



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

Tuesday, September 01, 2026 AT 1:30 PM

**TOWN HALL COMMISSION CHAMBERS
3614 S. OCEAN BLVD., HIGHLAND BEACH, FL**

Town Commission

**Natasha Moore
David Stern
Donald Peters
Judith M. Goldberg
Jason Chudnofsky**

**Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner**

**Marshall Labadie
Lanelda Gaskins
Leonard G. Rubin**

**Town Manager
Town Clerk
Town Attorney**

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF THE AGENDA

5. PRESENTATIONS / PROCLAMATIONS

A. State of Education Report by School Board Member Erica Whitfield, District 4,
School District of Palm Beach County

6. PUBLIC COMMENTS

Public Comments will be limited to five (5) minutes per speaker.

7. ORDINANCES (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. Ordinance No. 2026-003 (**Second Reading/Public Hearing**)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, consolidating and updating the Town's regulations for the protection of the ocean ridge; amending Article V, "Seawalls; Bulkheads; Retaining Walls," of Chapter 6, "Buildings and Structures," of the Town Code of Ordinances by amending Section 6-127, "Construction," to remove conflicting regulations; amending Article V, "Natural Resources," of Chapter 30, "Zoning Code," of the Town Code of Ordinances by amending Section 30-83, "Bulkheads, Seawalls, and Groins," to clarify and update the regulations applicable to all construction activities east of State Road A1A; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 11, 2026.)

8. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

August 11, 2026 Town Commission Meeting Minutes

B. Resolution No. 2026-012

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustment and Appeals; and providing for an effective date.

Todd Weiss (Reappointment)

9. **UNFINISHED BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Continued discussion of a Proposed Ordinance regarding regulation of e-bikes within the Town, specifically along the State Road A1A shared use path.

10. **NEW BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Consider a request to reschedule October 6, 2026 Town Commission Meeting to October 20, 2026 at 1:30 P.M.

11. **TOWN COMMISSION COMMENTS**

Commissioner Jason Chudnofsky

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Vice Mayor David Stern

Mayor Natasha Moore

12. TOWN ATTORNEY'S REPORT

13. TOWN MANAGER'S REPORT

14. ANNOUNCEMENTS

Board Vacancies

Code Enforcement Board One (1) vacancy for a three-year term

Financial Advisory Board One (1) vacancy for a three-year term

Natural Resources Preservation Advisory Board One (1) Vacancy for an unexpired
term ending April 2027

Planning Board One (1) vacancy for a three year term

Meetings and Events

September 07, 2026 Town Hall Closed in observance of Labor Day

September 08, 2026 1:00 P.M. Special Magistrate Hearing

September 10, 2026 5:01 P.M. Town Commission Special/First Public
Hearing Budget Meeting

September 24, 2026 5:01 P.M. Town Commission Special/First Public
Hearing Budget Meeting

Board Action Report

None.

15. ADJOURNMENT

NOTICE: If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript).

Pursuant to the provision of the Americans with Disabilities Act, any person requesting special accommodations to participate in these meetings, because of a disability or physical impairment, should contact the Town at 561-278-4548 at least five calendar days prior to the Hearing.

File Attachments for Item:

A. Ordinance No. 2026-003 (Second Reading/Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, consolidating and updating the Town's regulations for the protection of the ocean ridge; amending Article V, "Seawalls; Bulkheads; Retaining Walls," of Chapter 6, "Buildings and Structures," of the Town Code of Ordinances by amending Section 6-127, "Construction," to remove conflicting regulations; amending Article V, "Natural Resources," of Chapter 30, "Zoning Code," of the Town Code of Ordinances by amending Section 30-83, "Bulkheads, Seawalls, and Groins," to clarify and update the regulations applicable to all construction activities east of State Road A1A; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date (First Reading was August 11, 2026.)



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Commission Meeting

MEETING DATE 09/1/2026

SUBMITTED BY: Jeff Remas, CBO, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CONSOLIDATING AND UPDATING THE TOWN'S REGULATIONS FOR THE PROTECTION OF THE OCEAN RIDGE; AMENDING ARTICLE V, "SEAWALLS; BULKHEADS; RETAINING WALLS," OF CHAPTER 6, "BUILDINGS AND STRUCTURES," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-127, "CONSTRUCTION," TO REMOVE CONFLICTING REGULATIONS; AMENDING ARTICLE V, "NATURAL RESOURCES," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-83, "BULKHEADS, SEAWALLS, AND GROINS," TO CLARIFY AND UPDATE THE REGULATIONS APPLICABLE TO ALL CONSTRUCTION ACTIVITIES EAST OF STATE ROAD A1A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY:

Section 6-127(d) of Chapter 6 of the Town Code contains ocean ridge construction standards that render certain oceanfront lots east of State Road A1A unbuildable due to a prohibition against construction east of the Coastal Construction Control Line (CCCL) and a mandatory seawall prerequisite that is inconsistent with current Florida Department of Environmental Protection (FDEP) permitting policy. Section 6-127(d)(12) contains a supersession clause that overrides Section 30-83 of Chapter 30, which recognizes FDEP's authority over coastal construction east of the CCCL. The proposed ordinance was referred to the Planning Board, which reviewed the matter at a duly noticed public hearing held on June 16, 2026 and recommended adoption. The ordinance makes the following changes:

- Removes the conflicting ocean ridge construction standards from Section 6-127(d), including the 120-foot protection zone, the 18-foot above mean sea level minimum elevation requirement, the mandatory seawall prerequisite, and the supersession clause. Beach cleaning vehicle regulations are retained and re-lettered as subsection (e). A cross-reference directs the reader to Section 30-83(d) of Chapter 30 as the governing standard for ocean ridge construction.

- Amends Section 30-83 of Chapter 30 to establish FDEP CCCL permit approval as the governing standard for removal of materials from the ocean ridge and for construction east of A1A. A seawall permit is required only where the FDEP CCCL permit specifically requires one. Where the FDEP CCCL permit does not require a seawall, no seawall permit shall be required as a condition for the removal of such materials.
- Adds new Section 30-83(f) establishing the lowest floor of all buildings or structures (**see amendment below**).
- Adds new Section 30-83(g) clarifying that basements are permitted subject to the Florida Building Code and the Town's floodplain regulations.
- Retains Section 30-83(h) requiring that a temporary barrier be erected before lot clearing commences as required by FDEP.
- Adds language to Section 30-83(e) establishing that a valid FDEP CCCL permit constitutes sufficient basis for approval under the exception provision, subject to applicable zoning requirements.

At its August 11, 2026 meeting, the Town Commission approved the Ordinance on first reading and requested that the Ordinance be amended to include a reference to “design flood elevation” when establishing lowest floor as initially recommended by Town Staff. The Planning Board recommended removing this language and merely referencing the Town’s floodplain regulations and the Florida Building Code. In accordance with the Commission’s direction and to provide additional clarity, the language of Section 30-83(f), has been amended to read as follows:

Lowest floor. For properties east of SR A1A located within a special flood hazard area, the lowest floor of all buildings or structures shall be elevated in accordance with the applicable design flood elevation, as determined pursuant to the current effective FEMA Flood Insurance Rate Map, the town’s floodplain management regulations, and the applicable requirements of the Florida Building Code. For purposes of this subsection, “lowest floor” shall be determined in accordance with applicable federal and state floodplain regulations and the Florida Building Code.

The revised language is highlighted in the Proposed Ordinance.

FISCAL IMPACT:

No direct fiscal impact

ATTACHMENTS:

Proposed Ordinance

RECOMMENDATION:

Staff recommends consideration by the Town Commission on second and final reading.



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. 2026-003**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CONSOLIDATING AND UPDATING THE TOWN'S REGULATIONS FOR THE PROTECTION OF THE OCEAN RIDGE; AMENDING ARTICLE V, "SEAWALLS; BULKHEADS; RETAINING WALLS," OF CHAPTER 6, "BUILDINGS AND STRUCTURES," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-127, "CONSTRUCTION," TO REMOVE CONFLICTING REGULATIONS; AMENDING ARTICLE V, "NATURAL RESOURCES," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-83, "BULKHEADS, SEAWALLS, AND GROINS," TO CLARIFY AND UPDATE THE REGULATIONS APPLICABLE TO ALL CONSTRUCTION ACTIVITIES EAST OF STATE ROAD A1A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 6-127 of the Town Code of Ordinances contains regulations that render certain lots within the Town unbuildable due to a prohibition against construction east of the Coastal Construction Control Line (CCCL) when such construction is regulated by the Florida Department of Environmental Protection (FDEP) and a seawall requirement that is inconsistent with FDEP rules and permitting standards; and

WHEREAS, as currently drafted, Section 6-127 of the Town Code supersedes all conflicting regulations, including the Zoning Code regulations enacted for the protection of the ocean ridge as set forth in Section 30-83 of the Town Code, which recognize FDEP's authority regarding the CCCL; and

WHEREAS, at the recommendation of Town Staff, the Town Commission wishes to repeal the portions of Section 6-127 addressing the protection of the ocean ridge and revise Section 30-83 to update the existing regulations to ensure compliance with both FDEP rules and regulations and the applicable floodplain regulations and ensure that any such construction activities address changes in elevation relative to adjacent properties; and

1 **WHEREAS**, the Town Commission determines that the revisions to Section 30-83 of the
2 Town Code of Ordinances are neither more restrictive nor more burdensome than the Town's existing
3 land development regulations and are consistent with the Town's comprehensive plan; and

4 **WHEREAS**, the Town Commission determines that the adoption of this Ordinance benefits
5 the health, safety, and welfare of the residents and taxpayers of the Town of Highland Beach.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
7 **TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

8 **Section 1.** The foregoing facts and recitations contained in the preamble to this Ordinance
9 are hereby adopted and incorporated by reference as if fully set forth herein.

10 **Section 2.** The Town Commission hereby amends Article V, "Seawalls; Bulkheads;
11 Retaining Walls," of Chapter 6, "Buildings and Structures," by amending Section 6-127 read as follows
12 (additional language underlined and deleted language ~~stricken through~~):

13 **Sec. 6-127. Construction.**

14 (a) *Generally.* Whenever any property owner, including persons, firms, partnerships,
15 corporations or combinations thereof who has legal or equitable title in and to
16 real property situated within the town abutting or adjacent to any natural or
17 artificial canal, stream or other body of water desires to construct and/or erect
18 seawalls, bulkheads, retaining walls, revetments, rubble mound structures, groins
19 or other aggregate materials, the town manager shall, after receiving the
20 application, notify the planning board. The petitioner shall submit plans to the
21 building department. The planning board shall review the application as a special
22 exception, and shall either approve, approve with conditions, or deny the
23 application.

24 (b) *Location on Intracoastal Waterway.* The bulkhead line along all shores of the
25 Intracoastal Waterway within the town shall be coincident with the right-of-way
26 lines established for the Intracoastal Waterway, now of record in Plat Book 17,
27 of the county records, except in locations where existing walls or bulkheads are
28 located landward of such lines. In the latter case, the existing bulkheads shall be
29 deemed to be the bulkhead line or the extension thereof up to but not beyond the
30 right-of-way line of the Intracoastal Waterway in such manner as to produce the
31 greater advantage to the lands affected; provided, however, that in relating height

planes to bulkhead lines, the right-of-way line of the Intracoastal Waterway shall determine.

(c) *Approval required for groins and breakwaters.* In addition to the requirements for a special exception, no groin, breakwater or other similar obstruction shall be erected or constructed in the waters of the Atlantic Ocean unless approved by the planning board as being consistent with the peace, health, safety and welfare of the town, its inhabitants, and the owners of property abutting on the Atlantic Ocean, and with the approval of all federal, state and county agencies with jurisdiction over such construction activities.

