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:

(h) Regulating the operation of bicycles.

(s) Regulating persons upon skates, coasters, and other toy vehicles.

(7)(a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, electric bicycles, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

FSS 316.003 Definitions

(46) **MOTOR VEHICLE.**—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, “motor vehicle” has the same meaning as provided in s. 320.01(1)(a)

FSS 316.003 Definitions

(23) **ELECTRIC BICYCLE.**—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 which meets the requirements of one of the following three classifications:

(a) “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach as defined in s. 161.54(3) or a dune as defined in s. 161.54(4) from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification number required in subsection (3) is replaced after such modification.

(5) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles opted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

History.—s. 8, ch. 2020-69; s. 2, ch. 2021-20.

FSS 316.003 Definitions

(82) **SIDEWALK.**—That portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.20655, s. 316.212(8), or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

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

(3) This section does not apply to motorized wheelchairs.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 6, ch. 83-68; s. 3, ch. 84-284; s. 150, ch. 99-248; s. 45, ch. 2010-223; s. 2, ch. 2019-109; s. 6, ch. 2020-69.

Note.—Former s. 316.110.

FSS 316.003 Definitions (Segway)

(24) **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.**—Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

316.2068 Electric personal assistive mobility devices; regulations.—

(1) An electric personal assistive mobility device, as defined in s. 316.003, may be operated:

(a) On a road or street where the posted speed limit is 25 miles per hour or less.

(b) On a marked bicycle path.

(c) On any street or road where bicycles are permitted.

(d) At an intersection, to cross a road or street even if the road or street has a posted speed limit of more than 25 miles per hour.

(e) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.

(2) A valid driver license is not a prerequisite to operating an electric personal assistive mobility device.

(3) Electric personal assistive mobility devices need not be registered and insured in accordance with s. 320.02.

(4) A person who is under the age of 16 years may not operate, ride, or otherwise be propelled on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted, that is fastened securely upon his or her head by a strap, and that meets the standards of the

American National Standards Institute (ANSI Z Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets which are adopted by the department.

(5) A county or municipality may regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the county or municipality determines that regulation is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of electric personal assistive mobility devices on any road under its jurisdiction if it determines that such a prohibition is necessary in the interest of safety.

History.—s. 68, ch. 2002-20; s. 18, ch. 2012-174

FSS 316.003 Definitions

(41) *MICROMOBILITY DEVICE.*—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter

(48) *MOTORIZED SCOOTER.*—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

FSS 320.01

(33) “Motorized disability access vehicle” means a vehicle designed primarily for handicapped individuals with normal upper body abilities and designed to be fueled by gasoline, travel on not more than three wheels, with a motor rated not in excess of 2 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.

316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.—

(1) The operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, except the duties imposed by s. 316.2065(2), (3)(b), and (3)(c), which by their nature do not apply. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction.

- (2) A motorized scooter or micromobility device is not required to satisfy the registration and insurance requirements of s. [320.02](#) or the licensing requirements of s. [316.605](#).
- (3) A person is not required to have a driver license to operate a motorized scooter or micromobility device.
- (4) A person who offers motorized scooters or micromobility devices for hire is responsible for securing all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued by the National Weather Service.
- (5) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of **miniature motorcycles** in this state must prominently display at his or her place of business a notice that **such vehicles are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. [316.008\(7\)\(a\)](#) or s. [316.212\(8\)](#)**. The required notice must also appear in all forms of advertising offering miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a miniature motorcycle.
- (6) Any person selling or offering a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

History.—s. 16, ch. 2006-290; s. 27, ch. 2009-21; s. 47, ch. 2010-223; s. 11, ch. 2017-150; s. 3, ch. 2019-109.

FSS 316.003 Definitions

(47) **MOTORCYCLE.**—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 autogyro, 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.

(44) **MOPED.**—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 2 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.

316.208 Motorcycles and mopeds.—

- (1) Any person operating a motorcycle or moped shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter, except as to special

regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.

