



867164

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Agriculture (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 581.217, Florida Statutes, is created to
read:

581.217 State hemp program.—

(1) CREATION AND PURPOSE.—The state hemp program is created
within the department to promote the cultivation, handling,
processing, and sale of hemp, hemp products, and hemp extract in



867164

11 the state.

12 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

13 (a) Hemp is an agricultural commodity.

14 (b) Hemp-derived cannabinoids, including, but not limited
15 to, cannabidiol, are not controlled substances or adulterants.

16 (c) Products containing one or more hemp-derived
17 cannabinoids, including, but not limited to, cannabidiol,
18 intended for ingestion are foods and not controlled substances
19 or adulterated products.

20 (d) The addition of hemp derivatives, including, but not
21 limited to, hemp-derived cannabidiol, to cosmetics, personal
22 care products, and products intended for human or animal
23 consumption is not an adulteration of such products.

24 (3) DEFINITIONS.—As used in this section, the term:

25 (a) "Cannabidiol" means the compound by the same name
26 derived from the hemp variety of the *Cannabis sativa L.* plant.

27 (b) "Cultivate" means planting, watering, growing, and
28 harvesting a hemp plant or a hemp crop. The term does not
29 include the transport of a hemp plant or a hemp crop.

30 (c) "Federally defined THC level for hemp" means a total
31 delta-9-tetrahydrocannabinol concentration, including immediate
32 precursors, that does not exceed 0.3 percent on a dry-weight
33 basis, or the tetrahydrocannabinol concentration for hemp
34 defined in 7 U.S.C. s. 5940, whichever is greater.

35 (d) "Handle" means possessing or storing hemp plants for
36 any period of time on premises owned, operated, or controlled by
37 a person or an entity registered to cultivate or process hemp,
38 including the possession or storage of hemp plants in a vehicle
39 for any period of time other than during the actual transport



867164

40 from the premises of a person registered to cultivate or process
41 hemp or industrial hemp to the premises of another registered
42 person. The term does not include the possession or storage of
43 finished hemp products.

44 (e) "Hemp" means the plant *Cannabis sativa L.* and any part
45 of that plant, including seeds, derivatives, extracts,
46 cannabinoids, isomers, acids, salts, and salts of isomers
47 thereof, whether growing or not, that has the federally defined
48 THC level for hemp. The term includes industrial hemp as defined
49 in s. 1004.4473.

50 (f) "Hemp extract" means a no-THC or low-THC substance or
51 compound that:

52 1. Is derived from or contains any part of the plant
53 *Cannabis sativa L.* that meets the definition of industrial hemp
54 under s. 1004.4473;

55 2. Contains a total delta-9-tetrahydrocannabinol
56 concentration, including immediate precursors, that does not
57 exceed 0.3 percent on a dry-weight basis; and

58 3. Does not contain other controlled substances.

59 (g) "Hemp products" means all products with the federally
60 defined THC level for hemp derived from or made by processing
61 hemp plants or plant parts that are prepared in a form available
62 for retail sale, including, but not limited to cosmetics,
63 personal care products, food intended for animal or human
64 consumption, cloth, cordage, fiber, fuel, paint, paper,
65 particleboard, plastics, and any product containing one or more
66 hemp-derived cannabinoids, such as cannabidiol.

67 (h) "Process" means the conversion of hemp into a
68 marketable form.