(d) *Protection of ocean ridge.* Regulations for the protection of the ocean ridge are set forth in section 30-83(d) of this code.

~~(1) — No quantity of soil, sand or rock shall for any purpose be removed or moved from the natural ocean ridge within one hundred twenty (120) feet of the easterly survey line or the vegetation line (as established in subsection (d)(3) below), whichever lies the furthest west, in such manner or extent as to result in the lowering of the elevation of any portion of an east to west profile of such ocean ridge below elevation plus eighteen (+18.00) feet above mean sea level except for the purposes of constructing a seawall with elevation of not less than sixteen (16) feet or a swimming pool with deck elevation of not less than plus eighteen (+18.00) feet above mean sea level. Such seawall or swimming pool shall be constructed a minimum of fifty (50) feet west of the easterly survey line or the vegetation line, whichever lies the furthest west.~~

~~(2) — The exterior wall of any structure aboveground shall be constructed not less than fifty (50) feet west of the easterly survey line or the vegetation line, whichever line lies the furthest west. The foundations of such structures shall not be commenced until the contemplated seawall has been completed east of the proposed structure and approved by the building official. When such seawall has been completed, sand, soil and rock can be moved and removed below elevation plus eighteen (+18.00) feet above mean sea level; however, as a prerequisite to the issuance of a certificate of occupancy for a structure located on a plot where excavation~~

~~has been accomplished below elevation plus eighteen (+18.00) feet above mean sea level and east of State Road A1A, the final grade must be restored in the area of the ridge to a minimum of plus eighteen (+18.00) feet above mean sea level.~~

~~(3) — The vegetation line referred to in this article shall be determined by visual inspection and set by the town engineer or other duly authorized individual at the time site or building plans are presented for preliminary or final approval, and such line shall be the eastward edge of a sustained, living and continuous beach vegetation line running in a straight line and approximately parallel to the easterly survey line.~~

~~(4) — There shall be no removal of any soil, sand, rock or vegetation from any lot east of State Road A1A, except:~~

~~a. — A permit shall have been issued for construction of a reinforced concrete seawall with a finished elevation of sixteen (16) feet above mean sea level.~~

~~b. — This permit shall require drawings by an engineer licensed by the state and approved by the town engineer.~~

~~c. — This permit shall be issued only upon a concurrent building permit for a permanent building west of the wall having been approved.~~

~~d. — The wall shall be located at least fifty (50) feet west of the easterly survey line or the vegetation line, whichever lies furthest west along the entire width of the property.~~

~~e. — In addition, no building permit for either a seawall or a building to be built on the ocean ridge between State Road A1A and the ocean shall be issued until the plans for such construction have been approved by the appropriate agencies of both the state and county.~~

~~f. — When a seawall or any structure is to be erected, sheet piling must be driven to maintain the dune and the protective vegetation. Erection of the seawall must be to the west of the sheet piling.~~

(5) ~~—The foundation of the building shall not be commenced until the seawall has been completed and no part of the completed building shall extend above or easterly of the seawall.~~

(6) ~~—The ground floor (containing apartments and/or public living areas) of all buildings and the final grade between buildings and between a building and the side property line shall in no case be less than eighteen (18) feet, and if the elevation of adjoining properties is higher than eighteen (18) feet the final grade shall be sloped up to such level or an adequately strong wall constructed to retain the higher grade of the adjoining property.~~

(7) ~~—Where alignment of existing seawalls or structures makes it impractical to comply with the setback established by chapter 30 of this Code, the planning board, may authorize an adjustment of the wall to meet existing conditions, but in no event shall any part of the building extend east of the state coastal construction control line.~~

(8) ~~—Basements for structures will be permitted west of the seawall as part of a structure for which seawall and building permits shall have been issued.~~

(9) ~~—In the event of the construction of a building on the top of the ridge without first having erected a seawall, basements will be permitted only if they are at least one hundred twenty (120) feet west of the easterly survey line or vegetation line, whichever lies furthest west. The structure may follow the slope of the dune, but no excavating shall be permitted below eighteen (18) feet above mean sea level within one hundred twenty (120) feet west of the easterly survey line, or the vegetation line, whichever lies furthest west.~~

(10) ~~—None or any of the above work shall be done or any permit for a seawall be issued without prior approval of the planning board.~~

(11 e) Beach cleaning vehicles. Beach cleaning vehicles shall be allowed on the beaches between low tide and mean high water vegetation line (littoral zone). Such vehicles shall be allowed west of the littoral zone only upon written consent of the owners. The written consent shall be on file in the town hall and a copy retained by the driver of the vehicle. Except for beach cleaning vehicles, no motorized or trailer equipment of any kind shall be permitted to operate on the beach east of a seawall in place or under construction without town commission

approval. In an emergency threatening life or property, the town manager or designee may give immediate approval for the use of emergency vehicles on the beach, to be followed up by other appropriate approvals within five (5) business days.

~~(12) — The terms and conditions of subsection (d), where in conflict with the provisions of any other chapter of this Code, shall take precedence.~~

Section 3. The Town Commission hereby amends Article V, “Natural Resources,” of Chapter 30, “Zoning,” by amending Section 30-83 to read as follows (additional language is underlined and deleted language ~~stricken through~~):

Sec. 30-83. - Bulkheads, seawalls, and groins.

(a) *Compliance.* All bulkheads, seawalls, groins, and similar structures shall comply with the requirements of this section.

(b) *Establishment of bulkhead line along the Intracoastal Waterway.* The bulkhead line along all shores of the Intracoastal Waterway within the town shall be coincident with the right-of-way lines established for the Intracoastal Waterway, as provided in Plat Book 17, Palm Beach County Records, except in locations where existing walls or bulkheads are located landward of said lines. In the latter case, the existing bulkheads shall be deemed to be the bulkhead line, or the extension thereof, up to but not beyond the right-of-way line of the Intracoastal Waterway in such manner as to produce the greatest advantage to the lands affected.

(c) *Approval required.* Bulkheads, seawalls, retaining walls, groins, breakwaters, and similar structures shall obtain approval as provided in this section.

(1) *Non-Atlantic Ocean.* A bulkhead, seawall, or retaining wall shall not be constructed in any water, canal, or lake, or on land abutting thereon, unless the following approvals, as applicable, have been obtained:

- a. U.S. Army Corps of Engineers;
- b. Florida Department of Environmental Protection;
- c. Palm Beach County; and
- d. other agencies as may be required.

- 1 (2) *Atlantic Ocean Improvements.* A groin, breakwater, or other similar
2 improvement shall not be constructed in the waters of the Atlantic Ocean
3 unless the following approvals, as applicable, have been obtained:
- 4 a. Town commission;
- 5 b. U.S. Army Corps of Engineers;
- 6 c. Florida Department of Environmental Protection;
- 7 d. Palm Beach County; and
- 8 e. Other agencies as may be required.
- 9 (d) *Protection of Ocean Ridge.* There shall be no removal of any soil, sand, rock,
10 vegetation, or other related elements from any lot east of SR A1A except as
11 provided below:
- 12 (1) FDEP approval. Approval for the removal of such materials has been
13 approved by the Florida Department of Environmental Protection
14 (“FDEP”) through the issuance of a Coastal Construction Control Line
15 (“CCCL”) permit pursuant to Chapter 161, Florida Statutes. ~~Town~~
16 ~~approval. Approval for the removal, as part of a seawall, retaining wall,~~
17 ~~or similar structure has been granted by the town.~~
- 18 (2) *Other approvals.* Approval for the removal of such materials has been
19 obtained, as ~~applicable~~ required, from the ~~Department of Environmental~~
20 ~~Protection~~, Palm Beach County, and other applicable federal, state, or
21 local agencies.
- 22 (3) *Removal requirements.* The removal shall occur only in conjunction with
23 the following:
- 24 a. A town building permit for permanent construction in the coastal
25 area included within the coastal construction control line; and
- 26 b. ~~A building permit for construction of a reinforced concrete~~
27 ~~seawall with a finish elevation consistent with applicable state~~
28 ~~requirements~~ A town building permit and planning board
29 approval for the construction of a seawall where a seawall is
30 required by the FDEP CCCL permit and the seawall complies
31 with the conditions of such permit. Where the FDEP CCCL

1 permit does not require a seawall, no seawall permit shall be
2 required as a condition for the removal of such materials.

3 (4) ~~Construction limits. Construction shall not extend above or easterly of the~~
4 ~~seawall~~ Where a seawall has been permitted and constructed, no part of
5 any building or structure shall extend above or easterly of the seawall.
6 Where FDEP has authorized construction without a seawall, the eastern
7 construction limit shall be as established by the FDEP CCCL permit.

8 (5) *Disturbance.* If the dune or coastal ridge is disturbed during construction,
9 the final grade between a building and the side property line shall be
10 restored to the natural elevation of adjoining properties. ~~However, the~~
11 ~~minimum elevation of the final grade shall be not less than eighteen (18)~~
12 ~~feet above mean sea level. In the event that the adjoining property is~~
13 ~~lower, some type of retaining construction shall be erected so as to~~
14 ~~prevent erosion and to keep surface runoff water within the property.~~

15 (e) *Exception.* Where alignment of existing seawalls or structures makes it
16 impractical to comply with the provisions of this section, the town commission
17 on advice from the planning board, may authorize an adjustment of the wall to
18 meet existing conditions. However, construction shall be consistent with coastal
19 construction requirements established by the Department of Environmental
20 Protection. A valid FDEP CCCL permit shall constitute a sufficient basis for
21 approval under this section, subject to all applicable zoning requirements of this
22 chapter.

23 (f) Lowest floor. For properties east of SR A1A located within a special flood hazard
24 area, the lowest floor of all buildings or structures shall be elevated in accordance
25 with the applicable design flood elevation, as determined pursuant to the current
26 effective FEMA Flood Insurance Rate Map, the town's floodplain management
27 regulations, and the applicable requirements of the Florida Building Code. For
28 purposes of this subsection, "lowest floor" shall be determined in accordance
29 with applicable federal and state floodplain regulations and the Florida Building
30 Code.

(f g) *Basements.* Basements shall be permitted subject to ~~the requirements of this section~~ to all applicable Florida Building Code requirements and the town's floodplain regulations.

(g h) *Temporary barriers.* Before lot clearing can commence, a temporary barrier, such as a fence, shall be erected as required by the Department of Environmental Protection to preserve the integrity of the dune.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. Sections 2 and 3 of the Ordinance shall be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by Commissioner Goldberg, seconded by Commissioner Peters and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Natasha Moore	X	
Vice Mayor David Stern	X	
Commissioner Judith Goldberg	X	
Commissioner Don Peters	X	
Commissioner Jason Chudnofsky	X	

PASSED on first reading at the Regular Commission meeting held on this 11th day of August, 2026.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held
on this ____ day of _____, 2026.

Natasha Moore, Mayor

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CONSOLIDATING AND UPDATING THE TOWN'S REGULATIONS FOR THE PROTECTION OF THE OCEAN RIDGE; AMENDING ARTICLE V, "SEAWALLS; BULKHEADS; RETAINING WALLS," OF CHAPTER 6, "BUILDINGS AND STRUCTURES," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-127, "CONSTRUCTION," TO REMOVE CONFLICTING REGULATIONS; AMENDING ARTICLE V, "NATURAL RESOURCES," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-83, "BULKHEADS, SEAWALLS, AND GROINS," TO CLARIFY AND UPDATE THE REGULATIONS APPLICABLE TO ALL CONSTRUCTION ACTIVITIES EAST OF STATE ROAD A1A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law¹ for the proposed Ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

¹ See Section 166.041(4)(c), Florida Statutes.

