

For: Florida State and County Offices

Florida Disaster Programs

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

This notice is a reissue of DAP-203. Additional program procedure and clarifications have been added. Notice DAP-203 is obsolete.

Hurricanes Charley, Frances, and/or Jeanne have impacted Florida during August and September of 2004 devastating crop production in certain areas. Section 32 of the Agricultural Adjustment Act of August 24, 1935, authorizes the Secretary to implement programs to help re-establish producers' purchasing power.

B Purpose

This notice authorizes the implementation of the following disaster assistance programs applicable to eligible producers in Florida who experienced crop damage, tree losses, and related cleanup because of hurricane Charley, Frances, and/or Jeanne. Losses because of other causes, including reduced market prices or other adverse weather conditions, are not covered under these programs:

- Florida Citrus Disaster Program
- Florida Nursery Crop Disaster Program
- Florida Vegetable, Fruit and Tropical Fruit Disaster Program consisting of:
 - plasticulture
 - other vegetables
 - tropical fruit.

Other crops may have received damage because of hurricanes Charley, Frances, and/or Jeanne. Crops covered under these programs may have experienced damage from other adverse weather events. However, these programs are crop specific and are for damage resulting only from hurricanes Charley, Frances, and/or Jeanne.

Disposal Date	Distribution
October 1, 2005	Florida State Office; State Office relay to County Offices

Notice DAP-205

1 Overview (Continued)

C Signup Period

The beginning signup dates are as follows.

Program	Date
Florida Citrus Disaster Program	October 5, 2004
Florida Nursery Crop Disaster Program	October 20, 2004
Florida Vegetable, Fruit and Tropical Fruit Disaster Program	October 20, 2004

The end of the signup period will be announced by DAFP in a future notice.

D Obsolete Notice

Notice DAP-203 is obsolete.

2 Provisions Applicable to All Florida Disaster Programs Provided for By This Notice

A Applications

Program applications for the disaster programs are as follows.

Form	Program	Exhibit
FSA-434	Florida Nursery Disaster Program	1
FSA-439	Florida Citrus Disaster Program	2
FSA-440	Florida Vegetable, Fruit and Tropical Fruit Disaster Program	3

All applications shall be initiated and completed through the System 36 disaster programs software so that payments can be made immediately upon approval of the applications and receipt of the payment software. Manual applications are not authorized for these programs unless the use of the System 36 is unavailable in the FSA County Office or a producer demands that manual applications be taken before the software is received.

COC approval authority shall not be redelegated.

B Designated Counties

The special disaster programs are available to producers within Florida counties which received a Presidential disaster declaration because of hurricanes Charley, Frances, and/or Jeanne. The following list of counties are currently designated. Other counties will be added in the future if so designated by the President.

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2 Provisions Applicable to All Florida Disaster Programs Provided for By This Notice (Continued)

B Designated Counties (Continued)

Counties Designated				
Alachua	Duval	Jefferson	Monroe	St. Johns
Baker	Flagler	Lafayette	Nassau	St. Lucie
Bradford	Gadsden	Lake	Okeechobee	Sumter
Brevard	Gilchrist	Lee	Orange	Suwannee
Broward	Glades	Leon	Osceola	Taylor
Charlotte	Hamilton	Levy	Palm Beach	Union
Citrus	Hardee	Liberty	Pasco	Volusia
Clay	Hendry	Madison	Pinellas	Wakulla
Collier	Hernando	Manatee	Polk	
Columbia	Highlands	Marion	Putnam	
DeSoto	Hillsborough	Martin	Sarasota	
Dixie	Indian River	Miami-Dade	Seminole	

C Linkage Requirements

Linkage applies to producers who were not insured by Federal crop insurance or covered by NAP at the time of the disaster.

If linkage is applicable (the crop was not covered by insurance or NAP at the time of the disaster), the producer must obtain Federal crop insurance at the CAT level or above for the next available crop year. NAP coverage must be obtained if crop insurance is not available.

County Offices are encouraged to take NAP applications if applicable at the same time as applications for the programs in this notice.

D Uninsured and Producers Without NAP

The payment rate for uninsured producers or producers without NAP coverage is 95 percent of the rate established for those with coverage. Participants will receive the higher payment rate if they were covered by Federal Crop Insurance or NAP on any acreage in the county of the crop for which they are requesting assistance.

E Payments and Payment Limitations

Software to issue payments will be issued within a few weeks after the application software is issued for each program. Payments for approved applications for each program shall be issued upon receipt of the software. A factor will not be applied to the payments.

The aggregate payment limitation for all of the special Florida disaster programs is \$80,000 per "person" as defined in 1-PL, Part 4 and 7 CFR Part 1400. Some payments are not limited as provided in the applicable paragraphs for each program.

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2 Provisions Applicable to All Florida Disaster Programs Provided for By This Notice (Continued)

F Acreage Reports

Acreage report (FSA-578) is required for program participation. Each program’s application requires the producer to designate the location of the grove, nursery, or field on the application. Therefore, the acreage report must be filed before the application can be approved by COC, but no later than the last day of the announced program signup period. The late filing fee is waived for disaster program participants.

