Guidance & Notes for Performance and Financial Guarantee Bonds

1. **Standby Trust Fund Agreement:**
   - Standby Trust Fund Agreement - Form 62-701.900(5)(h) must be established and submitted when using a bond.
2. **Power of Attorney (POA):**
   - POA must be submitted with bond.
   - POA date must be the same date as the execution date on the bond (page 1 of the bond).
   - Embossed surety seal must be on the POA and on the last page of the bond by the Authorized Representative of Surety's signature.
   - Name of Authorized Representative of Surety on the bond must exactly match name on POA. Example: John R. James is not the same as John James.
   - POA must have required watermark, colored number or border, etc., pursuant to the requirements of the POA document.
3. **First page of the Bond Form:**
   - Required Action: Check the box for each Required Action (Closing, Long-term Care and/ or Corrective Action) covered by this bond.
   - Principal (owner or operator) name must match (including punctuation and abbreviations) legal entity name as identified on the Florida Division of Corporations website (Sunbiz). Use the Sunbiz link to verify the principal is a legal business entity with "Active" status, and that the name is entered exactly as listed. (The Principal name does not, however, need to be written in all capital letters.)
   - The Surety must be listed on the Treasury's Circular 570 with licensure in FL and the total of Penal Sums for this Surety and facility (for example, if one bond covers closing and another bond, same Surety, covers long-term care) must be less than the Underwriting Limit.
   - The FDEP I.D. number for solid waste facilities is the facility "WACS" number. Used oil facilities use an EPA I.D. number. For assistance, find appropriate Facility List link at bottom of Financial Assurance web pages or contact FDEP using the contacts on the Forms web page.
   - Facility name must match name on the FDEP permit application.
   - The site address is the address of the physical location of the facility; this address cannot be a P.O. Box (unless it is a very small transfer station).
   - "Facility Amount" – include specific facility amounts in "Facility Name and Site Address" section only when more than one facility is covered by this bond. If the Principal is not sure of the amounts to be covered, contact FDEP using the contact list on the Forms web page.
   - Performance Bond: A performance bond for "Closing" must cover the entire closing cost estimate and a performance bond for "Long-term Care" must cover the entire long-term care cost estimate. A single performance bond may cover both "Closing" and "Long-term Care".
   - Financial Guarantee Bond: A financial guarantee bond may be used in combination with a trust fund, letter of credit, insurance or anther financial guarantee bond.

- If the Principal is not sure of the amounts, contact FDEP using the contact list on the Forms web page.

4. **Last page of the Bond Form:**
   - Signatory for the Principal (owner or operator) should be the president of a corporation, managing member of an LLC, or equivalent for entity type. If the name of the president (or equivalent) is not found on the Florida Division of Corporations website (Sunbiz), or if anyone else signs, additional documentation will be required. See Delegation of Authority Letter for more specific requirements. The signatory's title must match the title as given on the Florida Division of Corporations web site or other documentation.
   - The Liability Limit is to be filled in only if more than one Surety shares the liability of this bond. For each additional Surety, submit a separate Corporate Surety(ies) section with appropriate seals and attachments and listing the Liability Limit for each.
5. **Bond Riders:**
   - Rider may not include language that changes the wording of the bond (e.g., "liability … shall not be cumulative"). We recommend the use one of the bond rider examples.
   - Evidence of cost estimate approval is NOT authorization to reduce the closing and/or long-term care amount of a bond. To reduce the penal sum, the Surety MUST receive prior written permission from the delegated FDEP Tallahassee Office in order to comply with the terms of the bond and FDEP regulations. Authorization will be addressed to the Surety or Surety's agent and will specify the bond to be changed.
   - Rider must identify facility amounts only when more than one facility is covered.
   - Rider should not identify separate closing and long-term care amounts when both are covered.
   - Date rider executed (signed) must match Power-of-Attorney date.
   - Rider must reference bond's original effective date.
   - On the reference line at the top of the rider, use the Facility Name and FDEP I.D. Number as identified in the bond (or changed by subsequent rider). If name or number is changed, changes must be detailed in the body of a rider.