

ORDINANCE 2026 - _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING CHAPTER 256 OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH, ARTICLE V, §256-37, ENTITLED “DEFINITIONS; RULES AND REGULATIONS FOR OPERATION,” §233-8, ENTITLED “PENALTIES FOR OFFENSES,” AND, §256-39, ENTITLED “ENFORCEMENT,” TO CREATE AND PROVIDE REGULATIONS FOR THE USE OF ELECTRIC BICYCLES WITHIN THE CITY’S JURISDICTION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City Commission of the City of Sunny Isles Beach (the “City”) has the authority to amend its code provisions pursuant to Section C-4.3 of the City’s Charter; and

WHEREAS, in response to promoting a healthier lifestyle, mitigating traffic, and supporting more environmentally friendly, convenient, and cost-effective ways for residents and visitors to travel, the use of electric bicycles upon the City’s roadways and sidewalks has become more prevalent; and

WHEREAS, despite the advantages of using these alternative methods of transportation, unique safety concerns are created by their inherent design and by their use, to both users of such devices and pedestrians, particularly upon sidewalks, which pose a substantial risk of injury or death to users of such devices and pedestrians; and

WHEREAS, in 2025 the Florida Legislature enacted Senate Bill 462, codified as Chapter 2025-149, Laws of Florida, amending §316.20655, Florida Statutes, therein authorizing local governments to “adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle” and to “adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle”; and

WHEREAS, it is the intent of the City Commission of the City of Sunny Isles Beach, Florida, to establish a minimum age for the operations of electric bicycles within the City, to require government-issued photographic identification while operating electric bicycles, and to enhance its penalties and enforcement, which serve to protect the health, safety, and general welfare of all city residents and visitors;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS¹:

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amending Article 5, §256-37 of Chapter 256 of the Code of Ordinances. §256-37 in Article V of Chapter 256 of the Code of Ordinances of the City of Sunny Isles Beach, Florida, entitled, "Definition: rules and regulations for operation," is hereby amended as follows:

ARTICLE V – Bicycles and Electric Bicycles

§ 256-7. Definitions; rules and regulations for operation of bicycles and electric bicycles.

- A. A "bicycle" is defined as every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.~~
- B. An "electric bicycle" is defined as 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:
- (1) "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.
- (2) "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.
- (3) "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.
- ~~B.C.~~ Every person operating a bicycle within the jurisdiction of the City of Sunny Isles Beach shall have all of the rights and all of the duties applicable to the driver of any other vehicle in F.S. Chapter 316, except as to special regulations contained in this article. Every person operating an electronic bicycle has all the rights and privileges, and are subject to all of the duties, applicable to a bicycle or the operator of a bicycle under F.S. § 316.2065.

¹ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, deletions on first reading are shown as ~~striketrough~~ and deletions on second reading are shown as ~~double striketrough~~.

ED. Number of riders; children.

- (1) No bicycle or electric bicycle shall 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 person in a backpack or sling designed to carry children.
- (2) Except as provided in Subsection ED(1) above, a bicycle or electric bicycle ~~rider operator~~ must carry any passenger who is a child under four years of age, or who ~~weights~~ 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 or electric bicycle.

DE. No person operating or riding upon any bicycle, electric bicycle, coaster, roller skates, sled, ~~or~~ toy vehicle, or any other wheeled vehicle, shall attach the same or himself to any vehicle upon a roadway. This article shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle or electric bicycle, if that trailer or semitrailer has been designed for such attachment ~~and solely for carrying cargo~~.

EF. Riding on edge of roadway.

- (1) Every person operating a bicycle or electric bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing on the roadway, must ride in the bicycle lane or, if there is no bicycle lane, shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:
 - (a) When overtaking and passing another bicycle, electric bicycle, or vehicle proceeding in the same direction.
 - (b) When preparing for a left turn at an intersection or into a private road or driveway.
 - (c) When reasonably necessary to avoid conditions, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, electric bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this article, a "substandard width lane" is a lane that is too narrow for a bicycle, electric bicycle, and another vehicle to travel safely side by side within the lane.
- (2) Any person operating a bicycle or electric 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.

FG. Persons operating bicycles or electric bicycles upon a roadway shall not ride more than two side by side except on bicycle paths or parts of roadways set aside for the exclusive use of bicycles or electric bicycles. Persons riding ~~two~~ two side by side shall 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 shall ride within a single lane.

GH. Any person operating a bicycle or electric bicycle shall keep at least one hand upon the handlebars.