If a crop is planted using a spacing that is greater than the established or normal spacing for the trees or crop, then the acreage shall be adjusted downward to equal the acreage that the crop would have covered if the established or normal spacing would have been used. For example, if 120 trees are normally planted on 1 acre and the grove only has 60 trees planted, then the acreage shall be reported as .5 acres.

Attach an aerial photocopy to the acreage report designating the area included on the disaster application.

G Other Criteria

The following table indicates the applicability of other program and administrative provisions to the programs provided by this notice.

Administrative Criteria	Applicability
Adjusted Gross Income Provisions (greater than \$2.5 million unless 75 percent is derived from farming and forestry) (CCC-526), 1-PL, Part 6.5 and 7 CFR Part 1400-G	Applicable to the portion of payment subject to limitation.
Conservation Compliance Provisions (AD-1026)	
Controlled Substance Provisions	
Person Determinations (CCC-502)	
Administrative Offset	
Assignment (CCC-36)	Not Applicable
Unharvested Factor	
Gross Revenue Limit	
Payment Cap	
Foreign Person Provisions	
Actively Engaged Provisions	
Cash Rent Tenant Provisions	
Permitted Entity Provisions	

County Offices shall record determinations for the applicable criteria in the 2004 eligibility file according to 2-PL.

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3 Florida Citrus Program

A Eligible Citrus

The Florida Citrus Program provides assistance to eligible producers that suffered citrus losses and tree damage as a result of hurricanes Charley, Frances, and/or Jeanne. Assistance is based on the level of loss for each grove. Eligible citrus types are those listed within the RMA Florida Citrus Fruit Crop Provisions.

B Eligible Tree Groves

Eligible groves of approved citrus must:

- be physically located within 1 of the disaster bands designated on the maps provided by DAFP or approved accorded to subparagraph G
- have a 35 percent or more loss of production or a 15 percent or more tree loss or associated damage
- have been commercially marketed in both 2003 and 2004
- be fruit bearing trees.

C Eligible Participants

An eligible participant is an owner, operator, landlord, tenant, or sharecropper who shared in the risk of producing the crop, and who was entitled to share in the crop available for marketing from the grove.

D Location Tiers

Eligible groves are those located within 1 of 4 tiers established geographically based upon the level of destruction. Each band was established at the national level and is being provided to each County Office. The delineations on the map shall be used to assist producers during the signup period.

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3 Florida Citrus Program (Continued)

D Location Tiers (Continued)

A grove located in:

- Tier 1 is associated with the most destructive weather and is eligible to receive up to the highest payment rate per acre based on the grove's actual production losses and associated tree damage if the grove suffered 75 percent or greater crop loss
- Tier 2 is associated with the second most destructive weather and is eligible for up to the second highest payment rate per acre based on the grove's actual production losses and associated tree damage if the grove suffered 50 percent or greater crop loss
- Tier 3 is associated with the third most destructive weather and is eligible for only the third level payment rate per acre if the grove's production losses were at least 35 percent of actual production and associated tree damage if the grove suffered 35 percent or greater crop loss
- Tier 4 is associated with the least amount of destructive weather and is eligible for only grove cleanup benefits if the grove suffered 15 percent or greater tree loss or associated damage.

Exception: COC may approve the grove for losses in a higher tier than the physical location according to subparagraph G.

E Payment Calculations

The payment is equal to the total number of acres within each tier times the applicable payment rate for the tier. The flat payment rates listed in the table reflect both crop losses along with associated tree damage (tree loss, rehabilitation, and clean up).

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3 Florida Citrus Program (Continued)

E Payment Calculations (Continued)

The chart lists the payment rates and percentages of the payment that are subject and not subject to payment limitations or AGI for each tier. The rate for uninsured producers or those without NAP coverage is 95 percent of the payment rate listed below. The portion of the payment associated with production loss is subject to the \$80,000 per person payment limitation and AGI provisions. The portion of payment associated with tree damage and cleanup is not subject to the \$80,000 per person payment limit or AGI provisions.

Program Payment Rates				
Tier	Payment Rate Per Acre for Participants With Insurance or NAP Coverage	Payment Rate Per Acre for Participants Without Insurance or NAP Coverage	Production Loss: Percent of Payment Subject to \$80,000 Limitation (SL) and AGI	Tree Damage and Cleanup: Percent of Payment Not Subject to \$80,000 Limitation (NL) or AGI
Tier I - 75 percent or more crop loss and associated tree damage	\$ 1,500	\$ 1,425	55%	45%
Tier II - 50-74 percent crop loss and associated tree damage	\$ 1,000	\$ 950	60%	40%
Tier III - 35-49 percent crop loss and associated tree damage	\$ 600	\$ 570	64%	36%
Tier IV - 15 percent or greater tree loss and damage	\$ 100	\$ 95	0%	100%

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3 Florida Citrus Program (Continued)

F Certified Loss Level

Each applicant must certify on the citrus application (FSA-439) the actual level of loss experienced for the grove because of hurricanes Charley, Frances, and/or Jeanne. The certification of loss shall reflect the loss of production and tree damage and cannot exceed the loss for the band in which the grove is physically located, unless COC approves the loss according to subparagraph G.

