

MONUMENT PLACEMENT GUIDELINES

- 1.1 **Intent** - Levy County, a political subdivision of the State of Florida (the “County” or “Levy County”), by and through its Board of Commissioners (the "Board") hereby acknowledges that an area exists which traditionally has been used for private expression by citizen groups, including through the erection of monuments, which area is located in the grassy and paved areas between the Levy County Courthouse and the administrative office building (the “Administrative Building”) currently housing the State Attorney, Public Defender, and Veterans Services offices (the “Forum”).

Through these Guidelines, the Board desires to confirm the existence of a limited public forum within the Forum, and to clarify the terms and conditions upon which monuments may be erected therein by private citizens.

The Forum includes the grassy and paved areas between the above-named buildings that are situated to the northeast of the parking lot adjacent to the Administrative Building. The Board specifically finds that the presence of the Veterans Monument and the flagpole in the Forum are vested and need not separately qualify under these guidelines.

The Forum exists and shall be used for the purpose of erecting monuments of displays commemorating people, events and ideas which played a significant role in the development, origins or foundations of American or Florida law, or Levy County. The space within the Forum shall be made available on a first-come, first-served basis to residents of Levy County or organizations that maintain an office and provide services in Levy County. Limited display space within this Forum requires that monuments and displays comply strictly with the criteria, regulations and procedures listed in these Guidelines.

- 1.2 **Application** - Any person or group desiring to erect a monument or display within the Forum shall first make written application to the County at the office of the Board. The application shall include the following:

a. The name, address and phone number of the person or organization making the application. If the applicant is making an application on behalf of an organization, the individual signing the application shall state his/her relationship to the organization, shall provide documentation showing that he/she has the requisite authority to submit the application on behalf of the organization, and shall certify that the organization maintains an office and provides services in Levy County. An individual applicant shall certify and provide documentation indicating that he/she is a resident of Levy County.

b. The application shall identify the monument or display and shall include with the application a full-page, color photograph of each side of the monument or display in the form that it is to be displayed. The application shall also include all design and construction plans, specifying the size of the monument or display and the materials to be used in construction.

c. The applicant shall agree that, if approved, the full cost of the manufacture or production of the monument or display will be borne by the applicant, and the

applicant has or will make arrangements for the placement of the monument or display once approved. The applicant must also agree to maintain the monument or display, to repair it if damaged, to pay the cost of any future modification deemed necessary by the Board, and to pay the cost of removal of the monument if directed by the Board.

d. The applicant shall state in detail whether the proposed monument or display meets each and every one of the criteria listed below under 1.3.

1.3 **Definition of Suitable Items** - A monument or display as used herein must meet each of the following criteria:

a. A monument or display shall include the reproduction of the entire text or image of any document or person(s), or entirety of any item that played a significant role in the development, origins or foundations of American or Florida law, or Levy County; and

b. The size, color, and design of the monument or display shall be such as comports with the Levy County Courthouse and the Administrative Building and existing displays in the Forum; and

c. The monument or display shall not be libelous, pornographic or obscene; and

d. The monument or display shall be of such size or structure as to be incapable of being quickly removed and of such a manner that it does not pose any physical harm to passersby, but shall not require the permanent alteration or modification of any existing structure within the Forum.

1.4 **Disclaimer**

A sign shall be erected in a prominent place in the Forum advising members of the public and passersby that the items displayed in the Forum do not necessarily reflect the views of the Levy County or the Board, and are not sponsored or endorsed by Levy County or the Board.

1.5 **Application Procedures**

a. Upon receipt of a written application, the Board shall announce at the next regularly-scheduled Board meeting that a historical display application has been received and shall describe the historical item or document.

b. The Board shall vote on the approval or denial of the application at the next regularly-scheduled Board meeting following the meeting in which the application is announced.

c. If the application is approved, the Board shall issue a written opinion so stating, which opinion may contain conditions for approval. The opinion shall be issued within thirty (30) days of the vote for approval of the application.

i. As a condition for approval, the Board may impose such modifications, adjustments or alterations as are necessary to bring the proposed monument or display in full compliance with these Guidelines. Such conditions, if imposed, shall be clearly stated in the written opinion.

ii. The precise location of the monument or display within the Forum shall be within the sole discretion of the Board, and shall be identified in the written opinion.

iii. Unless otherwise approved in writing, the applicant shall have thirty (30) days from the date of approval in which to erect the monument or display.

iv. The applicant must erect the monument or display in a workmanlike manner, must employ reputable, licensed construction personnel, and the work must be performed outside of regular business hours, so as not to interfere with Courthouse or County business. All construction equipment, materials and debris must be cleaned and cleared before the start of each Courthouse business day.

v. All work must be performed solely at the expense of the applicant. The applicant shall agree to reimburse the County for any costs it incurs in connection with the construction, maintenance or repair of the monument or display.

vi. Prior to the commencement of any work, the applicant shall provide the Board with a General Liability insurance policy, naming Levy County, a political subdivision of the State of Florida, and all of its officers, elected officials, agents, employees, and volunteers as additional insureds, with minimum aggregate limits of \$1,000,000 per occurrence. In addition, the applicant shall separately agree to fully defend and indemnify the County, and all of its officers, elected officials, agents, employees, and volunteers from and against any loss, damage, suit, action, liability, costs (including but not limited to attorney fees and costs), or claim of any type arising directly or indirectly from the construction, maintenance, repair, or placement or display of the monument or display, or arising directly or indirectly from the submission or approval of the application to place the monument or display in the Forum.

vii. In addition to the insurance policy requirement contained in the immediately preceding subsection vi., upon the submission of the application, and as a condition to any written approval of an application issued by the Board, the applicant agrees to hold harmless, indemnify and defend the County, and all of its officers, elected officials, employees and volunteers, from and against any and all loss, damage, suit, action, liability, costs (including but not limited to attorney fees and costs), or claim of any type arising directly or indirectly from the construction, maintenance, repair, or placement or display of the monument or display,

or arising directly or indirectly from the submission or approval of the application to place the monument or display in the Forum.

viii. To guarantee that the construction of the monument or display will be carried out in strict compliance with these Guidelines, the applicant shall be required to post an appropriate bond prior to the commencement of any work. The amount of the bond shall be commensurate with the nature and amount of work to be performed, but shall generally be between \$10,000 and \$50,000. Upon a showing by the applicant of its ability to pay for the construction of the monument or display, the Board may waive this requirement for a bond.

ix. If the monument or display is not built in strict compliance with the plans approved by the Board (and any conditions for approval enumerated in the approval opinion and in these Guidelines), or is not finished within the construction deadline, the applicant shall have five (5) days after receipt of written notice of such deficiency to finish, repair, remedy or otherwise bring the monument or display in full compliance. If the applicant fails to do so, the Board may, at the applicant's expense and without additional notice, perform the necessary work or remove the work.

d. If the application is not approved, the Board shall issue a written opinion within thirty (30) days of the vote to disapprove the application. The opinion shall set forth the reasons why the application was denied. The application may be denied only for failure to comply with these Guidelines, or for lack of available space, and may not be denied for any other reason.

e. If the application is denied, or if any conditions imposed by the Board are not satisfactory to the applicant, the applicant shall have thirty (30) days from the issuance of the Board's decision in which to appeal to the Board to reconsider its decision. The applicant may either modify the display to conform with the reasons for the denial, or may state in writing why the original application should be approved. The appeal shall be considered at a Board meeting within forty-five (45) days following the submission of the appeal. The Board's decision regarding the appeal shall also be stated in writing within thirty (30) days following the meeting during which the appeal is considered.