867164

69 (4) REGISTRATION.—A person or entity:
70 (a) Seeking to cultivate, handle, process, or sell hemp,
71 hemp products, or hemp extract must register with the department
72 and complete a background check every 2 years. The department
73 may deny an application.
74 (b) May not cultivate, handle, process, or sell hemp, hemp
75 products, or hemp extract in the state without being registered
76 with the department.
77 (c) Seeking to cultivate hemp must provide to the
78 department the legal land description and global positioning
79 coordinates of the area where hemp will be cultivated.
80 (d) Seeking to cultivate, handle, process, or sell hemp
81 must provide to the department prior written consent allowing
82 representatives of the department, the state police, and other
83 state and local law enforcement agencies to enter onto all
84 premises where hemp is cultivated, handled, or processed for the
85 purpose of conducting physical inspections and ensuring
86 compliance with the requirements of this section and department
87 rules.
88 (5) INDUSTRIAL HEMP PILOT PROJECTS.—Notwithstanding s.
89 1004.4473, an existing industrial hemp project approved by a
90 university under s. 1004.4473 is eligible to cultivate, handle,
91 and process hemp and may register with the department to
92 participate in the state hemp program.
93 (6) DISTRIBUTION AND RETAIL SALE OF HEMP AND HEMP
94 PRODUCTS.—
95 (a) The distribution and retail sale of hemp and hemp
96 products may be conducted when the hemp or the hemp used in
97 products are legally cultivated in another state or jurisdiction



867164

98 and meet the same or substantially the same requirements for
99 cultivating, handling, and processing hemp and hemp products
100 under this section.

101 (b) Hemp and hemp products may be legally transported
102 across state lines and exported to foreign nations consistent
103 with federal laws and the laws of respective foreign nations.

104 (7) HEMP SEED PROGRAM.—The department shall administer a
105 certified hemp seed program that identifies seeds and cultivars
106 that are suitable for hemp production. The seeds or cultivars
107 must be certified as industrial hemp by one of the following:

108 (a) The department.

109 (b) A university conducting an industrial hemp pilot
110 project pursuant to s. 1004.4473.

111 (c) A member of the Association of Official Seed Certifying
112 Agencies.

113 (8) RULES.—Within 90 days after the effective date of this
114 act, the department shall, in consultation with the Department
115 of Health and the Department of Business and Professional
116 Regulation, adopt rules to administer the state hemp program.
117 The rules must ensure that the application process and
118 registration requirements are reasonable and attainable for
119 small farmers, small businesses, and private individuals. The
120 rules must provide for:

121 (a) Sampling and testing measures to ensure that hemp, hemp
122 products, and hemp extract cultivated, handled, and processed
123 under this section do not exceed the federally defined THC level
124 for hemp;

125 (b) Due process and an appeals process;

126 (c) Enforcement of this section and department rules;



867164

127 (d) A civil penalty schedule for violations;
128 (e) A schedule of nonrefundable fees for administering the
129 program; and
130 (f) Inclusion of the state hemp program in the Florida
131 Agricultural Promotional Campaign and for promotion and labeling
132 of hemp, hemp products, and hemp extract as "Fresh From
133 Florida."
134 (9) DEPARTMENT PLAN.—
135 (a) Within 90 days after the effective date of this act,
136 the Commissioner of Agriculture, in consultation with the
137 Governor and Attorney General, shall submit to the United States
138 Secretary of Agriculture the department plan for regulating hemp
139 production. The plan must include:
140 1. A procedure for maintaining relevant information
141 regarding the locations in the state where hemp is cultivated,
142 handled, and processed for not less than 3 calendar years;
143 2. A procedure that uses post-decarboxylation or other
144 similarly reliable methods for testing delta-9-
145 tetrahydrocannabinol concentration levels of hemp cultivated,
146 handled, and processed in the state;
147 3. A procedure for the effective disposal of hemp, hemp
148 products, and hemp extract cultivated, handled, and processed in
149 violation of this section and department rules; and
150 4. Guidance for compliance with enforcement procedures.
151 (b) If the department plan for regulating hemp production
152 is not approved by the United States Secretary of Agriculture,
153 the Commissioner of Agriculture, in consultation with the
154 Governor and Attorney General, shall submit an amended plan.
155 (10) INDUSTRIAL HEMP ADVISORY BOARD.—An Industrial Hemp



867164

156 Advisory Board is created to provide advice and expertise as
157 needed by a university or the department with respect to plans,
158 policies, and procedures applicable to the administration of
159 their respective industrial hemp pilot programs.

160 (a) The Industrial Hemp Advisory Board shall be adjunct to
161 the department for administrative purposes.