- c. Sections 190.005 and 190.046;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Summary of the proposed ordinance including a statement of the public purpose to be served, such as serving the public health, safety, morals and welfare of the municipality. This Ordinance amends the Town Code to remove language set forth in Chapter 6 of the Town Code that would render certain oceanfront lots east of State Road A1A unbuildable due to a prohibition against construction east of the Coastal Construction Control Line (CCCL) and to remove a mandatory seawall requirement that is inconsistent with currently Florida Department of Environmental Protection (FDEP) permitting policy. The Ordinance removes the conflicting ocean ridge construction standards from Chapter 6 and amends Section 30-83 of Chapter 30 to establish FDEP CCCL permit approval as the governing standard for removal of materials from the ocean ridge and for construction east of State Road A1A.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur if the Ordinance is enacted;

(b) Identification of any new charge or fee on businesses, or for which businesses will be financially responsible; and

(c) An estimate of the Town's regulatory costs, including estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The Ordinance will have no direct economic impact on the one (1) existing private, for-profit business in the Town (Delray Sands Resort) and would actually facilitate potential redevelopment of that property if the current structure was demolished or destroyed.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The Town has one (1) existing private business (Delray Sands Resort).

4. Additional information the governing body deems useful (if any): None



Affidavit of Legal Notice submission and publication

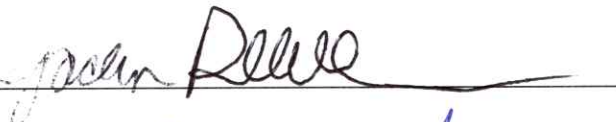
Highland Beach Legal Notice

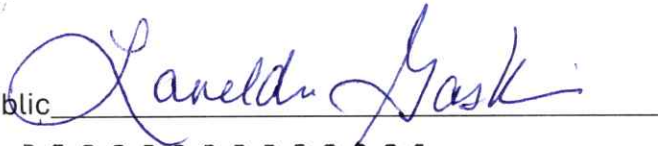
Submission Time: **08/25/2026 12:51 PM (EDT)**

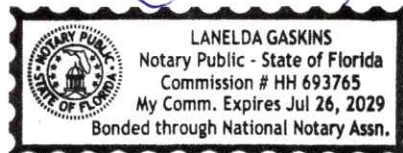
Please find a PDF of your submission details attached to this email.

The attachments included in your submission are listed below. This Legal Notice along with the attachments is now published on the web portal.

- Ord No. 2026-003 Highland Beach Legal Notice.pdf
- signature.png

Signature of Affiant 

Signature of Notary Public 



Notary Stamp _____

Highland Beach Legal Notice Submission

Highland Beach Legal Notice

08/25/2026 12:51 PM (EDT)

Submitted by Jaclyn Dehart (jdehart@highlandbeach.us)

Legal Notice

Please choose a category	Public Notice - Highland Beach
Title	September 01, 2026 TOWN commission meeting - ordinance no. 2026-003, consolidating and updating the Town's regulations for the protection of the ocean ridge
Publish Date	08/25/2026
Publish Time	12:47 PM (EDT)
Description	TOWN OF HIGHLAND BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HERBY GIVEN that the Town Commission of the Town of Highland Beach, Florida will hold a public hearing on the following proposed ordinance at a Regular Meeting on Tuesday, September 01, 2026, at 1:30 p.m., or soon thereafter, at which time they will consider its adoption. The Meeting will be held in the Town Hall Commission Chambers located at 3614 South Ocean Boulevard, Highland Beach, Florida. All interested citizens are invited to participate in the meeting and be heard on Tuesday, September 01, 2026, with respect to the ordinance.

Ordinance No. 2026-003
An ordinance of the Town Commission of the Town of Highland Beach, Florida, consolidating and updating the Town’s regulations for the protection of the ocean ridge; amending Article V, “Seawalls; Bulkheads; Retaining walls,” of Chapter 6, “Buildings and Structures,” of the Town Code of Ordinances by amending Section 6-127, “Construction,” to remove conflicting regulations; amending Article V, “Natural Resources,” of Chapter 30, “Zoning Code,” of the Town Code of Ordinances by amending Section 30-83, “Bulkheads, Seawalls, and Groins,” to clarify and update the regulations applicable to all construction activities east of State Road A1A; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date.

Information on the ordinance may be obtained by emailing the Town Clerk’s Office at townclerk@highlandbeach.us. Additionally, a copy of the ordinance will be available on the on the Town’s webpage at <https://highlandbeach-fl.municodemeetings.com/> no later than Friday, August 28, 2026.

NOTICE: If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting must ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. This NOTICE is required by State Law.
In accordance with the Americans with Disabilities Act and section 286.26, Florida Statutes, persons requiring special accommodations to participate in this meeting should contact the Town Clerk’s Office at townclerk@highlandbeach.us at least 48 hours prior to the meeting. Individuals who are hearing or speech impaired may contact the Florida Relay Service at 1-800-955-8770 (TDD) or 1-800-955-8771 (voice). at 1-800-955-8770 or 1-800-955-8771.
Lanelda Gaskins, MMC, Town Clerk

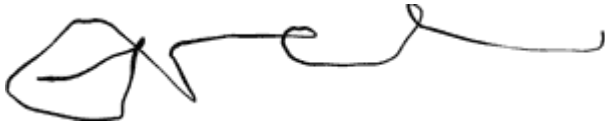
Attach Files (Optional)

 Ord No. 2026-003 Highland Beach Legal Notice.pdf

Submitted by (Email Address) jdehart@highlandbeach.us

Notifications No

Signature



09/01/2026 Town Commission Meeting

Public Comments

Item 7.A., Ordinance No. 2026-003

From: [Jeffrey](#)
To: [Lanelda Gaskins](#); [noreply](#)
Cc: [Marshall Labadie](#); [Natasha Moore](#)
Subject: Request for Planning Board Review of Revised Ordinance
Date: Monday, August 31, 2026 10:53:23 AM

Town Clerk:

Please include this correspondence in the official record for the proposed ordinance and distribute it to the Town Mayor and Manager,

The ordinance now under consideration contains language that is materially different from the language presented to and considered by the Planning Board. Consequently, the Planning Board has not held a public hearing or made a recommendation on the ordinance in its present form.

Before the Commission takes further action, I respectfully request that the Town determine whether the revised language constitutes a substantial modification requiring the ordinance to be returned to the Planning Board pursuant to Section 30-44(e)(3) of the Town Code, together with any applicable public-hearing and notice requirements.

Until that procedural question has been resolved, the Commission should not take final action on the revised ordinance.

Thank you,

Jeffrey Kleiman
Highland Beach Resident

From: [Jeffrey](#)
To: [Town Clerk](#); [Lanelda Gaskins](#)
Cc: [Natasha Moore](#); [Don Peters](#); [David Stern](#); [Jason Chudnofsky](#); [Judith Goldberg](#); [Marshall Labadie](#)
Subject: PUBLIC COMMENT Proposed Ocean Ridge Ordinance
Date: Sunday, August 30, 2026 1:37:26 PM

Town Clerk — I respectfully ask that this statement be included in the official record for this agenda item. It does not need to be read aloud at the meeting.

PUBLIC COMMENT — TOWN COMMISSION

Proposed Ocean Ridge Ordinance | September 1, 2026 Commission Meeting

Mayor, Vice Mayor, and Commissioners:

I am asking the Commission not to take final action on this ordinance until it has completed the thorough due diligence warranted by the ordinance’s potential consequences.

First, the ordinance’s potential scope and effects have not been adequately established.

During the August 11 Town Commission meeting, Town Building Department staff stated: “Not every home is going to be in a flood zone, so it’s going to impact a few, but not all homes.”

I have found no analysis presented to the Commission identifying which properties or categories of properties may be affected. In the public meeting record and materials I reviewed, I also found no estimate of the number of single-family houses, townhomes, small condominium units, or large condominium buildings that may be affected.

Before adoption, the Commission should be provided with an objective analysis that identifies the housing types and the approximate number of properties potentially affected, including single-family homes, townhomes, small-unit condominiums, and large condominium buildings.

Second, the ordinance’s scope expanded without identified, explicit Commission direction.

At its May 12 meeting, the Commission treated the dune, garage, and breakaway-wall issues as complicated matters requiring longer-term study. Less than a month later, Town staff included those subjects in an ordinance presented to the Planning Board.

I have found no Commission motion or other explicit direction in the public meeting record authorizing their inclusion. Before taking final action, the Commission should identify when and how that expansion of scope was authorized.

Third, the explanation presented at first reading did not convey the full substance of the Planning Board’s recommendation.

At the August 11 first reading, the Planning Board’s decision was described as merely an effort to remove duplicative language. The Planning Board transcript shows that its decision involved a substantive policy judgment, not simply the removal of duplication.

After substantial discussion, the Board voted four to one to remove the proposed language that was directly or indirectly related to Design Flood Elevation and instead rely on FEMA requirements, the Florida Building Code, and other applicable state standards.

Because the full basis for that recommendation was not explained at first reading, the Commission should reconsider its decision to restore the language after reviewing the Planning Board's actual discussion and reasoning.

Fourth, Town staff's recently stated new interpretation of existing code should not be converted into an express local restriction without independent verification.

Town staff has recently stated that existing code means oceanfront construction, including garages, cannot occur below Design Flood Elevation. That interpretation appears inconsistent with provisions allowing certain uses and construction below elevated buildings, subject to specific requirements.

Before incorporating that interpretation into the ordinance, the Commission should obtain independent review from the appropriate state authorities concerning the applicable code provisions and from qualified professional engineers concerning the related technical issues.

A new staff interpretation of longstanding code that has not been independently verified should not become an express local restriction until both the code interpretation and its technical basis have been independently evaluated.

Finally, specific technical claims presented in support of the ordinance have not been supported by written professional analysis.

Town staff has cited outside experts and engineering concerns but presented no supporting written analysis from Florida-licensed professional engineers or architects to the Commission.

Before final action, the Commission should require the written calculations, studies, or professional opinions supporting the technical claims relied upon in proposing the ordinance. Those materials should be placed in the public record so that they can be independently evaluated and publicly reviewed.

The public record presented to the Commission does not identify an immediate condition requiring final action at this meeting.

I respectfully ask the Commission to postpone final action until the ordinance's potential effects, the applicable code interpretation, and the technical claims supporting it have been independently reviewed.

Thank you.
Jeffrey Kleiman

From: [Marshall Labadie](#)
To: [Toni Spink](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: Highland Beach Ordinance
Date: Monday, August 31, 2026 9:00:45 AM
Attachments: [image001.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

-----Original Message-----

From: Toni Spink <tbspink@att.net>
Sent: Saturday, August 29, 2026 4:42 PM
To: Judith Goldberg <jgoldberg@highlandbeach.us>; Jason Chudnofsky <jchudnofsky@highlandbeach.us>; Marshall Labadie <mlabadie@highlandbeach.us>
Subject: Highland Beach Ordinance

POSTPONE THE SEPTEMBER 1st VOTE

Toni Spink, Highland Beach
Sent from my iPad

From: [Marshall Labadie](#)
To: [Savita Kanodia](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: New Zoning ordinance Concerns
Date: Monday, August 31, 2026 9:04:18 AM
Attachments: [image001.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

From: Savita Kanodia <savitakanodia1@gmail.com>
Sent: Monday, August 24, 2026 6:01 PM
To: Natasha Moore <nmoore@highlandbeach.us>; Judith Goldberg <jgoldberg@highlandbeach.us>; Jason Chudnofsky <jchudnofsky@highlandbeach.us>; David Stern <dstern@highlandbeach.us>; Don Peters <dpeters@highlandbeach.us>; Marshall Labadie <mlabadie@highlandbeach.us>
Subject: New Zoning ordinance Concerns

Dear Mayor and Commissioners,

I am writing to respectfully urge you to oppose, or at least postpone, adoption of the proposed oceanfront zoning ordinance. Based on the information available, I'm concerned that this ordinance could significantly limit property rights and deserves much more review. I respectfully ask that you postpone any vote, obtain independent legal and professional review, and ensure all affected property owners are properly notified and have a meaningful chance to comment. Thank you for your time and service to our community.

