

26 581.217 State hemp program.-

27 (1) CREATION AND PURPOSE.-The state hemp program is
 28 created within the department to regulate the cultivation of
 29 hemp in the state. This section shall constitute the state plan
 30 for the regulation of the cultivation of hemp for purposes of 7
 31 U.S.C. s. 1639p.

32 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

33 (a) Hemp is an agricultural commodity.

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

36 (3) DEFINITIONS.-As used in this section, the term:

37 (a) "Cultivate" means planting, watering, growing, or
 38 harvesting hemp.

39 (b) "Hemp" means the plant Cannabis sativa L. and any part
 40 of that plant, including seeds, derivatives, extracts,
 41 cannabinoids, isomers, acids, salts, and salts of isomers
 42 thereof, whether growing or not, that has a total delta-9
 43 tetrahydrocannabinol concentration that does not exceed 0.3
 44 percent on a dry-weight basis.

45 (c) "Independent testing laboratory" means a laboratory
 46 that:

47 1. Does not have a direct or indirect interest in the
 48 entity whose product is being tested;

49 2. Does not have a direct or indirect interest in a
 50 facility that cultivates hemp in the state or in another

51 jurisdiction or cultivates, processes, distributes, dispenses,
52 or sells marijuana, as defined in s. 381.986; and

53 3. Is accredited by a third-party accrediting body, such
54 as the American Association for Laboratory Accreditation or
55 Assured Calibration and Laboratory Accreditation Select
56 Services, as a competent testing laboratory pursuant to ISO/IEC
57 17025 of the International Organization for Standardization.

58 (4) FEDERAL APPROVAL.—The department must seek approval of
59 the state plan for the regulation of the cultivation of hemp
60 with the United States Secretary of Agriculture in accordance
61 with 7 U.S.C. s. 1639p within 30 days after the effective date
62 of this act. If the state plan is not approved by the United
63 States Secretary of Agriculture, the Commissioner of
64 Agriculture, in consultation with the Governor and the Attorney
65 General, must seek guidance on how to amend the state plan and
66 submit the recommendations to the Legislature.

67 (5) LICENSURE.—

68 (a) It is unlawful for any person to cultivate hemp who is
69 not licensed by the department.

70 (b) Any person seeking to cultivate hemp must apply for
71 licensure with the department on a form prescribed by the
72 department.

73 (c) The department must adopt rules establishing
74 procedures for the issuance and annual renewal of hemp licenses.

75 (d) Any person seeking to cultivate hemp must provide to
 76 the department the legal land description and global positioning
 77 coordinates of the area where hemp will be cultivated.

78 (e) The department must deny the issuance of a hemp
 79 license to any applicant, or refuse to renew the hemp license of
 80 any licensee, if the department finds that the applicant or
 81 licensee:

82 1. Has falsified any information contained in an
 83 application for hemp licensure or hemp license renewal; or

84 2. Has been convicted of a felony relating to a controlled
 85 substance under state or federal law. A hemp license may not be
 86 issued for 10 years following the date of the conviction.

87 (6) CERTIFIED HEMP SEED PROGRAM.—The department must
 88 administer a certified hemp seed program that identifies seeds
 89 and cultivars that are suitable for hemp production. Licensed
 90 hemp cultivators may only use hemp seeds and cultivars certified
 91 by the department, a university conducting an industrial hemp
 92 pilot program or project pursuant to 7 U.S.C. 5940 and s.
 93 1004.4473, or an independent testing laboratory that has been
 94 approved by the department to certify hemp seeds and cultivars.

95 (7) ENFORCEMENT.—

96 (a) The department shall enforce this section.

97 (b) Every state attorney, sheriff, police officer, and
 98 other appropriate county or municipal officer must enforce, or

99 assist any agent of the department in enforcing, this chapter
100 and rules adopted by the department.

101 (c) The department, or its agent, is authorized to enter
102 any public or private premises during regular business hours in
103 the performance of its duties relating to hemp cultivation.