(2)(a) Any person operating a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking or passing another vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, or substandard-width lane, that makes it unsafe to continue along the right-hand curb or edge. For purposes of this paragraph, a "substandard-width lane" is a lane that is too narrow for a moped and another vehicle to travel safely side by side within the lane.

(b) Any person operating a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(3) A person propelling a moped solely by human power upon and along a **sidewalk**, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances, except that such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

(4) No person shall propel a moped upon and along a sidewalk while the motor is operating.

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

History.—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 8, ch. 87-161; s. 163, ch. 99-248.

Note.—Former s. 316.127.

FSS 316.003 Definitions

(4) BICYCLE. —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 a scooter or similar device.

(5) BICYCLE LANE. —Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles

(6) BICYCLE PATH. —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

(82) *SIDEWALK.*—That portion of a street between the curblineline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(22) “Road” means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

FSS 334.03

(22) “Road” means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

316.2065 Bicycle regulations. —

- (1) Every person propelling a vehicle by human power has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.
- (2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto unless the bicycle was designed by the manufacturer to be ridden without a seat.
- (3)(a) A bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his or her person in a backpack or sling.
- (b) Except as provided in paragraph (a), a bicycle rider must carry any passenger who is a child under 4 years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size and that secures and protects the child from the moving parts of the bicycle.
- (c) A bicycle rider may not allow a passenger to remain in a child seat or carrier on a bicycle when the rider is not in immediate control of the bicycle.
- (d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger’s head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. As used in this subsection, the term “passenger” includes a child who is riding in a trailer or semitrailer attached to a bicycle.
- (e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger who violates this subsection. A bicycle rider or passenger

who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian violation, as provided in s. [318.18](#). The court shall dismiss the charge against a bicycle rider or passenger for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

(4) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle may attach the same or himself or herself to any vehicle upon a roadway. This subsection does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer is commercially available and has been designed for such attachment.

(5)(a) A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing must ride in the bicycle lane or, if there is no bicycle lane on the roadway, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

(6)(a) Persons riding bicycles upon a roadway or in a bicycle lane may not ride more than two abreast except on a bicycle path. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and must ride within a single lane. Where bicycle lanes exist, persons riding bicycles may ride two abreast if both are able to remain within the bicycle lane. If the bicycle lane is too narrow to allow two persons riding bicycles to ride two abreast, the persons must ride single-file and within the bicycle lane. On roads that contain a substandard-width lane as defined in subparagraph (5)(a)3., persons riding bicycles may temporarily ride two abreast only to avoid hazards in the roadway or to overtake another person riding a bicycle.

(b) When stopping at a stop sign, persons riding bicycles in groups, after coming to a full stop and obeying all traffic laws, may proceed through the stop sign in a group of 10 or fewer at a time. Motor vehicle operators must allow one such group to travel through the intersection before moving forward.

(7) Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section. A law enforcement officer may issue a bicycle safety brochure and a verbal warning to a bicycle rider who violates this subsection or may issue a citation and assess a fine for a pedestrian violation as provided in

s. [318.18](#). The court shall dismiss the charge against a bicycle rider for a first violation of this subsection upon proof of purchase and installation of the proper lighting equipment.

(8) No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate any of the provisions of this section.

(9) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

(10) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(11) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, may go upon any roadway except while crossing a street on a crosswalk; and, when so crossing, such person shall be granted all rights and shall be subject to all of the duties applicable to pedestrians.

(12) This section shall not apply upon any street while set aside as a play street authorized herein or as designated by state, county, or municipal authority.

(13) Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(14) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

(15)(a) A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:

1. The child possesses a bicycle helmet; or
2. The lessor provides a bicycle helmet for the child to wear.

(b) A violation of this subsection is a nonmoving violation, punishable as provided in s. [318.18](#).

(16) The court may waive, reduce, or suspend payment of any fine imposed under subsection (3) or subsection (15) and may impose any other conditions on the waiver, reduction, or suspension. If the court finds that a person does not have sufficient funds to pay the fine, the court may require the performance of a specified number of hours of community service or attendance at a safety seminar.

(17) Notwithstanding s. [318.21](#), all proceeds collected pursuant to s. [318.18](#) for violations under paragraphs (3)(e) and (15)(b) shall be deposited into the State Transportation Trust Fund.