Sincerely
Savita Kanodia

2355 South Ocean Blvd
Highland Beach FL 33387

From: [Marshall Labadie](#)
To: [Marc Julien](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: September 1 Vote
Date: Monday, August 31, 2026 9:02:52 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

From: Marc Julien <mjulien@marcjuliengroup.com>
Sent: Tuesday, August 25, 2026 7:51 AM
To: Marshall Labadie <mlabadie@highlandbeach.us>
Subject: September 1 Vote

Dear City Manager Labadie

- Do not adopt this ordinance on September 1
- Postpone the vote
- Notify every affected oceanfront property owner - how this can happen without a notification is shocking
- Obtain an independent legal and professional review of the ordinance and its consequences before proceeding.

Sincerely,

Marc Julien

Marc Julien



Marc Julien Group
755 NW 17th Ave, Suite 107
Delray Beach, FL 33445
P: 954-200-7758
F: 954-200-8969
www.marcjulienhomes.com
www.stakautolifts.com

CGC1518003

MARC JULIEN
— H O M E S —



This email may contain information that is proprietary, legally privileged, and/or confidential. If the reader of this email is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), you are hereby notified: (i) that any dissemination, distribution or copying of this email is strictly prohibited and may be unlawful; and (ii) to contact the sender immediately by reply email and delete this email and any attachments without retaining any copies.

From: [Marshall Labadie](#)
To: [hum_bird](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: Postponing Sept 1 Vote on Ordinance No 2026-003
Date: Monday, August 31, 2026 9:02:30 AM
Attachments: [image001.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

From: hum_bird <moogmessiah@gmail.com>
Sent: Friday, August 28, 2026 1:28 PM
To: Marshall Labadie <mlabadie@highlandbeach.us>
Subject: Postponing Sept 1 Vote on Ordinance No 2026-003

From: Theresia Siegl 3809 S. Ocean Blvd. Highland Beach, FL 33487
To: Town Manager Marshall Labadie, mlabadie@highlandbeach.us
Date: August 28, 2026
Subj: Postponing Sept 1 Vote on Ordinance No 2026-003

Dear Town Manager Labadie:

Ordinance No 2026-003 has just come to our attention but we are not sure of the specifics and how it will affect us and our property values. Therefore, please do not adopt the ordinance on Sept 1. We residents need clear explanations of every new Town restriction. To do this we would need an independent legal and professional review and sufficient notice and time to respond.

Thank you, Town Manager Labadie , for your consideration.

All the best,

Theresia Siegl

From: [Marshall Labadie](#)
To: [Debbie Muller](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: New Zoning Ordinance
Date: Monday, August 31, 2026 9:02:30 AM
Attachments: [image001.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

From: Debbie Muller <djmuller43@gmail.com>
Sent: Tuesday, August 25, 2026 2:21 PM
To: Marshall Labadie <mlabadie@highlandbeach.us>
Subject: New Zoning Ordinance

Dear Marshall,

As an oceanfront homeowner in Highland Beach I am requesting the following:

Do not adopt this ordinance on September 1

Postpone the vote.

Notify every affected oceanfront property owner.

Obtain an independent legal and professional review of the ordinance and its consequences

before proceeding.

Sincerely,

Deborah J Muller

2375 S Ocean Blvd.

Highland Beach, FL 33487

From: [Marshall Labadie](#)
To: [Brian Kessler](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: Pending Ordinance
Date: Monday, August 31, 2026 9:04:18 AM
Attachments: [image001.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

From: Brian Kessler <brian@brianskessler.com>
Sent: Monday, August 24, 2026 6:00 PM
To: Natasha Moore <nmoore@highlandbeach.us>; Judith Goldberg <jgoldberg@highlandbeach.us>; Jason Chudnofsky <jchudnofsky@highlandbeach.us>
Cc: David Stern <dstern@highlandbeach.us>; Don Peters <dpeters@highlandbeach.us>; Marshall Labadie <mlabadie@highlandbeach.us>
Subject: Pending Ordinance

Do not adopt the Oceanfront Property ordinance on 9/1

Postpone the vote

Notify every affected oceanfront property owner

Obtain an independent legal and professional review of the ordinance and it's consequences before processing.

Brian Kessler
561-602-7600

brian@brianskessler.com

From: [Marshall Labadie](#)
To: [girgises](#)
Cc: [Lanelda Gaskins](#)
Subject: RE: Postpone
Date: Monday, August 31, 2026 9:10:03 AM
Attachments: [image001.png](#)

Good morning,

We have received your email regarding the ordinance changes being considered by the Town Commission at tomorrow's regular Commission meeting. Your email will be included in the public record, along with communications received from several other residents regarding this matter, and will be shared with the Town Commissioners for their review. I appreciate you taking the time to review the proposed ordinance changes and to share your concerns and perspective with the Town.

Thank you for your engagement and participation in the Town's public process which makes our 3 Miles of Paradise so special. Again, thank you!



Marshall Labadie, ICMA-CM
Town Manager

Town of Highland Beach
3614 South Ocean Boulevard
Highland Beach, FL 33487
(T) 561.278.4548
(F) 561.265.3582

[Working to protect our 3 Miles of Paradise](#)

From: girgises <girgises@yahoo.com>
Sent: Sunday, August 30, 2026 12:36 PM
To: Marshall Labadie <mlabadie@highlandbeach.us>
Subject: Postpone

Please postpone the September 1st vote until we are better informed about the new ordinance.

We need time to understand the restrictions that will be imposed and their effects on the property owners.

Thank you,
Akram Girgis
2 Ocean PL
Highland Beach, FL 33487

Get [BlueMail for Mobile](#)

File Attachments for Item:

A. Approval of Meeting Minutes

August 11, 2026 Town Commission Meeting Minutes

DRAFT



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

TOWN HALL COMMISSION CHAMBERS
3614 S. OCEAN BLVD., HIGHLAND BEACH, FL

Date: August 11, 2026
Time: 1:30 PM

1. CALL TO ORDER

Mayor Moore called the meeting to order at 1:30 P.M.

2. ROLL CALL

Commissioner Jason Chudnofsky
Commissioner Judith M. Goldberg
Commissioner Donald Peters
Vice Mayor David Stern
Mayor Natasha Moore
Marshall Labadie, Town Manager
Leonard Rubin, Town Attorney
Lanelda Gaskins, Town Clerk

3. PLEDGE OF ALLEGIANCE

Town Commission led the Pledge of Allegiance to the United States of America.

4. INVOCATION

None.

5. APPROVAL OF THE AGENDA

The agenda was approved as presented.

MOTION: Goldberg/Peters – A motion was made and seconded to approve the agenda as presented. The motion passed unanimously, 5 to 0.

6. PRESENTATIONS / PROCLAMATIONS

A. Resolution No. 2026-010

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Code Enforcement Board; and providing for an effective date.

Mayor Moore read the title of Resolution No. 2026-010, followed by the Town Commission interview of applicant John Chappellear. Mr. Chappellear spoke about his experience and interest in serving on the Code Enforcement Board.

MOTION: Commissioner Goldberg/Stern – A motion was made and seconded to approve Resolution No. 2026-010. Upon Roll Call: Commissioner Goldberg (Yes); Commissioner Peters (Yes); Commissioner Chudnofsky (Yes); Vice Mayor Stern (Yes); and Mayor Moore (Yes). The motion passed unanimously, 5 to 0 vote.

7. PUBLIC COMMENTS (Public Comments will be limited to five (5) minutes per speaker.)

Firefighter Daniel Rush, President of Firefighters Local 5504, introduced himself. He thanked the Town Commission for allowing the formation of the local firefighter union in September of last year. He expressed appreciation for the Town's decision to establish its own fire department, which enabled him to transfer closer to his home while continuing his career.

8. ORDINANCES (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, consolidating and updating the Town's regulations for the protection of the ocean ridge; amending Article V, "Seawalls; Bulkheads; Retaining Walls," of Chapter 6, "Buildings and Structures," of the Town Code of Ordinances by amending Section 6-127, "Construction," to remove conflicting regulations; amending Article V, "Natural Resources," of Chapter 30, "Zoning Code," of the Town Code of Ordinances by amending Section 30-83, "Bulkheads, Seawalls, and Groins," to clarify and update the regulations applicable to all construction activities east of State Road A1A; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing for an effective date.

Mayor Moore read the title of the Proposed Ordinance.

Building Official Jeff Remas presented the item. He explained that the Town Commission had previously reviewed the proposed ordinance and directed staff to refer it to the Planning Board for consideration of Chapters 6 and 30 of the Town Code of Ordinances. Town Attorney Rubin also prepared related materials.

At its June 11, 2026 meeting, the Planning Board reviewed and approved the draft ordinance, excluding the design flood elevation provision.

Building Official Remas explained that the design flood elevation language had been removed and that the version presented addressed the outstanding issues, including concerns related to unbuildable lots.

The Town Commission discussed the proposed ordinance and the design flood elevation provision. Building Official Remas explained that he originally included the provision as a proactive measure so designers and architects would be aware of the requirement at the beginning of the process and avoid costly redesigns after plan rejection. He also confirmed that he consulted with the Florida Department of Emergency Management, FEMA, coastal floodplain engineers, and floodplain administrators throughout South Florida while developing the provision.

The Town Commission was asked to clarify whether the design flood elevation provision should be included in the proposed ordinance or not.

Discussion ensued and Town Attorney Rubin clarified that the Planning Board's concern was potential duplication, but the provision was intended to notify developers of the requirement early in the process. The Town Commission generally supported this proactive approach and reached consensus to restore the design flood elevation language for second reading, where it would be clearly highlighted for review.

MOTION: Goldberg/Peters – A motion was made and seconded to approve the Proposed Ordinance with the inclusion reference the design flood elevation. The motion carried unanimously.

9. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

July 14, 2026 Town Commission Meeting Minutes

MOTION: Goldberg/Peters – A motion was made and seconded to approve the Consent Agenda as presented. The motion passed unanimously, 5 to 0.

10. **UNFINISHED BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

None.

11. NEW BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

- A. Approve and authorize the Mayor to execute a *revised* contract with PaveConnect Logistics, LLC for milling and repaving of the existing shared walk path project in the amount of \$263,260.80, based on the OMNIA Partners Cooperative Purchasing Contract No. R220902. (This item aligns with the FY 2026 Strategic Priorities Plan/Capital Improvement Plan #28-003.)**

Madison Noonan, Executive Assistant, explained that the Town Commission approved the initial contract at the July 14, 2026, meeting. Following the initial approval, the contractor requested three modifications to the contract: a reduction of liquidated damages to \$250 per day, a cap on liquidated damages at 10 percent of the contract price, and an extension of the cure period from 5 to 10 days. Because of the changes the contract has to be revised and brought back to the Town Commission for approval.

Town Attorney Rubin confirmed that he incorporated these changes and was comfortable with their reasonableness, noting that since the contract was a cooperative purchasing piggyback rather than a competitively bid contract, some negotiation of terms was appropriate. He indicated that the Town remained adequately protected under the revised terms.

