

**Municipal Acknowledgment and Acceptance of Use of Palm Beach County's Mobile Damage Assessment Program**

\_\_\_\_\_ (“Municipality”) desires to use Palm Beach County’s mobile damage assessment application program (“County’s System”). The County’s System is designed to assist Municipality in conducting a damage assessment report. Palm Beach County makes no representations about the design or capabilities of the County’s System used by Municipality. Palm Beach County agrees to use its best efforts to provide the Municipality with the use of the County’s System, but makes no guarantee the County’s System will meet the needs of the Municipality while performing a damage assessment. Palm Beach County shall not be liable for any damages resulting from the use of County’s System. By using the County’s System, Municipality assumes all risks associated with its use, including the risk of Municipality’s computer, software or other information located on its computer being damaged by any virus that may be transmitted or activated by using County’s System.

Municipality shall, subject to the limits of liability set forth in Section 768.28, Florida Statutes, indemnify, defend and save Palm Beach County harmless from and against any and all claims, actions, damages, liability and expense in connection with : (i) loss of life, personal injury and/or damage to or destruction of property arising from or out of, or as a result of any use of, or inability to use the County’s System; (ii) use of the County’s System by Municipality or (iii) any act or omission of Municipality, its agents, contractors, employees or invitees. In case Palm Beach County shall be made a party to any litigation commenced against Municipality or by Municipality against any third party, then Municipality shall protect and hold harmless and pay all costs and attorneys fees incurred by Palm Beach County in connection with such litigation, and any appeals thereof.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chair or Authorized Designee for Municipality

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date