

PORT EVERGLADES TARIFF NO. 12

ITEM: PILOTING SERVICES

ITEM NO: 130

ISSUE NO: 1

EFFECTIVE DATE: OCTOBER 1, 2006

Broward County does not perform piloting services for vessel movements, docking, undocking or shifting of vessels. Pilotage is provided by the Port Everglades Pilots' Association (954)522-4491; fax (954)522-4498 on a 24-hour basis, all days of the year. Contact the Harbormaster office (954)765-4602 for further details or to arrange for pilotage.

In the event of injury to persons or damage to, or loss of use of, property arising out of, or connected with, directly or indirectly, negligence or fault in the navigation or maneuvering of, or otherwise by the presence of, the vessel within Port Everglades, the vessel, her owners, master, operators, charterers and agents shall not assert any liability against Broward County or its Commissioners or employees. The vessel, her owners, master, operators, charterers, and agents shall indemnify and hold harmless Broward County and its Commissioners and employees from and against any and all actions, suits, proceedings, claims, demands, loss, liens, costs, expenses, liability, and damages, of any kind or nature whatsoever, by whomsoever brought or demanded, arising out of, or connected with, directly or indirectly, negligence or fault in the navigation or maneuvering of, or otherwise by the presence of, the vessel within Port Everglades, including reimbursement of legal fees, costs, and expenses should Broward County be required to defend any action or claim, etc, or file suit to enforce indemnity. The vessel and her owners, master, operators, charterers and agents shall pay promptly upon demand all damages to facilities owned or controlled by Broward County caused directly or indirectly by the vessel, including any loss of use or income occasioned thereby, together with interest at the highest legal rate permitted, and legal fees, costs and expenses of collection or suit, if required.

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The obligations imposed by this section upon the vessel, her owners, master, operators, charterers, and agents shall not be diminished or impaired notwithstanding injury to persons or damage to, or loss of use of, property arising out of, or connected with, directly or indirectly, the negligence, fault, or other conduct of a pilot, the piloting contractor, or its officers or employees in providing piloting services, but the obligation imposed by this paragraph shall not apply where injury to persons or damage to, or loss of use of property is proximately caused by the negligence of Broward County.