(18) The failure of a person to wear a bicycle helmet or the failure of a parent or guardian to prevent a child from riding a bicycle without a bicycle helmet may not be considered evidence of negligence or contributory negligence.

(19) Except as otherwise provided in this section, a person who violates this section commits a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A law enforcement officer may issue traffic citations for a violation of subsection (3) or subsection (15) only if

the violation occurs on a bicycle path or road, as defined in s. **334.03**. However, a law enforcement officer may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

316.1925 Careless driving.—

(1) Any person operating a vehicle upon the streets or highways within the state shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section.

(2) Any person who violates this section shall be cited for a moving violation, punishable as provided in chapter 318.

FSS 316.183 Unlawful speed.—

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance or object on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

History.—s. 1, ch. 71-135; s. 1, ch. 76-31; s. 2, ch. 76-286; s. 1, ch. 78-353; s. 8, ch. 83-68; s. 5, ch. 85-309; s. 1, ch. 86-23; s. 7, ch. 87-161; s. 21, ch. 94-306; s. 899, ch. 95-148; s. 1, ch. 96-185; s. 2, ch. 97-300; s. 161, ch. 99-248; s. 6, ch. 2010-223; s. 7, ch. 2012-27; s. 6, ch. 2012-181; s. 7, ch. 2020-69; s. 1, ch. 2021-20; s. 5, ch. 2021-180.

Note.—Former s. 316.111.

FSS 316.003 Definitions

(43) **MOBILE CARRIER.**—An electrically powered device that:

- (a) Is operated on sidewalks and crosswalks and is intended primarily for transporting property;
- (b) Weighs less than 80 pounds, excluding cargo;
- (c) Has a maximum speed of 12.5 mph; and
- (d) Is equipped with a technology to transport personal property with the active monitoring of a property owner and primarily designed to remain within 25 feet of the property owner.

A mobile carrier is not considered a vehicle or personal delivery device unless expressly defined by law as a vehicle or personal delivery device.

(59) **PERSONAL DELIVERY DEVICE.**—An electrically powered device that:

- (a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;
- (b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule;
- (c) Has a maximum speed of 10 miles per hour; and
- (d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

(60) **PERSONAL DELIVERY DEVICE OPERATOR.**—An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term “agent” means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term “personal delivery device operator” does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

**CITY OF ATLANTIC BACH
CITY COMMISSION MEETING
STAFF REPORT**

AGENDA ITEM: Ordinance No. 20-25-177 amending the operating budget for the fiscal year beginning Oct. 1, 2023, and ending Sept. 30, 2024.

SUBMITTED BY: Brittany Percell, Director of Finance

TODAY'S DATE: January 29, 2025

MEETING DATE: February 10, 2025

BACKGROUND: This is due to the 2023 Annual Report for the Atlantic Beach Police Officers' Pension Fund not being completed timely. An additional employer contribution is required to cover state funds not received. Withheld funds are expected to be received in the current fiscal year.

BUDGET: Police Officers' Pension Fund - \$130,000 increase in revenues

RECOMMENDATION: Approve Ordinance No. 20-25-177 on second and final reading

ATTACHMENT: Ordinance No. 20-25-177

REVIEWED BY CITY MANAGER: 

ORDINANCE NO. 20-25-177

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ATLANTIC BEACH, FLORIDA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024 FOR APPROPRIATING ADDITIONAL FUNDS TO THE POLICE PENSION FUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Charter of the City of Atlantic Beach requires that the City Commission approve all budgetary increases and transfers at the fund level; and

WHEREAS, the nature of budgetary systems and those day-to-day decisions affecting such budgetary systems require adjustments from time-to-time; and

WHEREAS, the City desires to now amend the operating budget to add net funds totaling \$130,000 to cover additional employer contributions to the Police Officers' Pension Fund.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA, that:

SECTION 1. The Fiscal Year 2023/2024 Operating Budget is hereby amended as follows:

GENERAL FUND

Expenditures:

<u>Public Safety</u>	
Operating Supplies	(\$21,279)
Machinery & Equipment	(\$18,168)
Overtime	(\$44,795)
Unfunded Liability Pension	(\$32,370)
Salaries	(\$13,388)
<u>Public Safety</u>	
Pension City Contribution	<u>\$130,000</u>
Total Expenses:	\$0.00

POLICE PENSION FUND

Revenues:

Employer Contributions	<u>\$130,000</u>
Total Revenue:	\$130,000

SECTION 2. This ordinance shall take effect immediately upon adoption.