- ~~H~~I. Every bicycle and electric 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 on the rear exhibiting a red light visible from a distance of 600 feet to the rear, except that a red reflector meeting the requirements of this article may be used in lieu of the red light.
- IJ. Every bicycle and electric bicycle shall be equipped with a brake or brakes that allow the rider to stop within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.
- ~~J~~K. A bicycle ~~rider~~ operator or passenger under 16 years of age ~~shall be~~ is required to wear a bicycle helmet that is properly fitted, is fastened securely upon the operator's and/or passenger's head by a strap and that and meets the federal safety a nationally recognized standard for bicycle helmets, final rule, 16, C.F.R. part 1203, as may be amended from time to time. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.
- ~~K~~L. A ~~cyclist~~ bicycle operator shall not wear a headset, headphone or listening device, other than a hearing aid, while riding.
- ~~M~~. ~~A person propelling a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.~~
- ~~MM~~. Operation of bicycles on sidewalks or in crosswalks.
- (1) ~~A person propelling~~ operating a bicycle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- (2) A person operating 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 any audible signal before overtaking and passing such pedestrian.
- ~~(2)(3)~~ A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall follow all posted regulatory signs governing the use of bicycles in these areas.
- (4) Electronic bicycles are prohibited from operating upon any sidewalks with the City's jurisdiction.
- ~~N~~. 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.

Section 3. Amending Article 5, §256-38 of Chapter 256 of the Code of Ordinances. §256-38 in Article V of Chapter 256 of the Code of Ordinances of the City of Sunny Isles Beach, Florida, entitled, "Penalties for offenses," is hereby amended as follows:

§ 256-38. ~~Penalties for offenses~~ Supplemental requirements and restrictions for Electric Bicycles.

- ~~A. The regulations herein are created in supplementation of any in addition to Chapter 30 of the Miami-Dade County Code (entitled "Dade County Traffic Code"), as adopted, and Florida State Statute Chapters 316 (entitled "State Uniform Traffic Control") and 318 ("Disposition of Traffic Infraction"). The penalties as enumerated therein shall remain in full force and effect.~~
- ~~B. Law enforcement officers of the City of Sunny Isles Beach may issue a copy of this article and a verbal warning to a bicycle rider or passenger to a first time offender who violates the required bicycle equipment safety features set forth in this article.~~
- A. No person under the age of 16 years shall operate an electric bicycle upon any public street, sidewalk, park, path, or other right-of-way within the City's jurisdiction.
- B. All persons sixteen (16) years of age or older shall carry on their person, and present upon request, a valid government-issued identification, which identifies the person by name, age, and photograph, while operating an electric bicycle upon any public street, sidewalk, park, path, or other right-of-way within the City's jurisdiction.
- C. 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.

Section 4. Amending Article 5, §256-39 of Chapter 256 of the Code of Ordinances. §256-39 in Article V of Chapter 256 of the Code of Ordinances of the City of Sunny Isles Beach, Florida, entitled, "Enforcement," is hereby amended as follows:

§ 256-39. Penalties and Enforcement.

~~It shall be the duty of the The Police Department and the Code Compliance Division of the City of Sunny Isles Beach are authorized to, and shall, enforce the provisions of this article on all the streets and highways thereof and elsewhere throughout the City of Sunny Isles Beach wherever the public has the right to travel by motor vehicle. Citations shall be made for violations thereof, and shall be prosecuted only in a court of competent jurisdiction.~~

- A. The regulations herein are supplemental to Chapter 30 of the Miami-Dade County Code (entitled "Dade County Traffic Code"), as adopted, and Florida State Statute F.S. Chapters 316 (entitled "State Uniform Traffic Control") and F.S. Chapter 318 (entitled "Disposition of Traffic Infraction"). The penalties as enumerated therein shall remain in full force and effect.
- B. Law enforcement officers and Code Compliance officers of the City of Sunny Isles Beach may provide a copy of this article and give a verbal warning to a bicycle or electric bicycle operator or passenger for a first time offense of this article.
- C. A person who commits a first time violation of any provision of this article may be issued a civil violation notice in accordance with Chapter 14 of the City Code of

Ordinances, for a fine of no less than \$250.00, and no less than \$500.00 for any subsequent violation. Any person who commits a violation may also be subject to a noncriminal traffic infraction or pedestrian violation, as set forth in F.S. §316.2065, and F. S. Chapter 318.

Section 5. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed to the extent of such conflict.

Section 6. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity, but shall remain in full force and effect.

Section 7. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Sunny Isles Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 8. Effective Date. This Ordinance will become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this ____ day of June, 2026.

PASSED AND ADOPTED on second reading this ____ day of July, 2026.

Larisa Svechin, Mayor

ATTEST:

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Mauricio Betancur, CMC, City Clerk

Alain E. Boileau, for Nabors, Giblin
& Nickerson, P.A., City Attorney

First Reading

Second Reading

Motion: _____

Motion: _____

Second: _____

Second: _____

Vote on First Reading:

Mayor Svechin

____ (Yes) ____ (No)

Vice Mayor Viscarra

____ (Yes) ____ (No)

Commissioner Joseph

____ (Yes) ____ (No)

Commissioner Lama

____ (Yes) ____ (No)

Commissioner Stuyvesant

____ (Yes) ____ (No)

Vote on Second Reading:

Mayor Svechin

____ (Yes) ____ (No)

Vice Mayor Viscarra

____ (Yes) ____ (No)

Commissioner Joseph

____ (Yes) ____ (No)

Commissioner Lama

____ (Yes) ____ (No)

Commissioner Stuyvesant

____ (Yes) ____ (No)