

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTION 82-503(b) TO EXEMPT "ADOPT-A-BENCH" OR "BRICK PAVER" NAMING PROGRAMS APPROVED BY THE CITY COMMISSION FROM THE REQUIREMENTS OF SUBSECTION 82-503(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on November 9, 2016, the City Commission passed Resolution No. 2016-29649 supporting the creation of the Adopt-A-Bench Program (the "Program"), which provides the public an opportunity to commemorate park benches in honor of loved ones at an initial adoption fee of \$10,000; and

WHEREAS, on June 6, 2018, the City's Brick Paver Program was created via Resolution No. 2018-30380, to provide the public an opportunity to purchase commemorative brick pavers on the beachwalk corridor, between 53rd and 64th Streets, at a cost of \$ 1,000 per paver, with the program available to individuals only (with no corporate sponsorship option); and

WHEREAS, at the September 11, 2019 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2019-30947, establishing a tiered fee structure for "adopting" City benches, eliminating the element of commemorative bench plaques from the Program, and delegating to the Parks and Recreation Department with the authority to administratively approve future applications for the Program to streamline the process, and eliminating the Brick Paver Program in its entirety; and

WHEREAS, since the removal of the plaque element from the Adopt-A-Bench program, all interested parties to date have either declined to participate or ceased communication after learning that the commemorative plaque element was removed from the program, including one of the Program's only two participants, who adopted a bench at the original price point of \$10,000; and

WHEREAS, at the December 8, 2021 City Commission meeting, a discussion regarding the "Adopt-A-Bench" Program and the 2019 repeal of the Brick Paver Program was referred to the Neighborhoods and Quality of Life Committee; and

WHEREAS, at the March 7, 2022 Public Safety and Neighborhoods Quality of Life Committee (the "PSNQLC" or the "Committee") meeting, the Committee discussed and recommended for the City Commission to: (1) reinstate the commemorative bench plaque element to the Program; (2) repeal the tiered fee structure and establish a fixed donation fee of \$10,000 to adopt any existing or new benches in City parks; and (4) provide that all net proceeds from the Program be applied to Parks and Recreation programming, and beautification and improvement projects; and

WHEREAS, based on community feedback that the Parks and Recreation Department has continually received, this Program could be successful if the bench plaque element was re-instated as a component to the Program; and

WHEREAS, further, the Committee recommended that the City Commission continue to delegate to the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench Program applications in order to streamline the process; and

WHEREAS, with the re-establishment of the commemorative bench plaque element of the Program, an amendment to the City's Naming Ordinance codified in Section 82-503 is required to continue allowing the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench or Brick Paver Program applications.

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

SECTION 1. That section 82-503 of Article VI of Chapter 82 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

**Article VI. Naming of Public Facilities and Establishment of
Monuments or Memorials**

* * *

Sec. 82-503. Naming of public facilities; co-naming and renaming of streets.

* * *

(b) *Naming of interior portion(s) of a public facility (including naming of interior portion(s) of a park).*

(1) Except as provided in subsection (b)(3), Where an interior portion of a public facility, (including the naming of an interior portion of a park or the naming of an interior portion of a building located within a park) is to be named, or renamed, the procedures in subsection 82-503(a)(1) through (5) shall apply.

(2) At the close of the public hearing, the city commission may approve the proposed name, or rename for, the subject interior portion of the public facility, by a 5/7ths vote.

(3) The requirements of this section shall not apply to any "Adopt-A-Bench" or "Brick Paver" naming program approved by the city commission via resolution, provided that any commemorative naming of a bench or an engraved brick paver shall be limited to commemorating individuals only, with no corporate sponsorship permitted.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2022.

PASSED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Sponsored by Vice Mayor Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4-15-22

Date