For example, a grove physically located in Band 1 (area with the greatest destruction), experienced 60 percent loss of production and associated tree damage. The producer shall certify acres in Tier II even though the grove is physically located in Band 1. See subparagraph G for grove losses that are greater than the tier and band for that grove. The producer shall certify to a payment level according to the following chart. See subparagraph G for an exception.

Unit Location	Eligible Loss Levels
Grove Location – Band 1	Applicant shall certify the applicable level of loss as Tier 1, 2, 3, or 4
Grove Location – Band 2	Applicant shall certify the level of loss as Tier 2, 3, or 4
Grove Location – Band 3	Applicant shall certify the level of loss as Tier 3 or 4
Grove Location – Band 4	Applicant may only elect Tier 4 payments

- Each grove within a county stands on its own. Production loss for 1 grove is not offset by the production from another grove.
- A grove is defined as a contiguous area of trees.
- FSA-439 shall include only those groves which meet the eligible loss criteria.
- The same acreage shall not be included in more than 1 tier of payment.
- The certification will be subject to compliance spot checking.
- Crop losses are based upon a normal yield (higher of a producer’s APH or county average established under 2001/2002 CDP).

3 Florida Citrus Program (Continued)

G COC Adjustments

Bands of destruction have been determined by DAFP. However, it is recognized that the hurricanes spawned tornadoes and other unusual occurrences outside those bands. COC may accept any documentation available which to their satisfaction substantiates the producer's claim of a higher level of loss than the grove's band and associated tier. This documentation may include, but is not limited to, crop insurance appraisals, photos, verification through field visits, news articles, production records, sales records, or COC knowledge of the affected area.

The approval and the documentation used for the approval shall be documented in the COC minutes. A copy of the documentation shall be attached to the application.

Note: The entry on FSA-439, item 7C must be based on the location of the band. For example, if the grove is in Band III but had a 75 percent loss level, the tier would be Tier III. To seek adjustment to a higher tier because of the high loss, producer must provide a written notification and justification to the County Office.

Example 1

A grove is physically located in a Presidential-designated county. However, the location is outside of Band 4. Based upon producer submitted documentation, the crop loss because of hurricanes Charley, Frances, and/or Jeanne was 40 percent. COC may place this grove in Tier 3 for program payment purposes.

Example 2

A grove is physically located in Band 2 and is eligible for losses in Tier 2 but has documentation to show that the actual production losses were 85 percent. COC may approve the application for the acreage in Tier 1, if substantiated using the above requirements.

Example 3

A grove is physically located within an eligible county as defined in subparagraph 2 B. However, the grove is not located within any of the designated loss Bands for either hurricanes Charley, Frances, and/or Jeanne. Based upon documentation acceptable to COC, the producer certifies a loss associated with Tier 3 (40 percent crop loss). COC may approve the application at the Tier 3 payment level.

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3 Florida Citrus Program (Continued)

H Multiple Applicants

The payment rate associated with each citrus tier is made up of an amount associated with crop damage and an amount associated with tree damage. The 2 cannot be split into separate tiers.

Example: A producer rents a citrus grove located in Band 2 and experienced a crop loss of 60 percent. However, the owner is responsible for the cleanup and any associated tree damage. The Tier 2 payment amount associated with this grove is \$1,000 (insured producer). There is no partnership or joint venture tax ID number. Both the owner and producer use their own Social Security number for tax purposes.

As indicated in the table in subparagraph 3 E, 60 percent of the payment amount (\$600) is compensation for the crop loss. And, 40 percent of the payment amount (\$400) is compensation for tree damage and clean up.

In this example, the producer and owner must file separate CCC-439 applications. Both applications shall reflect the grove acres of 150 in item 7B. Tier 2 should be entered in item 7C on both applications.

The payment for this grove will be divided between the owner and producer based upon the payment shares entered in item 7D on their respective applications. In no case shall the total shares for a particular grove exceed 100 percent.

The State Office shall request guidance from the FSA, PECD, Common Provisions Branch, as necessary, for similar cases.

4 Florida Nursery Crop Disaster Program

A Eligibility

Commercial ornamental nursery and fernery producers within Presidential-designated counties because of hurricanes Charley, Frances, and/or Jeanne are eligible for assistance according to this paragraph. Assistance is provided for

- inventory losses for each nursery or fernery operation
- cleanup costs of the nursery or operation.

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4 Florida Nursery Crop Disaster Program (Continued)

A Eligibility (Continued)

Eligible nursery stock includes, but is not limited to:

- deciduous shrubs, broadleaf evergreens, coniferous evergreens, shade and flowering trees
- stock for use as propagation in a commercial ornamental nursery operation
- fruit or nut seedlings grown for sale as seed stock for commercial orchard operations growing fruit or nut.

