

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 (A) THEREOF, TO REINSTITUTE THE VOTER REFERENDUM REQUIREMENT OF SECTION 82-503(6) FOR ANY PROPOSAL FOR NAMING RIGHTS FOR CERTAIN SPECIFIED CITY-OWNED PROPERTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's ordinance for the naming of public facilities, as set forth in Section 82-503 of the City Code (the "Naming Ordinance"), includes a public input process for the review and approval of the naming or re-naming of the exterior of most City-owned public facilities, including parks; and

**WHEREAS**, in addition to a public hearing requirement, review by the Neighborhoods/Community Affairs Committee, and approval by a 5/7ths vote of the City Commission, for many years, the Naming Ordinance provided that all namings of City-owned public buildings, including significant City assets like the Miami Beach Convention Center, would require voter referendum approval for the exterior naming or re-naming of the facility; and

**WHEREAS**, in 2020, the City's Naming Ordinance was amended to exempt certain specified City facilities from the referendum requirements of the City's Naming Ordinance, but only where the proposed naming or re-naming is for a limited term of twenty (20) years or less, including option periods; and

**WHEREAS**, in recognition of the potential for naming rights deals to become controversial, and the need for a robust public input process and confirmation by the City's voters that notwithstanding such controversies, the City's residents are in favor of a naming rights transaction, the Mayor and City Commission desire to amend the City's Naming Ordinance, to reinstitute the long-established voter referendum requirement for naming or re-naming of

specified City-owned facilities, including significant assets like the Miami Beach Convention Center, the Byron Carlyle Theater, and other City-owned properties.

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

**SECTION 1.** That Section 82-501 through 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**

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**ARTICLE VI. NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS**

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**Sec. 82-501. Generally**

- (a) No public facility located in or owned by the city shall be named except in accordance with the procedures set forth in this article.
- (b) No monument or memorial shall be established within the city except in accordance with the procedures set forth in this article.
- (c) No street located in the city shall be hereafter named, renamed, or co-named, except as provided in section 82-503(c), hereof.
- (d) Exemptions: Subject to the conditions set forth herein, the following city-owned properties shall be exempt from the provisions of this article: The Bass Museum, 2100 Collins Avenue; Miami City Ballet, 2200 Liberty Avenue; The Fillmore Miami Beach at the Jackie Gleason Theater, 1700 Washington Avenue; Miami Beach Botanical Garden, 2000 Convention Center Drive; New World Symphony (NWS) complex, including, without limitation, the NWS building located at 500 17<sup>th</sup> Street, Soundscape Park, 400 17<sup>th</sup> Street, and the Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue; and any city-owned property that is subject to a lease having a term, including option periods, of at least 50 years or more, including, without limitation, the Miami Beach Marina and the Miami Beach Convention Center headquarter hotel, provided, however, that the exemption for any such city-owned property shall automatically terminate upon the earlier of the expiration or termination of the lease.
  - (1) The Miami City Ballet Building shall only be exempt for so long as: (i) said building is occupied, operated and maintained by Miami City Ballet, Inc., a not-for-profit corporation; (ii) the building is used as the principal headquarters, administrative offices, and studio and teaching facilities of the Miami City Ballet; and (iii) Miami City Ballet, Inc., remains in good standing and free from defaults under its then-existing lease agreement for the Miami City Ballet Building between the city, as landlord, and Miami City Ballet, Inc., as tenant

(the Miami City Ballet lease). The exemption for the Miami City Ballet building shall automatically terminate upon the earlier of the expiration or other termination of the lease between the Miami City Ballet, Inc. and the city.

- (2) The NWS complex shall only be exempt from the provisions of this article for so long as:
  - (i) the NWS building and all of the tenant improvements remain leased, operated, and maintained by New World Symphony Inc., a not-for-profit corporation;
  - (ii) the NWS building is continuously used as the principal headquarters, administrative offices, and performance facilities of the NWS, and the other tenant improvements are continuously used for their original purpose(s) under the NWS's then-existing lease with the city; and
  - (iii) NWS remains in good standing and free from defaults under the NWS lease and any other agreements between the city and NWS, whether in existence as of the effective date of this article, or as may be subsequently entered into. The exemption for the NWS complex shall automatically terminate upon the earlier of the expiration or other termination of the lease between the New World Symphony, Inc. and the city.
  