MOTION: Goldberg/Peters – A motion was made and seconded to approve and authorize the mayor to execute the revised contract with PaveConnect Logistics, LLC. Upon Roll Call: Commissioner Goldberg (Yes); Commissioner Peters (Yes); Commissioner Chudnofsky (Yes); Vice Mayor Stern (Yes); and Mayor Moore (Yes). The motion passed unanimously, 5 to 0 vote.

1. Resolution No. 2026-011

A Resolution of the Town Commission of the Town of Highland Beach, Florida, amending Resolution No. 2025-023, which appropriated funds for the Fiscal Year 2025-2026 budget; providing for a budget amendment in the amount of \$250,000.00 to Fund 103 – Discretionary Sales Tax Fund for Highland Beach Pedestrian Safety Traffic Improvement Project, as identified in the approved Capital Improvement Plan; providing for the transfer of general fund reserves; providing for findings; providing for implementation; and providing for an effective date.

Mayor Moore read the title of Resolution No. 2026-011.

Town Manager Labadie explained that \$375,000.00 was initially allocated in the Discretionary Sales Tax Fund for embedded crosswalk lighting. When the Town pursued state appropriation funding, the shared-use path project was added to the appropriation request. The Town received a \$375,000.00 state appropriation

for the Highland Beach Pedestrian Safety Traffic Improvement Project, which will be reimbursed by the state upon project completion and submission of the required documentation. The budget amendment is needed to transfer funds so the Town could pay the two vendors.

Town Manager Labadie indicated that paving work could begin within one to two weeks, while the crosswalk lighting installation by Lux Solar, Inc. would take slightly longer due to traffic control requirements and pending the Florida Department of Transportation (FDOT) clearances. The Town Commission expressed enthusiasm for the project's timeline and the grant funding secured.

MOTION: Goldberg/Stern – A motion was made and seconded to adopt Resolution No. 2026-011, amending the Fiscal Year 2025-2026 budget and appropriating \$250,000 to Fund 103 for the Highland Beach Pedestrian Safety Traffic Improvement Project. The motion carried unanimously, 5-0.

B. Consideration of canceling August 18, 2026, Town Commission Meeting and closing Town Administrative offices to ensure adequate parking at the library, the designated election day polling location for Precinct 2801.

The Town Commission was in favor of canceling the August 18, 2026, meeting and closing town administrative offices due the Primary Election Day.

MOTION: Goldberg/Peters – A motion was made and seconded to cancel the August 18, 2026, Town Commission meeting. The motion carried unanimously, 5-0.

C. Discussion of Employee Health Care Program for fiscal year 2026/2027.

Town Manager Labadie reported on the annual health insurance renewal process. Blue Cross Blue Shield's initial renewal rate came in at a 20 percent increase. After the Town's broker, Marc Rheingold and Associates, solicited competing bids from Cigna, Aetna, and Curative — which came in at approximately 9.5 to 10.5 percent — Blue Cross Blue Shield returned with a revised offer of approximately 8.3 percent, modestly above the 7 percent budgeted figure. He recommended proceeding with the Blue Cross Blue Shield renewal and indicated that he and staff would revisit the five-year financial forecast to reflect an expected annual health cost increase in the 8 to 10 percent range.

The Town Commission discussed the structure of the Town's health benefit offerings, which include a base plan with low co-pays and a capped out-of-pocket maximum, supplemented by an HRA card to assist employees with out-of-pocket costs, as well as a buy-up plan available at the employee's expense. Town Manager Labadie noted that the benefit is highly valued by employees and is a meaningful recruiting and retention tool, particularly compared to the private sector where coverage has been reduced in recent years.

Mayor Moore raised the concept of a high-deductible medical plan paired with a Health Savings Account (HSA), noting its potential as a tax-advantaged, long-term benefit that puts employees more in control of their healthcare spending. Town Manager Labadie acknowledged the idea and committed to inviting the Town's broker to present various plan structures, including HSA-compatible models, to the Town Commission for future consideration. He cautioned, however, that certain plan structures require uniform employee participation, and noted concerns about other post-employment benefit (OPEB) obligations and the risks they have created for municipalities nationally.

Commissioner Goldberg raised the longer-term concern that, should the proposed property tax exemption amendment pass in November, the Town may need to carefully evaluate where it can hold the line on benefit costs.

Commissioner Chudnofsky expressed strong support for the current benefit structure, noting its competitiveness relative to the corporate market.

The Town Commission was in favor of the Blue Cross Blue Shield renewal for fiscal year 2026/2027.

12. TOWN COMMISSION COMMENTS

Commissioner Jason Chudnofsky remarked on a great summer, commending the building department, fire department, and police organization for their proactive work and noting positive feedback from other community residents.

Commissioner Judith M. Goldberg had no additional comments beyond concurring with Commissioner Chudnofsky's remarks.

Commissioner Donald Peters noted the strong community interest in the shared walk path repaving project and expressed appreciation for the fire department's proactive building walk-throughs throughout Town.

Vice Mayor David Stern indicated he looks forward to receiving further information on regulations governing e-bikes and shared path use.

Mayor Natasha Moore had no additional comments.

13. TOWN ATTORNEY'S REPORT

Town Attorney Rubin provided an update on Amendment 3, the proposed property tax exemption measure on the November ballot. He reported that a Leon County judge struck the ballot title and summary, finding that they did not accurately describe the amendment's effect and were political rather than informational. He noted that the Attorney General has 10 days to revise the title and summary, with the deadline expected around August 14. The amendment will remain on the November ballot pending those revisions. Attorney Rubin also stated that, in his view, the amendment

further erodes municipal home rule by limiting local taxing authority and said he would share the updated ballot language with the Commission once available.

14. TOWN MANAGER'S REPORT

Town Manager Labadie reported that Palm Beach County recently approved its own e-bike ordinance, effective September 1st. He noted that following a review of the County ordinance, Town Attorney Rubin clarified that the County's ordinance applies only in unincorporated areas and municipalities where the County provides law enforcement or traffic enforcement jurisdiction — and therefore would not apply in Highland Beach. Town Manager Labadie indicated that staff would explore whether the Town should adopt its own e-bike regulations and will bring a proposal to the September 1st Commission meeting. He also noted that he is still awaiting follow-up from a Florida Department of Transportation (FDOT) attorney regarding jurisdiction over the State Road A1A path corridor.

15. ANNOUNCEMENTS

Mayor Moore read the acknowledgements

Board Vacancies

Financial Advisory Board	One (1) vacancy for a three-year term ending April 2027
--------------------------	--

Natural Resources Preservation Advisory Board	One (1) Vacancy for an unexpired term ending April 2027
---	--

Meetings and Events

August 13, 2026 9:00 A.M. Planning Board Regular Meeting

August 18, 2026 Town Administrative Offices Closed

Board Action Report

None.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 2:17 P.M.

APPROVED: September 1, 2026, Town Commission Meeting

Signed Minutes on file in the
Town Clerk's Office

ATTEST:

Natasha Moore, Mayor

Lanelda Gaskins, MMC
Town Clerk

09/01/2026

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

File Attachments for Item:

B. Resolution No. 2026-012

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustment and Appeals; and providing for an effective date.

Todd Weiss (Reappointment)



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Commission Meeting
MEETING DATE September 01, 2026
SUBMITTED BY: Jaclyn DeHart, Deputy Town Clerk
THROUGH Lanelda Gaskins, Town Clerk
SUBJECT: Resolution No. 2026-012

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustment and Appeals; and providing for an effective date.

SUMMARY:

Consideration of Resolution No. 2026-012 ratifying the selection, appointments, and term of office of a member of the Board of Adjustments and Appeals; and providing for an effective date.

In September of 2023 the Town Commission appointed Mr. Weiss to the Board of Adjustments and Appeals to serve a three-year term that ends on September 04, 2026, and is seeking to serve a full three-year term ending September 04, 2029.

To conclude, Mr. Weiss has met the qualifications for reappointment that a person shall be a resident of the Town domiciled within corporate limits and has been a registered voter of Highland Beach for a year at least one year prior to reappointment. These results were corroborated by records from the Palm Beach County Property Appraiser and the Palm Beach County Supervisor of Elections Offices websites.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Todd Weiss application
Resolution No. 2026-012

RECOMMENDATION:

With the Commission's consideration, Staff recommends the adoption of Resolution No. 2026-012 for the applicant to serve a term as outlined in the resolution.



RECEIVED

JUL 11 2023

Town of Highland Beach, FL
Town Clerk's Office

Town of Highland Beach
Town Clerk's Office
3614 S. Ocean Boulevard
Highland Beach, Florida 33487
Phone: (561) 278-4548 Fax: (561) 265-3582

BOARDS AND COMMITTEES APPLICATION

This information is for consideration of appointment to a Town Board. Please complete and return this form to the Town Clerk, along with your *resume and proof of residency such as a government issued identification or voter registration card.*

PLEASE NOTE: Florida Public Records Law is very broad. Documents relevant to town business is public records and is subject to public disclosure upon request. Your information provided within this application may therefore be subject to public disclosure.

NAME: Todd Weiss PHONE: 561 302 1441

HOME ADDRESS: 1112 Russell Dr APT. NO. _____

SUBDIVISION: Boca Cove EMAIL ADDRESS: tmw14@bellsouth.net

PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 7, WITH 1 BEING YOUR FIRST CHOICE AND 7 THE LEAST CHOICE. (A description of the responsibilities of each Board is on the back of this application.)

1 Board of Adjustment & Appeals

5 Code Enforcement Board

4 Financial Advisory Board

2 Natural Resources Preservation Board

6 Planning Board

3 Town Commission *****(If vacancy)**

7 Other Board /Committee

PLEASE MARK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS:

Are you a resident of Highland Beach? Yes ☒ No ☐

Are you a registered voter in Highland Beach/Palm Beach County, FL? Yes ☒ No ☐

Are you currently serving on a Town Board? Yes ☐ No ☒

Have you ever served on a Town Board/Committee? Yes ☒ No ☐

If Yes, please indicate the Board(s)/Committee(s) and dates of service:

Palma Vista HOA

Are you willing to attend monthly board meetings? In (Person / Teleconference) Yes ☒ No ☐

Per Town Code of Ordinance, I understand any member absence from three (3) consecutive meetings will be considered as resignation from the board/committee. Yes ☒ No ☐

Please list any special talent, qualification, education, or professional experience that would contribute to your service on the Board/Committee you have selected?

I was a business owner with 250 employees. I have exceptional problem solving skills. I currently manage complex projects with deadlines while driving strategic decision making.

Please summarize your volunteer experience(s):

I was on the HOA of my previous home. During this time I was focused on community development and fiscal responsibility.

Florida Law requires appointed members on the Planning and Board of Adjustment and Appeals Boards to file a Form 1 - Statement of Financial Interests Disclosure form on an annual basis.

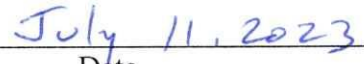
Vetting by the Board Chairperson. The Chairperson of each Board shall interview the applicant and submit a memorandum of recommendation to the Town Clerk's Office 14 days prior to the Town Commission Workshop Meeting for final appointment.

Palm Beach County Commission on Ethics requires appointed members to take the Code of Ethics Training every two (2) years.

I hereby certify that the statements and answers provided are true and accurate to the best of my knowledge.



Signature of Applicant



Date

☒ Resume Attached

Todd Weiss
1112 Russell Drive
Highland Beach, Fl 33487
561-302-1441

EXECUTIVE PROFILE

*Business Development / Business Management / Performance Optimization /
P & L Budget & Analysis / Productivity & Efficiency Improvement / Cost Reduction
/ Leadership Training & Development / Customer Service & Satisfaction*

A results-oriented business professional with proven abilities in strategic planning, managing operations, improving efficiency of operations, and team building. Able to identify areas of strength and weakness and implement company policies, standards, changes in operation, and systems that optimize productivity and bottom-line. Demonstrated ability to motivate staff to maximize productivity and control costs through the most effective uses of manpower and available resources.