Eligible nursery inventory does **not** include:

- edible varieties
- plants produced for reforestation purposes or for the purpose of producing a crop for which NAP or Federal crop insurance does not provide protection.

Each nursery operation stands on its own. Production loss from 1 nursery is not offset by production from another nursery operated by the same applicant. On FSA-434, enter only the nurseries which meet the eligible loss criteria. A nursery or fern operation is defined as a contiguous area.

Note: Ferneries which are typically a floriculture crop are also going to be paid under this provision. No other floriculture is covered.

B Calculating Amount of Inventory Loss

The producer shall certify on the FSA-434 application the value of the beginning inventory (before disaster), and the value of the ending inventory (after disaster). The value of the inventory shall be based upon the producer's wholesale price list, less the maximum discount, which is stated in dollar terms, granted to any buyer.

Values are determined using NAP procedure. The loss calculation for ornamental nursery and ferneries shall be based upon the ornamental nursery stock or ferns having no dollar value following the disaster. Ornamental nursery stock or ferns having any dollar value shall be counted as full value. Damaged plants that are determined able to rejuvenate or plants merely stunted or delayed for harvest shall be counted as full value.

For ferneries, the:

- producer shall provide beginning and ending values of the marketable portions of the plant (fronds)
- value of the beginning and ending inventory shall be calculated using the value loss provisions in 1-NAP (Rev. 1).

Certifications are subject to spot checking.

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4 Florida Nursery Crop Disaster Program (Continued)

C Cleanup Costs

Applicants must certify the number of nursery or fernery acres eligible for cleanup assistance. Eligible acres are those in which a minimum of \$250 per acre in expenses are needed to restore the area.

Cleanup consists of debris removal and associated activity.

D Payments

The payment rate for producers covered by insurance or NAP on any nursery or ferns in the county is:

- 25 percent of the actual dollar value of inventory loss
- a flat rate of \$250 per eligible acre for cleanup.

The payment rate for uninsured applicants or applicants without NAP coverage shall be factored by 95 percent for both inventory loss and cleanup.

Inventory losses are subject to the \$80,000 payment limitation and AGI provisions for Florida disaster programs. The payment for cleanup is not subject to the limitation or AGI provisions.

5 Florida Vegetable, Fruit and Tropical Fruit Disaster Program

A Eligible Losses

The Florida Vegetable, Fruit and Tropical Fruit Disaster Program provides assistance for vegetable, fruit and tropical fruit producers in Presidential designated counties because of hurricanes Charley, Frances, and/or Jeanne. A producer must certify to a minimum of 50 percent loss in production or plant population, as applicable, to be eligible for payments. Eligible disaster losses under this program are:

- plasticulture (fruit and vegetable)
- tropical fruit (carambola, longan, lychee, and mangos)
- vegetables (other than plasticulture).

The application form for any of these losses is FSA-440.

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5 Florida Vegetable, Fruit and Tropical Fruit Disaster Program (Continued)

B Plasticulture

Plasticulture refers to production practices for fruit or vegetables where the soil has been bedded, fumigated, fertilized, drip irrigation tape installed, and covered with plastic mulch. Producers must have suffered a minimum of 50 percent loss to be eligible for payments. Payments for plasticulture losses will be made in 3 categories based on the amount of investment. The payment rates are as follows.

Practice I.

\$2,500 per acre for a producer that covered the soil with new plastic mulch, fumigated, fertilized, put in transplants, and had a loss or removal of more than 50 percent of the plastic per acre requiring the replacement of preplant inputs and plastic.

Practice II.

- (a) \$2,000 per acre for a producer that covered the soil with new plastic mulch, fumigated, fertilized, but did not put in transplants, and had a loss or removal of more than 50 percent of the plastic per acre, requiring the replacement of preplant inputs and plastic.
- (b) \$2,000 per acre for a producer who covered the soil with new plastic mulch, fumigated, fertilized, put in transplants, had a loss of greater than 50 percent of the plants, and was not able to replant because of cultural or seasonal limitations.

Practice III.

- (a) \$1,000 per acre for a producer that double crops on a prior season's plastic and had a loss of greater than 50 percent of the plastic per acre.
- (b) \$1,000 per acre for a producer who covered the soil with new plastic mulch, fumigated, fertilized, put in transplants, had a loss of greater than 50 percent of the plants, and replanted those acres.

Payment limitation and AGI rules apply as follows.