PASSED by the City Commission on first reading this 27th day of January 2025.
PASSED by the City Commission on second and final reading this 10th day of February 2025.

ATTEST:

Donna L. Bartle
City Clerk

Curtis Ford
Mayor

Approved as to form and correctness:

Jason Gabriel
City Attorney

**CITY OF ATLANTIC BEACH
CITY COMMISSION
STAFF REPORT**

AGENDA ITEM: Ordinance No. 95-25-125 amending Chapter 5 (Beaches and Parks), Article III (Public Parks), to add a new section 5-34 establishing rules and regulations for conducting business activities in Public Parks and City facilities.

SUBMITTED BY: Kevin Hogencamp, Deputy City Manager *KH*

TODAY'S DATE: January 29, 2025

MEETING DATES: February 10, 2025, and February 24, 2025

SUMMARY: Prudently regulating business activity within city parks and facilities enables local government to ensure that these valuable public resources are used thoughtfully, effectively and equitably for the benefit of the entire community, and that liability is mitigated. At the encouragement of City Commission members, City staff prepared a draft ordinance that was presented for review at the City Commission's Jan. 27 meeting and will be presented to the Arts, Recreation and Culture Committee at its Feb. 11 meeting.

Cities regulate business and often prohibit business activity in parks and facilities for many reasons. Among them:

- **Mitigating Liability:** Prohibiting business activities in parks can mitigate liability for the park's governing body in several ways:
 - **Reduced Risk of Injury:** Some businesses involve activities that increase the risk of injury to park visitors.
 - **Increased Foot Traffic:** Businesses can significantly increase foot traffic in a park, potentially leading to overcrowding, congestion, and a higher likelihood of accidents.
 - **Safety Standards:** Businesses operating within a park may not adhere to the same safety standards as the park itself. This can create inconsistencies in safety measures and increase the risk of accidents.
 - **Liability for Business Activities:** If a visitor is injured due to the negligence of a business operating within the park, the park's governing body could be held partially liable, even if it did not directly cause the injury.
- **Preserving Public Space/Maintaining the Public Purpose:** City parks and facilities are intended for the enjoyment and recreation of all citizens. Unrestricted business activity can create:
 - **Distraction and Noise:** Commercial activities can generate noise, traffic, and other disturbances that disrupt the peaceful and recreational nature of the park.

- Visual Impact: Businesses may introduce visual clutter and detract from the natural beauty of the park environment.
- Barriers to access: Commercial activities can make city parks and facilities feel exclusive or unwelcoming to certain groups and take up space needed for passive recreation like walking, picnicking, or simply enjoying nature.
- Protecting the Environment: Parks often contain sensitive ecosystems. Business activities can:
 - Damage natural resources by harming trees, plants, and wildlife habitats.
 - Increase Pollution: Businesses may generate waste, noise, and light pollution that negatively impact the park's ecological integrity.
- Easier to Maintain and Supervise:
 - Reduced Complexity: Prohibiting business activity simplifies park management by reducing the number of entities and activities that need to be monitored and regulated.
 - Improved Enforcement: Clear prohibitions on business activity make it easier to enforce park regulations, mitigate risks, and ensure that the city only approves activities that align with the city's objectives.
 - Lead to conflicts: Competition between businesses and the potential for overcrowding can lead to conflicts within city parks and facilities.