Summary of Qualifications

- Able to instill vision to achieve company goals and surpass profit expectations while maintaining quality, safety, and customer service integrity through total quality management.
- Successful in creating and implementing strategic plans, setting and administering budgets, and developing improved processes to meet short and long term objectives.
- Oversee operations to ensure company requirements are met within established budget, design plans for improvements to meet production goals and provide superior customer service.
- Interview all potential management staff, evaluate performance and make recommendations for promotions. Able to establish a team-spirited environment through a positive and proactive leadership style.
- Train management in their daily jobs, including how to read profit and loss statements, cost analysis, human resource reports, enforcement of company policies and procedures, and how to ensure licensing guidelines. Empower managers to make decisions in order to better service the customer.
- Certified Operational Manager Trainer (OMT).

Areas of Proficiency

Purchasing & Vendor Relations	Employee Benefits Package
Recruitment, Training & Leadership	P&L and Budget Management
Staffing and Operations Management	Customer Service & Satisfaction
Inventory Control & Product Management	Sales & Expense Forecasting & Analysis

Work History

Real Estate Agent William Raveis

2018-Present

City of Pompano Beach

June 2015-June 2018

Pompano Beach Pier Snack Bar

- Required to serve the public food and beverage for city of Pompano Beach
- Required to meet all contractual obligations for city of Pompano Beach

Palm Beach County

October 2010-2019

Osprey Point Golf Course Food and Beverage

- Required to serve the public food and beverage for Palm Beach County
- Required to meet all contractual obligations for Palm Beach County .

City of Boca Raton

June 2009-2019

Spanish River Library Café

Boca Raton Municipal Golf Course

Boca Raton Food and Beverage Mobile Food Carts

March 2010-2019

- Required to serve the public food and beverage for the city of Boca Raton.
- Required to meet all contractual obligations for the city of Boca Raton.

Draft House Restaurants, Boca Raton, FL

1997 to 2010

President

- Owner of four restaurants with sales of more than \$4.0 million annually. Monitor day-to-day operations to ensure compliance with established standards of product quality, service and clientele.
- Set weekly business objectives, review management schedules prior to posting.
- Evaluate individual restaurant operations and provide recommendations for improvements in procedures, products or equipment.
- Plan and conduct weekly meetings with Management Teams. Ensure management is versed on company policies and procedures. Complete quarterly evaluation and developmental action plans for all Management Teams.
- Review daily and weekly inventories to ensure accuracy.
- Review monthly P&L with Store Management. Assist location management team to assess and rectify cost control problems.
- Train, direct and motivate a staff of 150. Oversee all training and development in each unit. Recruit and develop all management personnel.

Selected Accomplishments

- Oversaw all aspects of business operations including budgeting, cost control, payroll, accounting functions, and set/managed sales projections and growth objectives.
- Owned and participated in the opening of 4 new locations.

Education

East Stroudsburg University, Stroudsburg , PA, 1991

Bachelor of Science / Restaurant Management



RESOLUTION NO. 2026-012

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, RATIFYING THE SELECTION, APPOINTMENTS AND TERM OF OFFICE OF MEMBERS OF THE BOARD OF ADJUSTMENT AND APPEALS BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 20, Article III, Sec. 20-46 of the Town's Code of Ordinances establishes the Board of Adjustment and Appeals Board and governs the membership, qualification, function, and rules of the Board of Adjustment and Appeals Board; and

WHEREAS, these provisions of the Code establish the selection, appointment, and terms of office of members of the Board of Adjustment and Appeals Board; and

WHEREAS, on September 05, 2023, Todd Weiss was appointed by Town Commission to fill a three-year term ending September 04, 2026, and is eligible for reappointment for a three-year term; and

WHEREAS, pursuant to Sec. 2-99(1)(a) of the Town's Code of Ordinances, the chairperson of each board shall interview applicants for the board and provide a recommendation to the Town Commission; and

WHEREAS, the chairperson of the Board of Adjustment and Appeals Board interviewed the applicants and recommends that the Town Commission appoint one (1) applicant to the Board; and

WHEREAS, Town residents interested in serving on or continuing to serve on the Board of Adjustment and Appeals Board have submitted a board application for the Town Commission's consideration.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE
TOWN OF HIGHLAND BEACH, FLORIDA, THAT:**

Section 1. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission.

Section 2. Consistent with the Town’s Code of Ordinances, the Town Commission has selected one (1) member to serve on the Board of Adjustment and Appeal Board for a three-year term as follows:

Board Member Todd Weiss Term ends on September 04, 2029

Section 3. This Resolution shall become effective on September 05, 2026.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida,
this 1st
day of September 2026.

ATTEST:

Natasha Moore, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Evalyn David
Commissioner Donald Peters
Commissioner Judith Goldberg

File Attachments for Item:

A. Continued discussion of a Proposed Ordinance regarding regulation of e-bikes within the Town, specifically along the State Road A1A shared use path.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 1, 2026

SUBMITTED BY: Town Manager's Office

SUBJECT: Continued Discussion of Regulation of E-Bikes and other Micro-Mobility Devices

The Town Commission has previously discussed the potential regulation of e-bikes and similar devices within the Town. At the June 16 Town Commission Meeting, Town Attorney Rubin presented a proposed ordinance addressing the operation of motor vehicles, motorized scooters, micromobility devices, and electric bicycles on sidewalks and multiuse pathways within the Town, including the multiuse pathway located within the State Road A1A right-of-way.

Following that discussion, the Town Manager spoke directly with representatives of the Florida Department of Transportation (FDOT).

FDOT representatives indicated that the Department has no objection to municipalities establishing parameters for the operation of e-bikes and similar devices within state rights-of-way, provided that such regulations do not conflict with any applicable state law.

ATTACHMENTS:

Memo: 6/16/26 - Regulation of E-Bikes and other Micro-Mobility Devices

Draft Ordinance - Sidewalk and Pathway Regulations

E-Bike Micromobility Draft Ordinance – Palm Beach County

Ordinance Process Flowchart

RECOMMENDATION: Commission discretion.

MEMORANDUM

TO: Mayor Moore, Vice Mayor Stern, and Members of the Town Commission

FROM: Leonard G. Rubin, Village Attorney

RE: Regulation of E-Bikes and other Micro-Mobility Devices

DATE: June 16, 2026

CC: Marshall Labadie, Town Manager
Craig Hartmann, Police Chief
Lanelda Gaskins, Town Clerk

The Town Commission has discussed the potential regulation of e-bikes within the Town, specifically along the State Road A1A shared use path. Based on such concerns, I drafted a proposed Ordinance regulating the use of e-bikes and similar devices within the Town ("Town Ordinance"). Recently, Palm Beach County circulated a proposed Ordinance regulating e-bikes and other micromobility devices ("County Ordinance"). The County Ordinance would apply within a municipality unless the municipality affirmatively elected to opt out. The purpose of this memorandum is to discuss both proposed Ordinances and seek Town Commission guidance moving forward.

Proposed Town Ordinance

The Town Ordinance prohibits a person from operating or riding a motor vehicle, a motorized scooter, a micromobility device, or an electric bicycle on any sidewalk or multi-use pathway within the Town, including the multi-use pathway within the State Road A1A right-of-way. The definitions for the terms electric bicycle and motorized scooter are derived from Florida Statute. A micromobility device is defined as a motorized transportation devices not otherwise defined as an electric bicycle or motorized scooter. A motor vehicle includes any self-propelled vehicle not operated on rails or a guideway, excluding an electric bicycle, motorized scooter, or micromobility device.

The Town Ordinance's restrictions would not apply to: (1) law enforcement officers, emergency responders, or public safety personnel acting within the scope of their official duties; (2) motorized wheelchairs or other mobility devices operated by persons with a disability; (3) the temporary crossing of a sidewalk or multi-use pathway by a motor vehicle entering or existing a driveway; and (4) any prohibited device being walked or carried, rather than operating under power. The Ordinance would be enforced by the Town through the issuance of code enforcement citations.

While now authorized by statute, the Town Ordinance does not impose minimum age requirements for electric bicycles, nor does it require the operator of an electric bicycle to possess a government-issued photographic identification.

The primary downside of the Town Ordinance is its application within the State Road A1A right-of-way. While the regulations would be enforceable within rights-of-way owned by the Town, the Town could not enforce the Ordinance or erect any signage warning operators of the prohibition without the approval and consent of FDOT. Because the multi-use pathway is part of a continuous corridor connecting to adjacent municipalities to the north (Delray Beach) and the south (Boca Raton), FDOT would likely be reluctant to allow the Town to enforce such regulations unless the adjacent municipalities also wished to adopt similar regulations.

Proposed County Ordinance

The County Ordinance applies to all micromobility devices, including electric bicycles as defined by Florida Statutes and other electric bicycles that exceed the statutory speed or motor power limitations. Like the Town Ordinance, the County Ordinance excludes devices used by persons with disabilities.

The County Ordinance establishes the following operation and safety standards for micromobility devices:

- Requires operation with due care and prudence, having regard for pedestrian activity, traffic conditions, visibility, and other attendant circumstances, in a manner that does not endanger the safety of persons or property.
- Allows operation “where permitted or in similar environments by law.”
- Prohibits operation on sidewalks and share-use paths “within designated commercial or high pedestrian areas, except where specifically authorized.”
- Allows the designation of zones where certain micromobility devices are prohibited, limited, or subject to reduced speeds for safety, including sidewalks in high pedestrian areas.
- Requires operators and passengers under the age of sixteen to wear a properly fitted and fastened helmet.

The County Ordinance also contains specific “youth safety requirements” that prohibit a person under the age of sixteen from operating any micromobility device capable of speeds exceeding twenty miles per hour. It further prohibits a parent or legal guardian from knowingly providing, supplying, or permitting a minor to operate a micromobility device that does not meet the statutory definitions or operational limits. A bicycle may not carry more persons at a time than the number for which it is designed or equipped,

and operators of all micromobility devices are required to carry a government-issued photographic identification.

The County Ordinance may be enforced within a municipality by a municipal law enforcement agency in any manner authorized by law. Additionally, as stated above, any municipality may opt out of the County Ordinance by providing the County with a copy of a duly adopted ordinance or resolution expressly stating the municipality's intent.

The County Ordinance is somewhat vague and defines a number of terms (such as "unclassified electric bicycle" and "County Facilities") that are not referenced in the specific regulations. It does not contain a blanket prohibition against the use of electric bicycles on sidewalks and share-use paths, and it is unclear whether the County or the municipality, when applied within the municipality's corporate limits, would designate the commercial or high pedestrian areas where operation of sidewalks or share-use paths is prohibited. Finally, like the Town Ordinance, the County Ordinance could not be enforced on sidewalks or paths within state rights-of-way without the consent and cooperation of FDOT.

Conclusion

The Town Commission could adopt the proposed Town Ordinance (with or without modification) or allow the County Ordinance, once adopted, to be enforced within the Town's corporate limits. However, given that the Commission's primary concern appears to be operation of motorized devices on the State Road A1A multi-use pathway and its impact on pedestrian safety, the Town should initiate discussions with FDOT regarding potential enforcement of any restrictions within the State Road A1A right-of-way before making a final determination. The Town cannot independently control or regulate state right-of-way without FDOT's involvement and cooperation.

Should you have any additional questions, please do not hesitate to contact me.