Plasticulture Payment Amounts				
	Insured Producers, Subject to Limitation (SL) and AGI	Insured Producers Not Subject to Limitation (NL) or AGI	Uninsured and Those Without NAP Subject to Limitation (SL) and AGI	Uninsured and Those Without NAP Not Subject to Limitation (NL) or AGI
Practice I	\$ 2,300	\$ 200	\$ 2,185	\$ 190
Practice II	\$1,800	\$ 200	\$ 1,710	\$ 190
Practice III	\$ 800	\$ 200	\$ 760	\$ 190

Notice DAP-205

5 Florida Vegetable, Fruit and Tropical Fruit Disaster Program (Continued)

C Vegetables and Fruit Other Than Plasticulture

Eligible vegetable and fruit producers are those who plant conventional row-cropped vegetables and fruit within a Presidential-designated area in the State of Florida who experienced at least a 50 percent loss of plant population. On FSA-440, producers shall enter only the acres of vegetables or fruit that suffered at least a 50 percent loss of the plant population. Production from acres which do not meet the loss threshold do not offset acres with eligible production losses.

Practice IV.

The payment rate for non plasticulture vegetable and fruit crop losses (Practice IV) for producers having any acreage of the vegetables or fruit in the county insured or with NAP coverage is \$250 per acre. The rate for uninsured producers or those without NAP coverage is \$237.50 per acre.

Payment limitation and AGI rules apply as follows.

Plasticulture Payment Amounts				
	Insured Producers, Subject to Limitation (SL) and AGI	Insured Producers Not Subject to Limitation (NL) or AGI	Uninsured and Those Without NAP Subject to Limitation (SL) and AGI	Uninsured and Those Without NAP Not Subject to Limitation (NL) or AGI
Practice IV	\$ 250	\$ 0	\$ 237.50	\$ 0

D Tropical Fruit

Only those acres located in 1 of the following areas and having at least a 50 percent loss are eligible for tropical fruit assistance:

- Lee County
- Band 1 or Band 2 designated under the Florida Citrus Disaster Program.

Tropical fruit for purposes of this program is defined as:

- Carambola
- Longan
- Lychee
- Mango.

Notice DAP-205

5 Florida Vegetable, Fruit and Tropical Fruit Disaster Program (Continued)

D Tropical Fruit (Continued)

To qualify for assistance, the producer must have incurred a 50 percent or greater loss of commercial production.

- Only those acres of the 4 eligible fruits that suffered a 50 percent or greater loss shall be included on the application.
- Production from acres not meeting the eligibility criteria does not offset the loss from eligible acres and shall not be included in the application.
- Crop losses are based upon a normal yield (higher of a producer’s APH or county average established under 2001/2002 CDP).

Practice V.

The payment rate for tropical fruits (Practice V) for producers having any acreage of the crop in the county insured or with NAP coverage is a flat rate of \$5000/acre. The rate for uninsured producers or those without NAP coverage is \$4750/acre.

Payment limitation and AGI rules apply as follows.

Plasticulture Payment Amounts				
	Insured Producers, Subject to Limitation (SL) and AGI	Insured Producers Not Subject to Limitation (NL) or AGI	Uninsured and Those Without NAP Subject to Limitation (SL) and AGI	Uninsured and Those Without NAP Not Subject to Limitation (NL) or AGI
Practice V	\$ 5,000	\$ 0	\$ 4,750	\$ 0

FSA-434, Florida Nursery Disaster Program Application

A Instructions for Completing FSA-434

Complete FSA-434 according to the instructions in this table.

Item	Entry
1	Enter State and county code.
2	Enter date application was prepared.
3	Enter County Office name.
4A, B	Enters producer’s name and telephone number.
4C	Enter producer’s address.
5	Enter producer’s tax identification number.
6	Enter a checkmark in the “Yes” checkbox if you have insurance or NAP coverage on any nursery crops in this county. Enter a checkmark in the “No” checkbox if you do not have insurance or NAP coverage on any nursery crops in this county.
7A	Enter the nursery number for affected area. Identified on FSA photocopy.
7B	Enter the beginning inventory value before the storm.
7C	Enter the ending inventory value after the storm.
7D	Enter the producer’s share.
8A	Enter the nursery number from FSA photocopy.
8B	Enter the acres associated with the nursery listed in item 8A.
8C	Enter the producer’s share.
8D, E	After reading the Certification, producer signs and dates.
9A, B, C	Enter: <ul style="list-style-type: none"> • COC signature • a check in "approved" or "disapproved" box • date of COC action • County Office name, address, and telephone number.

FSA-434, Florida Nursery Disaster Program Application (Continued)

B Example of FSA-434

Following is an example of FSA-434.