162 (b) The Industrial Hemp Advisory Board shall be composed of
163 all of the following members:

164 1. Two members appointed by the commissioner.

165 2. Two members appointed by the Governor.

166 3. Two members appointed by the President of the Senate.

167 4. Two members appointed by the Speaker of the House of
168 Representatives.

169 5. The dean for extension of the Institute of Food and
170 Agricultural Sciences of the University of Florida or his or her
171 designee.

172 6. The executive director of the Department of Law
173 Enforcement or his or her designee.

174 7. The president of the Florida Sheriffs Association or his
175 or her designee.

176 8. The president of the Florida Police Chiefs Association
177 or his or her designee.

178 9. The president of the Florida Farm Bureau Federation or
179 his or her designee.

180 10. The president of the Florida Fruit and Vegetable
181 Association or his or her designee.

182 (c) The board shall elect by a two-thirds vote of the
183 members one member to serve as chair of the board.

184 (d) A majority of the members of the board shall constitute



867164

185 a quorum.

186 (e) The board shall meet at least once annually at the call
187 of the chair.

188 (f) Board members shall receive no compensation but shall
189 be reimbursed for any actual travel expense incurred while
190 attending meetings of the board.

191 Section 2. Paragraph (a) of subsection (2) of section
192 1004.4473, Florida Statutes, is amended, and subsection (8) is
193 added to that section, to read:

194 1004.4473 Industrial hemp pilot projects.—

195 (2) (a) The department shall authorize and oversee the
196 development of industrial hemp pilot projects for the Institute
197 of Food and Agricultural Sciences at the University of Florida,
198 Florida Agricultural and Mechanical University, ~~and~~ any land
199 grant university in the state that has a college of agriculture,
200 and any Florida College System institution or state university
201 that has an established agriculture or pharmacy program. The
202 department shall adopt rules as required under the Agricultural
203 Act of 2014, 7 U.S.C. s. 5940, to implement this section,
204 including rules for the certification and registration of sites
205 used for growth or cultivation. The purpose of the pilot
206 projects is to cultivate, process, test, research, create, and
207 market safe and effective commercial applications for industrial
208 hemp in the agricultural sector in this state.

209 (8) Notwithstanding this section, a university may choose
210 to implement an industrial hemp pilot project pursuant to s.
211 581.217.

212 Section 3. The Division of Law Revision is directed to
213 replace the phrase "the effective date of this act" wherever it



867164

214 occurs in this act with the date this act becomes a law.

215 Section 4. This act shall take effect upon becoming a law.

216

217 ===== T I T L E A M E N D M E N T =====

218 And the title is amended as follows:

219 Delete everything before the enacting clause

220 and insert:

221 A bill to be entitled

222 An act relating to the state hemp program; creating s.

223 581.217, F.S.; creating the state hemp program within

224 the Department of Agriculture and Consumer Services;

225 providing the purpose of the program; providing

226 legislative findings; defining terms; providing

227 requirements for program registration and for the

228 distribution and retail sale of hemp and hemp

229 products; requiring the department to administer a

230 certified hemp seed program; providing the purpose and

231 requirements of the program; requiring the department,

232 in consultation with the Department of Health and the

233 Department of Business and Professional Regulation, to

234 adopt specified rules within a specified timeframe;

235 directing the Commissioner of Agriculture, in

236 consultation with the Governor and Attorney General,

237 to submit a specified plan within a specified

238 timeframe to the United States Secretary of

239 Agriculture; creating an Industrial Hemp Advisory

240 Board for a specified purpose; providing that the

241 board is adjunct to the department for administrative

242 purposes; providing the membership and meetings of the



867164

243 board; prohibiting the board from receiving
244 compensation; amending s. 1004.4473, F.S.; revising
245 the schools at which the department is required to
246 authorize and oversee the development of industrial
247 hemp pilot projects; authorizing universities to
248 implement industrial hemp pilot projects pursuant to
249 the state hemp program; providing a directive to the
250 Division of Law Revision; providing an effective date.