104 (d) The department must conduct random inspections, at
105 least annually, of each licensee to ensure that only certified
106 hemp seeds are being used and that hemp is being cultivated in
107 compliance with this section.

108 (8) VIOLATIONS.—

109 (a) Licensees must complete a corrective action plan if
110 the department determines that a licensee has negligently
111 violated this section or department rules, including
112 negligently:

113 1. Failing to provide the legal land description and
114 global positioning coordinates pursuant to subsection (5);

115 2. Failing to obtain a proper licensure or other required
116 authorization from the department; or

117 3. Producing Cannabis sativa L. that has a total delta-9
118 tetrahydrocannabinol concentration that exceeds 0.3 percent on a
119 dry-weight basis.

120 (b) The corrective action plan must include:

121 1. A reasonable date by which the licensee must correct
122 the negligent violation; and

123 2. A requirement that the licensee periodically report to

124 the department on compliance with this section and department
125 rules for a period of at least 2 calendar years after the date
126 of the violation.

127 (c) A licensee who negligently violates the corrective
128 action plan under this subsection three times within 5 years is
129 ineligible to cultivate hemp for 5 years following the date of
130 the third violation.

131 (d) If the department determines that a licensee has
132 violated this section or department rules with a culpable mental
133 state greater than negligence, the department shall immediately
134 report the licensee to the Attorney General and the United
135 States Attorney General.

136 (9) LAND REGISTRY.—The department must maintain a registry
137 of land on which hemp is cultivated, including the global
138 positioning coordinates and legal land description for each
139 location, for a period of at least 3 calendar years.

140 (10) DEPARTMENT REPORTING.—Monthly, the department must
141 submit to the United States Secretary of Agriculture the
142 locations in the state where hemp is cultivated or has been
143 cultivated for a period of at least 3 calendar years. The report
144 must include the contact information for each licensee.

145 (11) RULES.—By August 1, 2019, the department, in
146 consultation with the Department of Health and the Department of
147 Business and Professional Regulation, must initiate rulemaking
148 to administer the state hemp program. The rules shall provide

149 for:

150 (a) Certification of hemp seeds and cultivars.

151 (b) University participation in or affiliation with the
 152 state hemp program.

153 (c) A procedure that uses post-decarboxylation or other
 154 similarly reliable methods for testing the delta-9
 155 tetrahydrocannabinol concentration of cultivated hemp.

156 (d) A procedure for the effective disposal of plants,
 157 whether growing or not, that are cultivated in violation of this
 158 section or department rules, and products derived from those
 159 plants.

160 (12) APPLICABILITY.—Notwithstanding any other law:

161 (a) This section does not authorize a licensee to violate
 162 any federal or state law or regulation.

163 (b) This section does not apply to a pilot program or
 164 project developed in accordance with 7 U.S.C. 5940 and s.
 165 1004.4473.

166 (c) A licensee who negligently violates this section or
 167 department rules is not subject to any criminal or civil
 168 enforcement action by the state or a local government other than
 169 the enforcement action authorized under subsection (7).

170 Section 2. Subsection (3) of section 893.02, Florida
 171 Statutes, is amended to read:

172 893.02 Definitions.—The following words and phrases as
 173 used in this chapter shall have the following meanings, unless

174 | the context otherwise requires:

175 | (3) "Cannabis" means all parts of any plant of the genus
176 | Cannabis, whether growing or not; the seeds thereof; the resin
177 | extracted from any part of the plant; and every compound,
178 | manufacture, salt, derivative, mixture, or preparation of the
179 | plant or its seeds or resin. The term does not include
180 | "marijuana," as defined in s. 381.986, if manufactured,
181 | possessed, sold, purchased, delivered, distributed, or
182 | dispensed, in conformance with s. 381.986. The term does not
183 | include hemp as defined in s. 581.217 or industrial hemp as
184 | defined in s. 1004.4473.

185 | Section 3. This act shall take effect July 1, 2019.