This form is available electronically. Form Approved - OMB No. 0560-0247

FSA-434 (10-04-04)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. State and County Code	2. Application Date (MM-DD-YYYY)
FLORIDA NURSERY DISASTER PROGRAM APPLICATION		3. County Office Name	
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Section 32 of the Act of August 24, 1935. The information will be used to determine eligibility in accordance with the requirements of the Federal Register Notice for applicants who are requesting Florida Nursery Disaster Program benefits. Furnishing the requested information is voluntary, however, failure to furnish the requested information will result in a determination of ineligibility for Florida Nursery Disaster Program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal or to other request for information. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001, 1004; and 31 USC 3729, may be applicable to the information provided.</p> <p>According to the Paperwork Reduction Act of 1995, an agency generally may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0247. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>			
PART A - PRODUCER INFORMATION			
4A. Producer's Name		4C. Producer's Address (Including Zip Code)	
4B. Telephone Number (Including Area Code)		5. Producer's Tax ID Number	
PART B - PAYMENT INFORMATION			
Payments are for losses suffered with approved nursery crops associated with 2004 hurricanes Charley, Frances, and/or Jeanne in Florida counties designated by FSA for those crops and are subject to the definitions, provisions, modifications, payment and income limitations, geographical and other limitations, future crop insurance requirements and other conditions provided for in the Federal Register notice for this program or additionally imposed by FSA. Losses must be in qualifying counties identified by FSA. Actual losses or costs must equal or exceed payment amount. Applicants can qualify for both the crop loss assistance (using the .25 factor or .2375 payment factor) and the clean-up assistance at the set amount per acre. The chart below provides the qualifying loss levels and announced payment rates per acre.			
Tier	Insured/Noninsurable	Uninsured	
Inventory Loss Payment Factor	.25	.2375	
Cleanup Assistance	\$ 250.00 per acre	\$ 237.50 per acre	
PART C - INVENTORY VALUE LOSS INFORMATION			
6. Do you have insurance or NAP coverage on any nursery crops in this county? <input type="checkbox"/> YES <input type="checkbox"/> NO			
7. Enter the nursery number of the affected disaster area in Item 7A; enter the pre-hurricane and post-hurricane dollar inventory values in Item 7B and Item 7C, limiting the change to eligible hurricane losses; enter producer's share of acreage in Item 7D. (All entries subject to FSA verification)			
7A. Nursery No.	7B. Beginning Inventory Value	7C. Ending Inventory Value	7D. Producer's Share
	\$	\$	
	\$	\$	
PART D - CLEANUP ASSISTANCE INFORMATION AND CERTIFICATION			
8. Enter the field number Item 8A; the number of acres in the field in Item 8B; and enter the producer's share in Item 8C.			
8A. Nursery No.	8B. Acres	8C. Producer's Share	
Certification by Applicant: I certify that the losses and costs reflected on this application are the result of hurricanes Charley, Frances, and/or Jeanne exceed the payment amount sought and all the information entered on this application is true and correct. Providing a false certification to the government may be punishable by imprisonment, fines and other penalties. All information provided herein is subject to verification by FSA. The provisions of criminal and civil fraud statutes that apply to this certification include 18 USC 286, 287, 371, 641, 651, 1001, 1004; and 31 USC 3729. I understand that these payments are subject to federal regulations found in 7 CFR Part 12, Part 1400, subparts A, B and C, and Part 718.6 and 718 subpart B, and to the definitions, provisions, modifications, payment and income limitations, geographical and other limitations, future crop insurance requirements and other conditions provided for in the Federal Register notice for this program or additionally imposed by FSA.			
8D. Producer's Signature			8E. Date (MM-DD-YYYY)
9A. COC's Signature		9C. Date (MM-DD-YYYY)	9D. County FSA Office Name and Address (Including Zip Code)
9B. ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		9E. Telephone Number (Including Area Code)	
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.</small></p>			

FSA-439, Florida Citrus Disaster Program Application

A Instructions for Completing FSA-439

Complete FSA-439 according to the instructions in this table.

Item	Entry
1	Enter State and county code.
2	Enter date application was prepared.
3	Enter County Office name.
4A, B	Enters producer's name and telephone number.
4C	Enter producer's address.
5	Enter producer's tax identification number.
6	<p>Enter a checkmark in the "Yes" checkbox if you have insurance or NAP coverage on any nursery crops in this county.</p> <p>Enter a checkmark in the "No" checkbox if you do not have insurance or NAP coverage on any nursery crops in this county.</p>
7A	Enter the grove number from FSA photocopy.
7B	Enter the total acreage of the grove entered item 7A.
7C	<p>Enter the tier that reflects the level of damage for the grove entered in item 7A. The tier cannot exceed the tier of the disaster affected geographic location.</p> <p>Note: This entry must be based on the location of the band. For example, if the grove is in Band III but had a 75 percent loss level, the tier would be Tier III. To seek adjustment to a higher tier because of the high loss, producer must provide a written notification and justification to the County Office.</p>
7D	Enter the producer's share of acreage in the grove entered in item 7A.
8A, B	After reading the Certification, producer signs and dates.
9 A, B, C	<p>Enter:</p> <ul style="list-style-type: none"> • COC signature • a check in "approved" or "disapproved" box • date of action • County Office name, address, and telephone number.

FSA-439, Florida Citrus Disaster Program Application (Continued)

B Example of FSA-439

Following is an example of FSA-439.