- (3) Notwithstanding the exemption provided herein for the NWS complex, any name(s) proposed for all or any portion of the NWS complex shall be subject to the following conditions:
  - (i) All names shall be subject to the prior written consent of the city, which shall not be unreasonably withheld, conditioned or delayed;
  - (ii) No name shall be permitted which includes the name of any company selling the following types of products: guns, tobacco, or sexual products;
  - (iii) There shall be no naming after an individual who has been convicted of a felony;
  - (iv) No name shall be permitted to remain beyond term of the NWS lease agreement, unless expressly approved by city; and
  - (v) Notwithstanding conditions (i) through (iv) above, NWS shall be entitled to keep naming rights revenues; provided it dedicates and utilizes such revenues exclusively for the maintenance, management, and/or operation of the NWS building and/or tenant improvements;
  
- (4) The Miami Beach Botanical Garden shall only be exempt from the provisions of this article for as long as: (i) the Miami Beach Botanical Garden is occupied, operated and maintained by the Miami Beach Garden Conservancy, a not-for-profit corporation; (ii) the Miami Beach Botanical Garden remains free and open to the general public; and (iii) the Miami Beach Garden Conservancy remains in good standing and free from defaults under its then-existing management agreement between the city and the Miami Beach Garden Conservancy. The exemption for the Miami Beach Garden Conservancy shall automatically terminate upon the earlier of the expiration or termination of the then-existing management agreement between the city and the Miami Beach Garden Conservancy.

## **Sec. 82-502. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Committee* means the neighborhood and quality of life committee (NQLC), or any other such committee designated by the city commission to review and recommend names for public facilities and the co-naming of streets, and approve the establishment of monuments or memorials to be located within or owned by the city.

*Memorial* means a site, art work or structure created to preserve the memory of a significant event(s) or person(s).

*Monument* means a bust, sculpture, or similar structure, erected in honor of a significant event(s) or person(s).

*Public facility* means any public building or park owned by the city.

*Street* means that area of a public right-of-way improved, designed, and ordinarily used for vehicular traffic and/or parking including, without limitation, avenues, roads, drives, lanes, boulevards, courts, and alleys. For purposes of this article, streets shall only be intended to include city-owned streets, and not state- or county-owned and/or controlled streets.

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

(a) *Naming of an exterior portion of a public facility (including naming of a park).* Whenever a name is needed for a new public facility, or whenever there is a request to rename an existing public facility, within or owned by the city, the naming, or renaming, shall first be considered and reviewed by the committee according to the following procedures:

- (1) Any person, organization, association, corporation or other entity, including a member of the city commission or the administration of the city, may propose a name for a new public facility, or may propose renaming an existing public facility, at any time by submitting the proposed name in writing (the proposal) to the committee.
- (2) Within a reasonable time after receipt of the proposal, the committee shall meet to consider and review the naming, or renaming, of the public facility, including, without limitation, the monetary and other terms and conditions related to the naming proposal, and the proposed uses for the funds to be generated thereby, if any. Notice of the meeting shall be given to all persons who proposed the name, or rename, for the public facility.
- (3) After reviewing the proposal, the committee shall transmit its recommendation to the city commission regarding the proposal.
- (4) Within a reasonable time after receiving the recommendation from the committee on the proposal, the city commission shall call a public hearing.

- (5) Notice of the public hearing regarding the naming or renaming of the public facility, shall be published at least ten days prior to the hearing in a newspaper of general circulation in the city.
- (6) Except as provided in subsection (8), any proposed naming, or renaming, of a public facility approved by the city commission must be approved by a 5/7ths vote, and must also be submitted to the electorate of the city by referendum at the next regularly scheduled election. The name shall be approved by a majority of the electorate voting in the referendum.
- (7) Public facilities shall not be named, or renamed, for living persons, unless such persons are over 100 years of age; or, for living persons under 100 years of age, unless the naming or renaming is (i) approved by a majority of the members of the committee; (ii) approved by the city commission by a 5/7ths vote; and (iii) submitted to the electorate of the city by referendum at the next regularly scheduled election and approved by a majority of the electorate voting in such referendum.
- (8) The referendum requirements of this section shall not apply to (i) a public facility that is to be named or renamed solely for the name of the city, the geographic area or physical location of the facility and/or the street or portion of the street where the facility is located, the function of the facility, or the current name of the facility; and (ii) the following public facilities, provided that the proposed naming or re-naming is for a term of 20 years or less, including option periods:
- (i) ~~Miami Beach Convention Center, 1901 Convention Center Drive;~~
  - (ii) ~~Colony Theater, 1040 Lincoln Road;~~
  - (iii) ~~10<sup>th</sup> Street Auditorium/Welcome Center, 1001 Ocean Drive;~~
  - (iv) ~~Historic City Hall, 1130 Washington Avenue;~~
  - (v) ~~1701 Meridian Avenue;~~
  - (vi) ~~North Beach Bandshell, 7275 Collins Avenue;~~
  - (vii) ~~Byron Carlyle Theater, 500 71 Street;~~
  - (viii) City-owned and operated parking garages;
  - (ix) Adaptive Recreation Center, 5601 Collins Avenue (to be constructed); and
  - (x) 72nd Street Civic Complex, 263—299 72nd Street (to be constructed).

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