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. _____**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 25, "STREETS, SIDEWALKS, BICYCLE/WALKING PATHS, AND RIGHTS-OF-WAY," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW SECTION 25-26, "REGULATIONS GOVERNING SIDEWALKS AND MULTI-USE PATHWAYS;" AMENDING DIVISION 5, "SUPPLEMENTAL CODE COMPLIANCE PROCEDURES," OF ARTICLE V, "BOARDS AND COMMITTEES," OF CHAPTER 2, "ADMINISTRATION," OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR ENFORCEMENT OF SECTION 25-26 THROUGH THE ISSUANCE OF CODE CITATIONS; AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 16, "MOTOR VEHICLES AND TRAFFIC," OF THE TOWN CODE OF ORDINANCES BY REPEALING EXISTING BICYCLE AND WALKING PATH REGULATIONS AND ADDITIONAL REGULATIONS SUPERSEDED BY STATE LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission of the Town of Highland Beach finds that existing sidewalks and multi-use pathways within the Town are primarily for pedestrian use, and the operation of motor vehicles, motorized scooters, and electric bicycles on such sidewalks and multi-use pathways creates safety hazards for pedestrians, particularly along high-traffic corridors such as State Road A1A; and

WHEREAS, Section 316.008, Florida Statutes, authorizes municipalities to regulate traffic within their jurisdiction, including the use of sidewalks and multi-use pathways; and

WHEREAS, Section 316.2065, Florida Statutes, regulates bicycles and electric bicycles but allows local governments to adopt additional regulations not in conflict with state law; and

1 **WHEREAS**, the Town Commission finds that prohibiting motor vehicles, motorized
2 scooters, electric bicycles, and other motorized micromobility devices on sidewalks and multi-use
3 pathways is necessary for the protection of the public health, safety, and welfare; and

4 **WHEREAS**, the Town Commission determines that this prohibition shall be enforced
5 through the issuance of code enforcement citations; and

6 **WHEREAS**, in adopting these regulations, the Town Commission wishes to repeal a
7 conflicting section of Chapter 16 of the Town Code of Ordinances, as well as repeal outdated Code
8 provisions that have been superseded by state law.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
10 **TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

11 **Section 1.** The foregoing facts and recitations contained in the preamble to this
12 Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

13 **Section 2.** The Town Commission hereby amends Chapter 25, “Streets, Sidewalks,
14 Bicycle/Walking Paths, and Right-of-Way, of the Town Code of Ordinances, by adopting new
15 Section 25-15 to read as follows (additional language underlined):

16 **Sec. 25-26. Regulations governing sidewalks and multi-use pathways.**

17 (a) Definitions. For the purposes of this section, the following terms
18 shall have the meanings set forth below consistent with Chapter 316, Florida
19 Statutes:

20 Electric bicycle means a bicycle equipped with fully operational pedals and
21 a motor of less than 750 watts, as defined in Section 316.03, Florida Statutes, and
22 classified as Class 1, Class 3, or Class 3 pursuant to Section 316.2065, Florida
23 Statutes.

24 Micromobility device means any motorized transportation device not
25 otherwise defined as an electric bicycle or motorized scooter.

26 Motor vehicle means any self-propelled vehicle not operated upon rails or a
27 guideway, but not including any bicycle, electric bicycle, motorized scooter or
28 micromobility device as defined herein.

29 Motorized scooter means any vehicle that is powered by a motor with or
30 without a seat or saddle for use of the rider, which is designed to travel on not more
31 than three wheels, as defined in Section 316.003, Florida Statutes.

1 (b) Prohibition. It shall be unlawful for any person to operate or ride a
2 motor vehicle, a motorized scooter, a micromobility device, or an electric bicycle
3 upon any sidewalk or multi-use pathway within the Town of Highland Beach. This
4 prohibition applies to all sidewalks and multi-use pathways within the Town’s
5 municipal boundaries, including the multi-use pathway located along or adjacent to
6 State Road A1A.

7 (c) Exceptions. The provisions of this section shall not apply to:

8 (1) Law enforcement officers, emergency responders, or public safety
9 personnel acting within the scope of their official duties.;

10 (2) Motorized wheelchairs or other mobility devices operated by
11 persons with disabilities;

12 (3) The temporary crossing of a sidewalk or multi-use pathway by a
13 motor vehicle entering or exiting a driveway; or

14 (4) Any prohibited device being walked or carried, rather than operated
15 under power.

16 (c) Enforcement and penalties. Violations of this section shall be
17 enforced through the issuance of code citations in accordance with Division 5,
18 “Supplemental Code Compliance Procedures,” of Chapter 2 of the Town Code of
19 Ordinances.

20 **Section 3.** The Town Commission hereby amends Division 5, “Supplemental Code
21 Compliance Procedures,” of Article V, “Board and Committee,” of Chapter 2, “Administration,” by
22 amending Section 2-174 to read as follows (additional language underlined and deleted language
23 ~~stricken through~~):

24 **Sec. 2-174. - Classification of infractions.**

25 (a) *Class I.*

26 (1) Violations of the parking code of the town, as adopted in chapter 16 of
27 the Code of Ordinances.

28 (2) Violations involving recreational vehicles or boats.

29 (3) Obstruction of public right-of-way.

30 (4) Violations involving solid waste, refuse, garbage, rubbish or trash.

(5) Violations of sidewalk and multi-use pathway regulations, as adopted in section 25-26 of the Code of Ordinances.

(b) *Class II.*

(1) Violations of the building code of the town, as adopted in section 6-26 of the Code of Ordinances, not specifically enumerated in this division.

(2) Violations of the property maintenance code, as adopted in section 6-29 of the Code of Ordinances, and as amended from time to time, not specifically enumerated in this division.

(3) Violations involving fences, walls or hedges.

(4) Violations of the sign code, as adopted in chapter 23 of the Code of Ordinances, not specifically enumerated in this division.

(5) Abandoned property on private property.

(6) Violations involving landscaping.

(7) Violations involving a required visibility triangle.

(8) Violations of the Code of Ordinances not specifically enumerated in this division.

(9) Repeat parking violations.

(10) Repeat violations of sidewalk and multi-use pathway regulations.

(c) *Class III.*

(1) Performing work without a required permit.

(2) Violations of the construction site code, as adopted in chapter 16 of the Code of Ordinances.

(3) Violations of the zoning ordinance, as adopted in chapter 30 of the Code of Ordinances, not specifically enumerated in this section.

(4) Violations of licenses and license taxes code, as adopted in chapter 15 of the Code of Ordinances.

(5) Prohibited or unsafe signs.

(6) Violations of "cease and desist" or "stop work" orders.

(7) Repeat violations.

1 **Section 4.** The Town Commission hereby amends Article I, “In General,” of Chapter 16,
2 “Motor Vehicles and Traffic,” to read as follows (deleted language ~~stricken through~~):

3 **~~Sec. 16-8. Operation of motor vehicles on bicycle/walking path.~~**

4 It shall be unlawful for any person to drive, operate or cause to be driven or
5 operated any motor vehicle of over twenty (20) horsepower or less than four (4)
6 wheels on any bicycle/walking path.

7 **~~Sec. 16-9. Speed restrictions.~~**

8 It shall be unlawful for any person to operate any motor vehicle, or other
9 vehicle recklessly or carelessly or at a dangerous rate of speed or negligently on any
10 street in the town. No person shall operate any vehicle at a rate of speed greater than
11 thirty-five (35) miles per hour on SR A1A and twenty (20) miles per hour on any road
12 other than SR A1A.

13 **~~Sec. 16-10. Operation of vehicle while intoxicated.~~**

14 It shall be unlawful for any person, while in an intoxicated condition or under
15 the influence of intoxicating liquors or narcotic drugs, to drive, operate or cause to be
16 driven or operated, on or over any of the highways, thoroughfares or streets within the
17 town any automobile, truck or vehicle or motorcycle or any other vehicle propelled
18 by gasoline, gas, vapor, electricity, steam or other power.

19 **~~Sec. 16-11. Consumption of alcoholic beverages, possession of open containers~~**
20 **~~in motor vehicles.~~**

21 (a) — *Definitions.* The following words, terms and phrases, when used in
22 this section, shall have the meanings ascribed to them in this subsection, except where
23 the context clearly indicates a different meaning:

24 *Beverage law* means F.S. chs. 561, 562, 563, 564, 565, 567 and 568.

25 *Container* means any bottle, carton or other vessel of alcoholic beverage.

26 *Motor vehicle* means any vehicle which is not powered by muscular power.

27 *Open container* means any container on which the seal is broken.

28 *Person* means any natural person.

29 *Public or semipublic area open for vehicular travel* means all public and
30 private roads, streets, highways, lanes, alleys, parking lots and parking areas on which
31 the public is expressly or implicitly invited to travel by motor vehicle or which are

1 otherwise open for vehicular travel. It shall not include areas such as private driveways
2 of property serving single or multiple dwelling units or condominium parking lots.

3 ~~(b) — Findings of fact:~~

4 ~~(1) — Consumption of alcoholic beverages or possession of open containers~~
5 ~~of alcoholic beverages while in or on motor vehicles leads to, and~~
6 ~~encourages:~~

7 ~~a. — The operation and control of motor vehicles while impaired;~~
8 ~~and~~

9 ~~b. — Distracting and disorderly conduct of passengers including,~~
10 ~~but not limited to, littering.~~

11 ~~(2) — The uncontrolled consumption of alcoholic beverages in or on motor~~
12 ~~vehicles is detrimental to the health, safety and general welfare of the~~
13 ~~public.~~

14 ~~(c) — Possession or consumption prohibited. It shall be unlawful for any~~
15 ~~person to possess any container of alcoholic beverage, except an original container~~
16 ~~with the seal unbroken, or to consume any alcoholic beverage, in or on a motor vehicle~~
17 ~~being operated or parked on a public or semipublic area open for vehicular travel.~~

18 ~~(d) — Exceptions. This section shall not apply to:~~

19 ~~(1) — Any person engaged in picking up empty beverage containers for the~~
20 ~~purpose of collecting the deposit or value of the bottle or can itself, nor~~
21 ~~to any person taking part in a litter control campaign.~~

22 ~~(2) — The possession of open container by any licensed distributor or~~
23 ~~licensed vendor of alcoholic beverages, provided that such alcoholic~~
24 ~~beverage is being transported solely for commercial purposes.~~

25 ~~(3) — The transportation of any open container of alcoholic beverage in or~~
26 ~~on any motor vehicle provided that such container is in a compartment~~
27 ~~of the vehicle not readily accessible to the driver or passengers.~~

28 ~~(4) — The transportation of any open container or consumption of alcoholic~~
29 ~~beverage in or on any motor vehicle duly licensed and operated for~~
30 ~~hire to transport passengers, such as charter buses, regularly scheduled~~
31 ~~buses, taxicabs and the separate passenger compartments of~~

1 limousines; provided the operator thereof is not in immediate
2 possession of, or engaged in the consumption of, any alcoholic
3 beverage or open container of alcoholic beverage.

4 (5) ~~The operation, for a consideration, of any motor vehicle by an~~
5 ~~individual duly licensed and supplied by a chauffeur service, either~~
6 ~~public or private, limousine service, taxicab company or bus company;~~
7 ~~provided the operator thereof is not in immediate possession of, or~~
8 ~~engaged in the consumption of, any alcoholic beverage or open~~
9 ~~container of alcoholic beverage, and is operating the vehicle while~~
10 ~~under and in the scope of the employment of a chauffeur service, either~~
11 ~~public or private, limousine service, taxicab company or bus company.~~
12 ~~The operator must have in his possession evidence of employment by~~
13 ~~a bona fide chauffeur service, either public or private, limousine~~
14 ~~service, taxicab company or bus company.~~

15 (e) ~~Penalty.~~ Any person found guilty of violating the provisions of this
16 section shall be punished with a fine not to exceed five hundred dollars (\$500.00).