This form is available electronically. Form Approved - OMB No. 0560-0247

FSA-439 (10-04-04)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. State and County Code:	2. Application Date (MM-DD-YYYY)
FLORIDA CITRUS DISASTER PROGRAM APPLICATION		3. County Office Name	
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is Section 32 of the Act of August 24, 1935. The information will be used to determine eligibility in accordance with the requirements of the Federal Register Notice for applicants who are requesting Florida Citrus Disaster Program benefits. Furnishing the requested information is voluntary, however, failure to furnish the requested information will result in a determination of ineligibility for Florida Citrus Disaster Program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court, legislative or administrative subpoena or to other requests for information. The provisions of criminal and civil fraud statutes, including 18 USC 286, 291, 371, 641, 651, 1001, 1004, and 31 USC 3729, may be applicable to the information provided.</p> <p>According to the Paperwork Reduction Act of 1995, an agency generally may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0247. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>			
PART A - PRODUCER INFORMATION			
4A. Producer's Name		4C. Producer's Address (Including Zip Code)	
4B. Telephone Number (Including Area Code)		5. Producer's Tax ID Number	
PART B - PAYMENT INFORMATION			
<p>Payments are for approved citrus crops only for losses associated with 2004 hurricanes Charley, Frances, and/or Jeanne only in Florida counties designated by FSA for those crops, and are subject to the definitions, provisions, modifications, payment and income limitations, geographical and other limitations, future crop insurance requirements and other conditions provided for in the Federal Register notice for this program or additionally imposed by FSA. Losses must be in qualifying counties identified by FSA. Within the area comprised of the qualifying counties, geographical "Bands" of loss based on severity of general losses will be identified by FSA. Groves qualifying more than one tier will be paid under one tier only. Actual losses or costs must equal or exceed payment amount. Upward tier adjustments may be made by FSA for producers with loss levels which would qualify for higher tiers but do not meet the higher tier's Band location. Such adjustments may be made only upon approval of the FSA county office committee. The chart below provides the qualifying tier loss levels and announced payment rates per acre.</p>			
Tier	Insured/Noninsurable Rate	Uninsured Rate	
Tier I = Grove located in Band I and has 75% or greater crop loss and associated tree damage	\$ 1500.00	\$ 1425.00	
Tier II = Grove located in Band I or II and has 50% or greater crop loss and associated tree damage	\$ 1000.00	\$ 950.00	
Tier III = Grove located in Band I or II or III and has 35% or greater crop loss and associated tree damage	\$ 600.00	\$ 570.00	
Tier IV = Grove located in Band I or II or III or IV and has 15% or more of its trees damaged	\$ 100.00	\$ 95.00	
PART C - LOSS INFORMATION AND CERTIFICATION			
6. Do you have insurance or NAP coverage on any citrus acreage in this county? <input type="checkbox"/> YES <input type="checkbox"/> NO			
7. Enter the grove number of the disaster affected grove in Item 7A; the acres in the disaster affected grove in Item 7B; the tier that reflects the claimed level of loss in Item 7C (see instructions); and the producer's share of the grove in Item 7D. (All entries subject to FSA verification)			
7A. Grove No.	7B. Acres	7C. Tier	7D. Producer's Share
<p>Certification by Applicant: I certify that the losses and costs reflected on this application are the result of hurricanes Charley, Frances, and/or Jeanne, exceed the payment amount sought and all information entered on this application is true and correct. Providing a false certification to the government may be punishable by imprisonment, fines and other penalties. All information provided herein is subject to verification by FSA. The provisions of criminal and civil fraud statutes that apply to this certification include 18 USC 286, 287, 371, 641, 651, 1001, 1004, and 31 USC 3729. I understand that these payments are subject to federal regulations found in 7 CFR Part 12, Part 1400, subparts A, B and C, and Part 718.6 and 718 subpart B and to the definitions, provisions, modifications, payment and income limitations, geographical and other limitations, future crop insurance requirements and other conditions provided for in the Federal Register notice for this program or additionally imposed by FSA.</p>			
8A. Producer's Signature		8B. Date (MM-DD-YYYY)	
9A. COC Signature	9C. Date (MM-DD-YYYY)	9D. County FSA Office Name and Address (Including Zip Code)	
9B. ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		9E. Telephone Number (Including Area Code)	
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.</small></p>			

FSA-440, Florida Vegetable and Tropical Fruit Disaster Program Application

A Instructions for Completing FSA-440

Complete FSA-440 according to the instructions in this table.

Item	Entry
1	Enter State and county code.
2	Enter date application was prepared.
3	Enter County Office name.
4A	Enters producer’s name and telephone number.
4B	Enter producer’s address.
5	Enter producer’s tax identification number.
6	Enter a checkmark in the “Yes” checkbox if you have insurance or NAP coverage on any nursery crops in this county. Enter a checkmark in the “No” checkbox if you do not have insurance or NAP coverage on any nursery crops in this county.
7A	Enter the number assigned to the continuous acreage in the affected area beginning with number 1. Identified on FSA photocopy.
7B	Enter the acres in the area identified in item 7A.
7C	Enter the Roman numeral that reflects the cultural practice identified in item B. I - Losses to crops planted on new plastic II – Losses to prevented planted crops on new plastic III – Losses to crops planted on plastic that a prior crop was planted on IV – Nonplasticulture vegetables V – Tropical fruit
7D	Enter the producer’s share of acreage listed in item 7B.
8A, B	After reading the Certification, producer signs and dates.
9A, B, C	Enter: <ul style="list-style-type: none"> • COC signature • a check in the "approved" or "disapproved" box • date of action • County Office name, address, and telephone number.

