

ORDINANCE NO. \_\_\_\_\_

**SEXUALLY TRANSMITTED INFECTION (STI) TESTING REGULATIONS**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," AT SECTION 1.2.2, ENTITLED "USE DEFINITIONS," AT SUBSECTION 1.2.2.9, ENTITLED "SPECIALIZED USES," BY ESTABLISHING A DEFINITION FOR SEXUALLY TRANSMITTED INFECTION (STI) TESTING SERVICE; AND BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 7.5.5, ENTITLED "SPECIALIZED USE REGULATIONS," AT SUBSECTION 7.5.5.1 ENTITLED "ASSISTED LIVING AND MEDICAL USES," BY EXEMPTING SEXUALLY TRANSMITTED INFECTION (STI) TESTING SERVICES FROM THE REGULATIONS OF THIS DIVISION; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, according to recent data, Miami-Dade County now ranks No. 4 in the country for total human immunodeficiency virus (HIV) cases by county; and

**WHEREAS**, by rate of transmission, Miami-Dade County ranks No. 17 nationally, with 1,190 people diagnosed with HIV per 100,000 people; and

**WHEREAS**, the HIV "hot spots" in Miami-Dade County include zip code 33139, which covers all of South Beach; and

**WHEREAS**, this public health crisis disproportionately impacts the LGBTQ community and people of color; and

**WHEREAS**, In response to the rising rates of transmission, it is in the best interest of the city to provide better access to testing services citywide; and

**WHEREAS**, allowing sexually transmitted infection (STI) testing to be exempt from the restrictions outlined in the City's medical use regulations, especially in commercial, mixed-use, and multifamily districts, will facilitate the expansion of testing services; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** Chapter 1, entitled "General Provisions," Article II, entitled "Definitions," Section 1.2.2, entitled "Use Definitions," at Subsection 1.2.2.9, entitled "Specialized Uses," is hereby amended as follows:

\* \* \*

**CHAPTER 1  
GENERAL PROVISIONS**

\* \* \*

**ARTICLE II: DEFINITIONS**

\* \* \*

**1.2.2 USE DEFINITIONS**

**1.2.2.9 Specialized Uses**

\* \* \*

**Sexually transmitted infection (STI) testing service** means a service provided by medical professionals to provide individuals with testing and diagnoses of sexually transmitted infections.

**Skilled nursing unit** means skilled nursing units are based in hospitals, either housed inside the hospital or in a separate building. They typically provide only short-term care and rehabilitation services. The skilled nursing unit does not have a separate license because it is part of the hospital license. See the hospital definition for further information.

\* \* \*

**SECTION 2.** Chapter 7, entitled “Zoning Districts and Regulations,” Article V, entitled “Supplementary District Regulations,” at Section 7.5.5, entitled “Assisted Living and Medical Uses,” at Subection 7.5.5.1, entitled “Assisted Living and Medical uses,” is hereby amended as follows:

\* \* \*

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE V: SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**7.5.5 SPECIALIZED USE REGULATIONS**

**7.5.5.1 Assisted Living and Medical Uses**

\* \* \*

**c. Exempt uses.**

*The following medical sub-uses, which, unless otherwise noted, service individuals in their place of residence, shall be exempt from the regulations of this division:*

- 1. Health care services pool.*
- 2. Home health agency.*
- 3. Home medical equipment provider.*
- 4. Homemaker and companion services.*
- 5. Home hospice service.*
- 6. Massage therapist.*
- 7. Portable x-ray provider.*

8. *Pharmacies.*
9. *Medical cannabis treatment centers.*
10. *Sexually transmitted infection (STI) testing services, within a place of residence, as well as within multi-family, commercial and mixed-use districts.*

### **SECTION 3. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

### **SECTION 4. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

### **SECTION 5. SEVERABILITY.**

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

### **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION



City Attorney

NK

5/13/2024

Date

First Reading: May 15, 2024

Second Reading: July 24, 2024

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director