

Memorandum

TO: Chairman Brantley and Members of the Planning Board

FROM: Alfredo J. Gonzalez. Esq.

DATE: May 21, 2021

RE: OBJECTIONS: PB21-0440: Prohibition on Rental of all Motor Vehicles

We oppose the Proposed Ordinance as currently presented as its unnecessarily expansive in prohibiting the Rental of Motor Vehicles without the City outlining sufficient problems that merit such a drastic banning, while at the same time creating a “Negative Impact” to the **Residents and the Tourist of the City of Miami Beach**.

I represent Enterprise Holdings, which includes, Enterprise Rent-a-Car, National Car Rental, Alamo Rent-a-Car and Exotic Car Collection by Enterprise, with currently 4 locations within the City of Miami Beach, serving both **Residents and Tourist**. The City has targeted motorized forms of mobility that tourist have been using to create havoc on the roads of the city, negatively impacting the residents. The City Commission already banned the rental of vehicles with motors with displacement of 50 cubic centimeters or less. Which Enterprise Holdings has no objections.

Now with this proposed ordinance the City is attempting to ban the rental of all types of motor vehicles, not just the ones causing the problems, like motorized scooters, golf carts and autocycles but including Motor Vehicles that provide a beneficial service to the Residents and Tourist alike. The biggest problems in the City from statements by the Mayor, Commissioners, Administration and Residents are what is called Autocycles, not to be confused with a Motor Vehicle (as defined by Fl. Stat. 316.003 (22) & (44)).

The “Slingshot” the biggest problem, manufactured by Polaris Industries, in Alabama, and listed as not as motor vehicles but **Autocycle or motorcycles**. Actually 44 states, including Florida define them as an Autocycle with the remainder as a motorcycle. My client supports the regulations for those forms of transportation that are causing problems without any real benefits to the City.

Also, it must be noted that Slingshot rentals will not be impacted by this proposed ordinance, currently today there are ZERO SLINGSHOT RENTALS with a location or BTR in the City of Miami Beach. Slingshots are exclusively rented by contacting them on social media or phone and they are delivering them to your hotel or street corner. So, with all the statements of targeting Slingshots this proposed ordinance does nothing to them.

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Furthermore, statements have been made that, all tourist coming to Miami Beach who want to rent a motor vehicle will do so at the airport, therefore not requiring motor vehicle rentals in Miami Beach. This is an inaccurate statement, which also ignores the needs of Residents of Miami Beach. An accurate statement regarding tourist would be that many coming to Miami Beach do not require a motor vehicle for part or all of their vacations. Actually, through MB's mobility requirements many hotels offer air-hotel shuttle services, required as part of their Board approvals. So, a tourist in many cases only requires a motor vehicle to rent if they are going to enjoy other attractions Florida has to offer, like Florida Keys, Everglades National Park, Disney and the many Shopping Outlets throughout the region. Today they are able to rent a car for the limited time they need it, rather than clog up the roads with a car for their entire trip.

Then we have the needs of Residents of this City, who from time to time require to rent a car, either because they don't own one, their car is broken down or being serviced, taking a road trip and don't want to use their own car and numerous other reasons. So, including the banning of Motor Vehicle rentals will lead to MB Residents having to travel outside the City to pick up their rent a car at a major inconvenience, without any real benefit in banning their rentals.

So, I am respectfully recommending the Planning Board, to amend the proposed ordinance and delete the inclusion of "motor vehicles" from the ordinance and with that amendment Enterprise Holdings Fully Supports a Favorable Recommendation by the Planning Board.

Very truly yours,

GREENBERG TRAURIG, P.A.

By: 

Alfredo J. Gonzalez

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**Title XXIII
MOTOR VEHICLES
Chapter 316
STATE UNIFORM TRAFFIC CONTROL**

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

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

(44) **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).

*Depending on jurisdiction, the Slingshot may be registered as a motorcycle or as an autocycle. It's classified as an **Autocycle in 44 states including Florida.***