FSA-440, Florida Vegetable and Tropical Fruit Disaster Program Application (Continued)

B Example of FSA-440

Following is an example of FSA-440.

This form is available electronically. Form Approved - OMB No. 0560-0247

FSA-440 (10-04-04)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. State and County Code	2. Application Date (MM-DD-YYYY)
FLORIDA VEGETABLE AND TROPICAL FRUIT DISASTER PROGRAM APPLICATION		3. County Office Name	
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended: The authority for requesting the following information is Section 32 of the Act of August 24, 1925. The information will be used to determine eligibility in accordance with the requirements of the Federal Register notice for applicants who are requesting Florida Vegetable and Tropical Fruit Disaster Program benefits. Furnishing the requested information is voluntary, however, failure to furnish the requested information will result in a determination of ineligibility for Florida Vegetable and Tropical Fruit Disaster Program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal or to other requests for information. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001, 1004, and 31 USC 3729, may be applicable to the information provided.</p> <p>According to the Paperwork Reduction Act of 1995, an agency generally may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0247. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>			
PART A - PRODUCER INFORMATION			
4A. Producer's Name		4C. Producer's Address (Including Zip Code)	
4B. Telephone Number (Including Area Code)		5. Producer's Tax ID Number	
PART B - PAYMENT INFORMATION			
Payments will be made only for those fields having crop losses of 50% or greater and only for losses due to 2004 hurricanes Charley, Frances, and/or Jeanne only in Florida counties designated by FSA. For plasti-culture crops, "double cropped" means any instance in which the crop lost or prevented from planting was or would have been a second or later crop use of the plastic. Practice I and II are reserved only for original, first-time plastic use. Payments are for approved vegetable and non-citrus fruit crops only and are subject to the definitions, provisions, modifications, payment and income limitations, geographical and other limitations, future crop insurance requirements and other conditions provided for in the Federal Register notice for this program or additionally imposed by FSA. Losses must be in qualifying counties for that crop as identified by FSA. These tropical fruits will be only those identified by FSA. Coverage of tropical fruits is limited to Lee County and to those areas within Bands I and II of the Section 32 citrus program covering similar losses for citrus as identified by FSA. Fruit losses receiving coverage under the Florida Citrus Disaster Program are not eligible for tropical fruit payments in this program. Actual losses or costs must equal or exceed payment amount. The chart below provides the qualifying loss levels and announced payment rates per acre.			
Tier		Insured/Noninsurable Rate	Uninsured Rate
Practice I = Plasti-culture vegetable crop loss (first crop use only)		\$ 2500.00	\$ 2375.00
Practice II = Plasti-culture vegetable prevented planted (first crop use only)		\$ 2000.00	\$ 1900.00
Practice III = Plasti-culture vegetable "Double cropped" (second or later crop use loss or prevent planted crop loss)		\$ 1000.00	\$ 950.00
Practice IV = Nonplasti-culture vegetables crop loss		\$ 250.00	\$ 237.50
Practice V = Tropical fruit crop loss		\$ 5000.00	\$ 4750.00
PART C - LOSS INFORMATION AND CERTIFICATION			
6. Do you have insurance or NAP coverage on any vegetable or tropical fruit crops in this county? <input type="checkbox"/> YES <input type="checkbox"/> NO			
7. Enter the field number of the affected disaster area in Item 7A; enter the acres in the disaster affected field in Item 7B; enter the practice (see above) that represents the claims for payments in Item 7C; enter producer's share of acreage in Item 7D. (All entries subject to FSA verification)			
7A. Area	7B. Acres	7C. Practice	7D. Producer's Share
<p>Certification by Applicant: I certify that I had at least 50 percent loss and the losses reflected on this application are the result of hurricanes Charley, Frances, and/or Jeanne exceed the payment amount sought, and all the information entered on this application is true and correct. Providing a false certification to the government may be punishable by imprisonment, fines and other penalties. All information provided herein is subject to verification by FSA. The provisions of criminal and civil fraud statutes that apply to this certification include 18 USC 286, 287, 371, 641, 651, 1001, 1004; and 31 USC 3729. I understand that these payments are subject to federal regulations found in 7 CFR Part 12, Part 1400, subparts A, B and C, and Part 718.6 and 718 subpart B, and to the definitions, provisions, modifications, payment and income limitations, geographical and other limitations, future crop insurance requirements and other conditions provided for in the Federal Register notice for this program or additionally imposed by FSA.</p>			
8A. Producer's Signature		8B. Date (MM-DD-YYYY)	
9A. COC Signature		9C. Date (MM-DD-YYYY)	9D. County FSA Office Name and Address (Including Zip Code)
9B. ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		9E. Telephone Number (Including Area Code)	
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.</small></p>			