

## Instructions

Storage Tank financial responsibility is required for underground storage tanks (USTs) and aboveground storage tanks (ASTs), collectively referred to as “storage tanks.” References to federal code are references to the federal code as adopted by reference in Rules 62-761 and 62-762, Florida Administrative Code (F.A.C.).

1. Select the appropriate part(s) of this form to demonstrate proof of financial responsibility.
  - a. Parts A - H may be used by private and governmental agencies.
  - b. Parts I - O may only be used by governmental agencies.
  - c. Financial responsibility must cover both “corrective action” and “compensating third parties ... caused by accidental discharges”, but coverage may be divided between multiple mechanisms.
2. Each part of this form is available as an individual fillable and interactive Adobe PDF on the Petroleum Storage Tank Financial Assurance website: <http://floridadep.gov/waste/permitting-compliance-assistance/forms/financial-mechanisms-storage-tanks>
3. Guidance for completing the mechanisms can be found on the website.
  - a. Companies completing a financial mechanism should use their complete legal name, and not use abbreviations (unless part of the legal name), trademarks or fictitious names.
  - b. When directions in brackets offer a choice like [Insert “Option A” and/or “Option B”], insert either “Option A” or “Option B” or “Option A and Option B”. Do not insert “Option A and/or Option B”.
4. The “Certification of Financial Responsibility” (Part P) must be completed by the owner or operator who obtains or demonstrates financial responsibility.
  - a. The primary mechanism will be the insurance certificate/endorsement, bond, letter of credit, guarantee, funded trust, or financial test or fund without a guarantee. (If there is more than one primary mechanism, there will be more than one Certification of Financial Responsibility.)
  - b. The Certification of Financial Responsibility (Part P) along with the chosen financial mechanism(s) and supporting documentation shall be maintained by the owner or operator, and made available for inspection by the Department or County. A copy of financial instruments and supporting documentation that are kept off-site shall be made available for inspection upon five business days notice.
  - c. Changes to an instrument that require an updated Certification of Financial Responsibility include, but are not limited to, a change in the coverage amount or an extension of the period of coverage.
5. Some mechanisms require additional mechanisms to be completed and some mechanisms require supporting documentation. Specifically:
  - a. Part B users must also have Part A and an established Part H;
  - b. Parts E, F and K users must also have an established Part H;
  - c. Part L users must also have Part I, J or O and an established Part H;
  - d. Part N users must also have Parts I, J or O; and
  - e. Parts A, C, D, E, G, H, I and O do or may require supporting documentation to be kept with the financial assurance mechanism. Please see the “References and Requirements” table of this form for most details. Some requirements are specified in the instrument and others are identified in [40 CFR 280.111](#).
6. Detailed facility list directions: List for each facility assured by this instrument: facility name, site address, number of tanks, and the Florida Department of Environmental Protection (DEP) identification number (FacID) for facilities in Florida. This information must match DEP Tank Registration details. When separate mechanisms are used to assure any of the tanks at a facility, list the tank identification number as registered instead of identifying the number of tanks. If coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location. A facility list attached to a financial instrument must be dated with the list’s preparation date and identify the financial instrument to which it is attached. The financial instrument (or amendment acceptable to the issuing institution) must identify the attached list by the date on the list.

## Terms Pertaining to Form 62-761.900(3)

### Terms included on mechanisms that apply to individuals, companies and government entities

Term	General Meaning	Form Part(s)
<b>Accidental Discharges</b>	means any sudden or nonsudden discharge of petroleum arising from operating storage tank(s) that results in a need for corrective action and/or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator	all form parts
<b>Firm</b>	owner, operator or guarantor	A, I, J, O
<b>Grantor</b>	owner or operator	G, H
<b>Guarantor</b>	guaranteeing entity	A, B, I, J, K, L, M, N, O
<b>Insured</b>	owner or operator	C, D
<b>Insurer</b>	insurance company or risk retention group issuing the policy	C, D
<b>Issuing Institution</b>	bank issuing the credit	F
<b>Owner or Operator</b>	per definitions in <a href="#">376.301(27) and (28), Florida Statutes (F.S.)</a> and <a href="#">40 CFR 280.92</a>	all form parts
<b>Principal</b>	owner or operator	E
<b>Surety(ies)</b>	Circular 570-listed company(ies) issuing the bond	E
<b>Trustee</b>	bank or trust company entering into the trust agreement	G, H

## References and Requirements Pertaining to Form 62-761.900(3)

Form Part	Type of Financial Responsibility	Section reference in <a href="#">40 CFR 280.—</a>	Other parts of Form 62-761.900(3) required [when using Form Part identified in 1st column]	Other Documents needed [Paragraph reference in <a href="#">40 CFR 280.111(b)(—)</a> included.]
<b>A</b>	FT: Self Insurance – Letter from Chief Financial Officer	<a href="#">95</a>	P (Certification of Financial Responsibility)	+/- special report by ICPA
<b>B</b>	Guarantee	<a href="#">96</a>	A (FT), H (SBTF) and P	
<b>C, D</b>	Insurance: C: endorsement or D: certificate	<a href="#">97</a>	P	<a href="#">(7)</a> : signed policy w/ all amendments and endorsements
<b>E</b>	Surety Bond	<a href="#">98</a>	H (SBTF) and P	Power of Attorney
<b>F</b>	Letter of Credit	<a href="#">99</a>	H (SBTF) and P	
<b>G</b>	Funded Trust	<a href="#">102</a>	P	Certification of acknowledgement, Schedules A and B
<b>H</b>	Standby Trust Fund (SBTF)	<a href="#">103</a>	B (Guarantee), E (Bond), F (LC), or K or L (Gov. Guarantee) and P	Certification of acknowledgement, Schedules A and B
<b>I</b>	FT: Local Governments – Bond Rating Test	<a href="#">104</a>	P	<a href="#">(5)</a> : bond rating published by S&P or Moody's
<b>J</b>	FT: Local Governments – Financial Test	<a href="#">105</a>	P	
<b>K, M</b>	Guarantee: by a State – (K: w/ SBTF, M: w/o SBTF)	<a href="#">106</a>	+/- H (SBTF) and P	
<b>L, N</b>	Guarantee: Local Gov. – (L: w/ SBTF, N: w/o SBTF)	<a href="#">106</a>	I, J or O (FT/Fund) and +/- H (SBTF) and P	
<b>O</b>	Local Governments – Fund	<a href="#">107</a>	P	<a href="#">(9)</a> : 2 or 3 items approximating: ordinance, CAFR, and +/- bonding authority
<b>P</b>	Certification of Financial Responsibility	<a href="#">111</a>	one or more of A-O	

### Abbreviations:

CAFR = Comprehensive Annual Financial Report

FT = Financial Test

ICPA = Independent Certified Public Accountant

LC = Letter of Credit

SBTF = Standby Trust Fund

S&P = Standard & Poor's

w/ = with

w/o = without

+/- = may be required