17 (f) ~~Enforcement.~~ It shall be the duty and responsibility of all appropriate
18 law enforcement officers to enforce the provisions of this section.

19 (g) ~~Conformance with county law.~~ Insofar as any provision of this section
20 shall conflict with or duplicate county law, the provisions of this section shall control.

21 **~~Sec. 16-12. Operation by persons under sixteen years.~~**

22 ~~Except as otherwise provided by law, it shall be unlawful for any person to~~
23 ~~operate any motor vehicle over or upon any of the public streets of the town who is~~
24 ~~less than sixteen (16) years of age. The parents of such child may also be punished for~~
25 ~~permitting the child to operate the motor vehicle, and any person who rents any such~~
26 ~~vehicle to any person under such age shall be guilty of violation of this chapter.~~

27 **Section 5. Severability.** The provisions of this Ordinance are declared to be severable and
28 if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be
29 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
30 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
31 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 8. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED on first reading at the Regular Commission meeting held on this _____ day of _____, 2026.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this _____ day of _____, 2026.

Natasha Moore, Mayor

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE “MICROMOBILITY DEVICE ORDINANCE”; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY;; PROVIDING FOR DEFINITIONS; PROVIDING FOR OPERATION STANDARDS; PROVIDING FOR PEDESTRIAN SAFETY REQUIREMENTS; PROVIDING FOR SCHOOL ZONE RESTRICTIONS; PROVIDING FOR YOUTH SAFETY REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A MUNICIPAL OPT-OUT PROVISION; PROVIDING FOR A DATA COLLECTION AND REPORTING FRAMEWORK; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, Florida (“County”) is a charter county duly organized and existing under the laws of the State of Florida, having authority to adopt ordinances pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes; and

WHEREAS, the County has the authority, pursuant to Florida Senate Bill 382 (2026) and sections 316.20655 and 316.2128, Florida Statutes, to adopt an ordinance governing the operation of micromobility devices, including electric bicycles, on streets, highways, sidewalks, and sidewalk areas within its jurisdiction; and

WHEREAS, the Board of County Commissioners finds that the increasing use of micromobility devices, including electric bicycles, on public streets, bicycle lanes, shared-use paths, and sidewalks presents safety risks to operators, pedestrians, bicyclists, and motorists throughout unincorporated Palm Beach County; and Countywide

WHEREAS, the Board of County Commissioners finds it necessary and in the interest of public health, safety, and welfare to establish regulations governing the operation of micromobility devices, including minimum age and identification requirements, pedestrian safety standards, school zone restrictions, and youth safety requirements; and

WHEREAS, the Board of County Commissioners further finds that coordinated data collection on incidents involving micromobility devices, including electric bicycles, compiled and analyzed by the Criminal Justice Commission in coordination with the Law Enforcement Planning Council, will support evidence-based public safety policy and enforcement strategies countywide;

1 **WHEREAS**, this Ordinance is not intended to conflict with state law but to supplement it
2 with reasonable local regulations consistent with and permitted by Chapter 316, Florida Statutes,
3 and applicable provisions of Florida Senate Bill 382 (2026);

4 **WHEREAS**, the Board of County Commissioners has conducted a duly noticed public
5 hearing to consider this Ordinance in accordance with section 125.66, Florida Statutes

6 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
7 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

8 **Section 1. Title**

9 This Ordinance shall be titled the Micromobility Device Ordinance.

10 **Section 2. Applicability**

11 This Ordinance shall be applicable Countywide.

12 **Section 3. Definitions**

13 The following words, when used in this Ordinance, shall have the meanings respectively
14 ascribed to them in this section, except where the context otherwise requires:

15 (1) "Unclassified Electric Bicycle" (Alt. Overpowered Electric Bicycle") shall include a
16 bicycle-style device equipped with an electric motor that exceeds the speed or motor-power
17 limitations applicable to Class 3 electric bicycles as defined in Section 316.003, Florida
18 Statutes, or that does not otherwise comply with the equipment requirements governing
19 electric bicycles under Section 316.20655, Florida Statutes..

20 (2) "Electric bicycle or "E-Bike" shall have the same meaning as provided in section
21 316.003, Florida Statutes, and shall include Class 1, Class 2, and Class 3 electric bicycles.

22 (3) "Share-Use Path" means a facility physically separated from motorized vehicular traffic
23 by an open space or barrier, which may be within the highway right-of-way or within an
24 independent right-of-way, and which is intended for use by pedestrians, bicyclists, and
25 other non-motorized users; this includes County-maintained multiuse paths and trails.

26 (4) "County Facilities" means property, sidewalks, parks, trails, shared-use paths,
27 recreational areas, and other facilities owned, controlled, or maintained by the County.

28 (5) "Operator" means a person who rides or controls a micromobility device, including
29 electric bicycle.

30 (6) "Personal Assistive Mobility Device (PAMD)" includes devices used by persons with
31 disabilities pursuant to the Americans with Disability Act (ADA); PAMDs are not regulated
32 by this Ordinance.

33 **Section 4. Operation and Safety Standards**

34 (1) A micromobility device shall be operated with due care and prudence, having regard
35 for pedestrian activity, traffic conditions, visibility, and other attendant circumstances, in a
36 manner that does not endanger the safety of persons or property.

37 (2) Micromobility devices, including electric bicycles, may be operated where permitted
38 or in similar environments by law.

39 (3) Micromobility devices, including electric bicycles, shall not be operated on sidewalks
40 and share-use paths within designated commercial or high pedestrian areas, except where
41 specifically authorized.

(4) The County may designate zones where certain micromobility devices, including electric bicycles, are prohibited, limited, or subject to reduced speeds for safety, including sidewalks in high-pedestrian areas.

(5) Helmet Requirement.

- All operators and passengers under the age of sixteen (16) years shall wear a properly fitted and fastened helmet that meets federal safety standards when operating or riding a micromobility device or electric bicycle within Palm Beach County.
- This requirement is adopted to promote public safety and reduce the risk of head injuries associated with micromobility device use.
- This section shall be enforced and interpreted in a manner consistent with sections 316.2065 and 316.2128, Florida Statutes, and other applicable state laws.

Section 7. Youth Safety Requirements

(1) No person under the age of sixteen (16) years shall operate a micromobility device, including an electric bicycle, capable of speeds exceeding twenty (20) miles per hour.

(1)(a) A parent or legal guardian shall not knowingly provide, supply, or permit a minor to operate a micromobility device that does not meet the definition or operational limits applicable under Florida Statutes for lawful operation as a bicycle, electric bicycle, or micromobility device.

(2) A bicycle may not carry more persons at one time than the number for which it is designed or equipped.

(3) Operators of micromobility devices, including electric bicycles, shall carry valid government-issued photographic identification, including but not limited to a state-issued driver's license or identification card, United States passport, or United States military identification card.

Section 8. Enforcement

In addition to other remedies available at law or equity, this Ordinance shall be enforced by the Palm Beach County Sheriff's Office, municipal law enforcement agencies, and School District Police within their respective jurisdictions as permitted by law. This Ordinance is enforceable by all means provided by law, including but not limited to suit in a court of competent jurisdiction or other appropriate proceedings or actions.

Section 9. Penalty

Any violation of any portion of this Ordinance shall be punishable as provided by law.

Section 10. Exemptions

This Ordinance shall not apply to:

- (1) Law enforcement or emergency personnel performing official duties;
- (2) Authorized government operations, meaning the official use of micromobility devices by employees or contractors of a federal, state, or local government agency while performing duties within the scope of their employment or contract, including but not limited to code enforcement, parks maintenance, public works inspection, and law enforcement patrol;
- (3) PAMDs used by persons with disabilities

Section 11. Municipal Opt-Out Provision

(1) Any municipality within the County may elect to opt out of the provisions of this Ordinance by adopting an ordinance or resolution expressly stating its intent not to be governed by this Ordinance.

(2) Upon adoption of such ordinance or resolution, the municipality shall provide written notice to the County.

(3) In the event a municipality elects to opt out, the provisions of this Ordinance shall not apply within the municipal boundaries of that municipality.

(4) Nothing herein shall prohibit a municipality from adopting its own regulations governing micromobility devices, provided such regulations are consistent with applicable state law.

Section 12. Data Collection and Reporting Framework

(1) Law enforcement agencies operating within the County are encouraged to track and maintain data related to incidents involving micromobility devices, including electric bicycles. Such data should include:

- Date and time of crash
- Type of micromobility device
- Class of electric bicycle, if applicable
- Age of operator

(2) The Criminal Justice Commission (CJC), in coordination with the Law Enforcement Planning Council (LEPC), may:

- Compile and analyze countywide data trends involving micromobility devices, including electric bicycles
- Provide periodic reports to the Board of County Commissioners
- Use findings to inform policy, enforcement strategies, and public safety initiatives

Section 13. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 14. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 15. Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word Ordinance may be changed to section, article, or other appropriate word.

Section 16. Captions

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 17. Effective Date

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this _____ day of _____, 2026.

**MICHAEL A. CARUSO, CLERK OF THE
CIRCUIT COURT & COMPTROLLER**

**PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Sara Baxter, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: _____
CJC Executive Director

EFFECTIVE DATE: Filed with the Department of State on the _____ day of _____, 2026.

ORDINANCE INITIATION

The initiation of a new ordinance may originate from several different sources:

- Commissioner/Staff initiative
- Citizen concerns expressed through public comments
- Response to state and federal actions
- Advisory Board Initiative

INTRODUCTION TOWN COMMISSION

A proposal for a new ordinance is presented to the commission for consideration. If approved in concept, the commission directs Town Manager and Town Attorney to research the subject matter and create a draft ordinance. Draft ordinance forwarded to the appropriate Advisory Board for recommendation.

Staff/Legal Team
Research & Draft
Ordinance

ADVISORY BOARD(S)

The appropriate advisory board reviews and proposes any edits to draft ordinance. This process may involve multiple meetings for review and to solicit public comments. Once a draft is settled upon, the advisory board provides a recommendation with the final draft to the commission for consideration for a First reading.

TOWN COMMISSION -- 1st READING

Commission discusses the public merits of the ordinance along with the recommendations of the assigned advisory board(s). Public input provided. Commission may move forward to 2nd Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

TOWN COMMISSION -- 2nd READING/PUBLIC HEARING

After public hearing and final discussion, the commission votes to approve and enact ordinance. The Commission may request additional modifications.

TOWN STAFF -- ADOPTION & IMPLEMENTATION

File Attachments for Item:

A. Consider a request to reschedule October 6, 2026 Town Commission Meeting to October 20, 2026 at 1:30 P.M.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE 09/01/2026

SUBMITTED BY: Lanelda Gaskins, Town Clerk

SUBJECT: Request to Reschedule October 6, 2026 Town Commission Regular Meeting

SUMMARY:

The Town Commission meetings are held on the first Tuesday of the month. The October 6, 2026 meeting conflicts with the Town Clerk and Deputy Town Clerk scheduled attendance at the Florida Association of City Clerks (FACC) 2026 Annual Fall Conference.

Section 2-50, Town Clerk – Duties Generally, of the Town Code of Ordinances outlines the duties and responsibilities of the Town Clerk, including responsibilities related to Town Commission meetings and official Town business.

To avoid this scheduling conflict and ensure the Town Clerk is available to perform the duties of the office, the Town Clerk is requesting that the meeting be rescheduled to October 20, 2026, at 1:30 P.M. Please note, after reviewing several advisory board meeting schedules and speaking with Commission about availability, October 20th is the best date.

FISCAL IMPACT:

None.

ATTACHMENTS:

None.

RECOMMENDATION:

Staff recommend that the Town Commission approve rescheduling the October 6, 2026 Town Commission Meeting to October 20, 2026 at 1:30 P.M.