



REEF SANCTIONED LIONFISH DERBY



**Pompano Beach Lionfish Derby
Pompano Beach, FL
August 25, 2018**

Mandatory Legal Waiver Form

Full Name: _____

Team Name: _____

Date: _____

BE ADVISED THAT THIS IS A WAIVER WHICH MEANS YOU WILL BE GIVING UP ALL LEGAL RIGHTS CONCERNING ANY COURSE OF ACTION AGAINST LIONFISH DERBY- THEIR AGENTS, VOLUNTEERS, CORPORATE REPRESENTATIVES AND ALL INDIVIDUALS AFFILIATED WITH LIONFISH DERBY- SHIPWRECK PARK POMPANO BEACH AND THE SAMPLE MC-DOUGALD HOUSE BY SIGNING THIS DOCUMENT. IF YOU DO NOT UNDERSTAND YOUR LEGAL POSITION BY SIGNING THIS DOCUMENT, YOU SHOULD CONSULT WITH AN ATTORNEY. PLEASE INITIAL NEXT TO EACH ITEM. YOUR SIGNATURE AT THE BOTTOM INDICATES AGREEMENT WITH ALL OF THE ITEMS, REGARDLESS IF ONE OR MORE OF THEM IS NOT INITIALED. IF YOU DO NOT AGREE WITH ALL OF THE ITEMS (PARAGRAPHS), DO NOT SIGN THE BOTTOM. PARTICIPATION IN THE LIONFISH DERBY IS CONDITIONED UPON YOUR EXECUTION OF THIS WAIVER. IF YOU DO NOT SIGN THIS WAIVER, YOU ARE NOT A PARTICIPANT IN THE LIONFISH DERBY.

DEFINITIONS:

1. Lionfish Derby-Shipwreck Park Pompano Beach and The Sample Mc-Dougald House: Although the Derby is run by Lionfish Derby Shipwreck Park Pompano Beach and The Sample Mc-Dougald House, in the context of this document, Lionfish Derby Shipwreck Park Pompano Beach and The Sample Mc-Dougald House shall mean the directors, members, volunteers, officers, advisors of Shipwreck Park Pompano Beach and The Sample Mc-Dougald House, Lionfish Derby Shipwreck Park Pompano Beach and The Sample Mc-Dougald House, and all owners of property where the Derby is headquartered, where the official counting occurs, and all related acts.

2. Diving: In the context of this document, Diving shall mean free diving, snorkel diving, SCUBA diving, spear fishing, netting (or otherwise using any methods allowed under the rules) to harvest Indo Pacific Lionfish while in or on the water.

3. In the context of this document, the word "I" shall mean me, my heirs, survivors, assigns, representatives, estate, legal guardian, attorneys in fact, or anyone else who may be empowered to act on my behalf. Or, if I am signing as the legal guardian of a registrant, then it shall mean my ward, me, my ward's heirs, survivors, assigns, representatives, estate, attorneys in fact, legal guardian, and anyone else who may act on behalf of my ward, principal, or minor.

Initials: _____ I understand the inherent risks associated with diving. When harvesting fish, I understand that the risk of injury or death is even greater. I have read the Derby Rules and agree to comply with them completely and waive my rights as to this activity against Lionfish Derby-Shipwreck Park Pompano Beach and The Sample Mc-Dougald House. I voluntarily assume full responsibility for any risk of loss, property damage or personal injury, including death, whether caused by the negligence of **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** or otherwise.

(over)

Initials: _____ I understand that weather conditions may change rapidly, and that Lionfish Derby **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** is not responsible for my decision to participate in this event. Lionfish Derby **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** 's decision to NOT cancel the Derby does not act as an endorsement of good weather or marine conditions. I will determine these conditions myself and assume all risks inherent with weather conditions.

Initials _____ I acknowledge that Indo Pacific Lionfish have venomous spines that can inflict a serious sting and/or cause serious injury or death. I will wear protective gloves when handling Lionfish, and make every effort not to touch the spines, even after the fish are dead. I accept full responsibility for my handling of Lionfish and for all risks associated with this inherently dangerous activity.

Initials _____ I hereby acknowledge that Lionfish Derby **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** is in no way directing my activities, or otherwise acting as an advisor or principal. I assume all risks, not only associated with diving and harvesting Lionfish, but also boating and traveling.

Initials _____ I hereby acknowledge that not only can injuries and/or death occur from the risks of diving, but that diving is physically exerting. I agree that I am responsible for making decisions about my own physical condition in conducting these activities.

Initials _____ I hereby release, waive, discharge and covenant not to sue Lionfish Derby- **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** and any of its affiliates, assigns associates, or sponsors by participating in the Lionfish Derby, for any injuries, death, emotional distress, pain and suffering, and all other forms of economic and noneconomic damages including court costs and attorneys' fees, and all claims and causes of action whether caused by the negligence of **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** or otherwise. I waive any and all claims. I will hold Lionfish Derby **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** harmless from any claims brought on my behalf and agree to indemnify them in case of any claim made against them. Also, I hereby provide a full release for photo and television images.

Initials _____ I hereby acknowledge that in the event of any dispute pertaining to any activity associated with or arising out of the Lionfish Derby-**Shipwreck Park Pompano Beach and The Sample Mc-Dougald House**, that the laws of State of Florida apply. Venue of any dispute shall be in the court closest to the incident that has

jurisdiction of this matter within Broward County, Florida I further acknowledge that in any event of a dispute, the prevailing party shall be entitled to attorney's fees and costs as awarded by any Florida court.

Initials _____ I hereby acknowledge that the official counting and awards setting are at **(Sands Harbor Marina, Alsdorf Park, Hillsboro Inlet Park, Sample McDougal House)**, and that there may be dangers or other hazards associated with that setting, as well as with a Derby that involves spear fishing and harvesting of Lionfish. I will watch my children, if applicable, and understand all hazards and take full responsibility for my children. I agree to read and follow all of the published rules of the Derby.

Initials _____ I hereby acknowledge that Lionfish Derby **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** is not a reseller of any prizes donated to the Derby. Lionfish Derby **Shipwreck Park Pompano Beach and The Sample Mc-Dougald House** is merely a temporary custodian of said prizes and is not responsible for any grievance or claim I may have with respect to a prize. There are no refunds of fees or purchases.

Initials _____ I acknowledge and represent that I have read and understand the foregoing provisions; that I sign this AGREEMENT voluntarily as my own free act and deed; no oral representations, statements, or inducement, apart from the foregoing written agreement, have been made; I am at least eighteen (18) years of age and fully competent; and I execute this Release and Waiver for full, adequate and complete consideration fully intending to be bound by same.

_____	_____	_____
Contestant Printed Name	Contestant Signature	Date

_____	_____	_____
Witness Printed Name	Witness Signature	Date