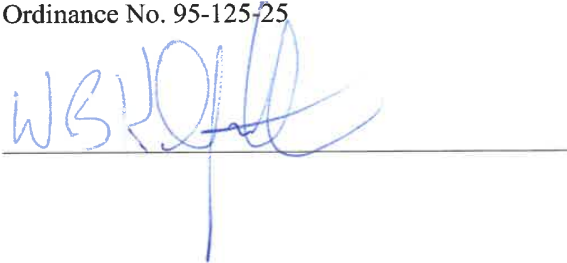
(* Information sources include: National Recreation and Parks Association: "Parks and Recreation is Essential"; Trout Brook Arborists: "Understanding the Impact of Urban Development on Trees"; Santa Clara University Markkula Center for Applied Ethics: "Public Officials as Fiduciaries"; Health Facility Management magazine: "Regulatory Guidance for Facilities Managers".)

RECOMMENDATION: Commission consider adopting Ordinance No. 95-125-25.

BUDGET: N.A.

ATTACHMENT: Ordinance No. 95-125-25

CITY MANAGER:



ORDINANCE NO. 95-25-125

AN ORDINANCE TO AMEND CHAPTER 5 (BEACHES AND PARKS), ARTICLE III (PUBLIC PARKS), TO ADD A NEW SECTION 5-34 ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING BUSINESS ACTIVITIES IN CITY-OWNED PARKS AND FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCORPORATION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Atlantic Beach owns and administers parks and other recreational facilities; and

WHEREAS, the City of Atlantic Beach desires to maintain the integrity and intended use of its parks and its recreation facilities for the enjoyment and benefit of all residents and visitors; and

WHEREAS, the conduct of commercial activities within these public spaces may have an adverse impact on the recreational use, environmental quality, and overall character of such areas; and

WHEREAS, it is necessary to establish clear and consistent guidelines for the approval of business activities within public parks and City facilities and it has been determined that the adoption of this Ordinance is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH that:

SECTION 1. Code of Ordinances Amended to add a New Section. New Section 5-34 – Business Activities in Public Parks is hereby added to the Code of Ordinances to the City of Atlantic Beach, Florida as follows:

Sec. 5-34 – Business Activities in Public Parks and City Facilities

(a) **Definitions** For the purposes of this Ordinance, the following definitions shall apply:

- **"Business Activity"** shall mean any activity conducted for profit, including but not limited to: * Sales of goods or services * Solicitation of donations or contributions * Advertising or promotional activities * Use of park or facility for commercial filming or photography * Conducting classes or workshops for profit.
- **"City Manager"** shall mean the City Manager of the City of Atlantic Beach or his/her designee.

- **"Public Park"** shall mean any park, playground, green space, or other public area owned or maintained by the City of Atlantic Beach.
- **"City Facility"** shall mean any building, structure, or other facility owned or maintained by the City of Atlantic Beach including but not limited to community centers, libraries, and recreational centers.

(b) **Prohibition of Business Activities.** Business Activities are prohibited in all Public Parks and City Facilities, unless as otherwise expressly provided in this Chapter. No person or entity shall conduct any Business Activity in any Public Park or City Facility without first obtaining written approval from the City Manager.

(c) **Limited Approval for Non-Profit Entities and City Partnerships.** The City Manager shall only approve Business Activities in Public Parks or City Facilities conducted by a non-profit entity and/or conducted by permit and/or in partnership with the City.

(d) **City Manager's Authority** The City Manager shall have the administrative authority to do any of the following:

- Approve or deny any request or application for the conduct of a Business Activity
- Impose conditions or restrictions on approved activities
- Revoke approval for any Business Activity that violates this Ordinance or any other applicable laws or regulations

(e) **Enforcement** Any person or entity that violates this Ordinance shall be subject to a civil penalty of not more than \$500 for each violation.

SECTION 2. Incorporation, Conflict and Severability.

(a) It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Atlantic Beach, Florida, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

(b) All Ordinances, Resolutions, Code of Ordinances or parts of thereof in conflict herewith are hereby repealed to the extent of such conflict.

(c) If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

PASSED by the City Commission on first reading on the 10th day of February 2025.

PASSED AND ADOPTED by the City Commission on second and final reading on the 24th day of February 2025.

ATTEST:

Donna L. Bartle
City Clerk

Curtis Ford
Mayor

Approved as to form and correctness:

Jason Gabriel
City Attorney