A bill to be entitled
An act relating to the state hemp program; creating s. 581.217, F.S.; creating the state hemp program within the Department of Agriculture and Consumer Services; providing the purpose of the program; providing legislative findings; defining terms; providing requirements for program registration and for the distribution and retail sale of hemp and hemp products; providing that hemp seed and hemp seed dealers are subject to the Florida Seed Law; providing hemp seed certification requirements; requiring the department, in consultation with the Department of Health and the Department of Business and Professional Regulation, to adopt specified rules within a specified timeframe; directing the Commissioner of Agriculture, in consultation with the Governor and Attorney General, to submit a specified plan within a specified timeframe to the United States Secretary of Agriculture; creating an Industrial Hemp Advisory Board for a specified purpose; providing that the board is adjunct to the department for administrative purposes; providing the membership and meetings of the board; prohibiting members of the board from receiving compensation; authorizing members of the board to receive reimbursements for certain expenses; amending s. 893.02, F.S.; revising the definition of the term "cannabis" to exclude hemp and industrial hemp for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 1004.4473,
Be It Enacted by the Legislature of the State of Florida:

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 the state.

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:
(a) Hemp is an agricultural commodity.
(b) Hemp-derived cannabinoids, including, but not limited to, cannabidiol, are not controlled substances or adulterants.
(c) Products containing one or more hemp-derived cannabinoids, including, but not limited to, cannabidiol, intended for ingestion are foods and not controlled substances or adulterated products.
(d) The addition of hemp derivatives, including, but not limited to, hemp-derived cannabidiol, to cosmetics, personal
care products, and products intended for human or animal consumption is not an adulteration of such products.

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

(a) “Cannabidiol” means the compound by the same name derived from the hemp variety of the Cannabis sativa L. plant.

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

(c) “Federally defined THC level for hemp” means a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, or the tetrahydrocannabinol concentration for hemp defined in 7 U.S.C. s. 5940, whichever is greater.

(d) “Handle” means possessing or storing hemp plants for any period of time on premises owned, operated, or controlled by a person or an entity registered to cultivate or process hemp, including the possession or storage of hemp plants in a vehicle for any period of time other than during the actual transport from the premises of a person registered to cultivate or process hemp or industrial hemp to the premises of another registered person. The term does not include the possession or storage of finished hemp products.

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

(f) “Hemp extract” means a no-THC or low-THC substance or
compound that:

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

2. Contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis; and

3. Does not contain other controlled substances.

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

(h) “Process” means the conversion of hemp into a marketable form.

(4) REGISTRATION.—A person or an entity:

(a) Seeking to cultivate, handle, process, or sell hemp, hemp products, or hemp extract must register with the department and complete a background check every 2 years. The department may deny an application.

(b) May not cultivate, handle, process, or sell hemp, hemp products, or hemp extract in the state without being registered with the department.

(c) Seeking to cultivate hemp must provide to the department the legal land description and global positioning coordinates of the area where hemp will be cultivated.
(d) Seeking to cultivate, handle, process, or sell hemp must provide to the department prior written consent allowing representatives of the department, the state police, and other state and local law enforcement agencies to enter onto all premises where hemp is cultivated, handled, or processed for the purpose of conducting physical inspections and ensuring compliance with the requirements of this section and department rules.

(5) INDUSTRIAL HEMP PILOT PROJECTS.—Notwithstanding s. 1004.4473, an existing industrial hemp project approved by a university under s. 1004.4473 is eligible to cultivate, handle, and process hemp and may register with the department to participate in the state hemp program.

(6) DISTRIBUTION AND RETAIL SALE OF HEMP AND HEMP PRODUCTS.—

(a) The distribution and retail sale of hemp and hemp products may be conducted when the hemp or the hemp used in products are legally cultivated in another state or jurisdiction and meet the same or substantially the same requirements for cultivating, handling, and processing hemp and hemp products under this section.

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

(7) HEMP SEED.—Hemp seed and hemp seed dealers are subject to chapter 578 and the rules adopted thereto. Registrants shall only use seeds certified by one of the following:

(a) A certifying agency as defined in s. 578.011(8).

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

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

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

(b) Due process and an appeals process;

(c) Enforcement of this section and department rules;

(d) A civil penalty schedule for violations;

(e) A schedule of nonrefundable fees for administering the program;

(f) Inclusion of the state hemp program in the Florida Agricultural Promotional Campaign and for promotion and labeling of hemp, hemp products, and hemp extract as “Fresh From Florida”; and

(g) The regulation of the transportation of hemp and hemp products in this state.

(9) DEPARTMENT PLAN.—

(a) Within 90 days after the effective date of this act, the Commissioner of Agriculture, in consultation with the Governor and Attorney General, shall submit to the United States Secretary of Agriculture the department plan for regulating hemp
production. The plan must include:

1. A procedure for maintaining relevant information regarding the locations in the state where hemp is cultivated, handled, and processed for not less than 3 calendar years;

2. A procedure that uses post-decarboxylation or other similarly reliable methods for testing delta-9-tetrahydrocannabinol concentration levels of hemp cultivated, handled, and processed in this state;

3. A procedure for the effective disposal of hemp, hemp products, and hemp extract cultivated, handled, and processed in violation of this section and department rules;

4. A procedure for the enforcement of violations as outlined in 7 U.S.C. s. 1639o to s. 1639s;

5. A procedure for conducting annual inspections of at least a random sample of registrants to verify that hemp is not being produced in violation of this section;

6. A procedure for submitting the information described in 7 U.S.C. s. 1639q(d)(2) to the United States Secretary of Agriculture within 30 days after the date on which the information is received; and

7. A certification that this state has the resources and personnel to carry out the practices and procedures described in this subsection.

(b) If the department plan for regulating hemp production is not approved by the United States Secretary of Agriculture, the Commissioner of Agriculture, in consultation with the Governor and the Attorney General, shall submit an amended plan.

(10) INDUSTRIAL HEMP ADVISORY BOARD.—An Industrial Hemp Advisory Board is created to provide advice and expertise as
needed by a university or the department with respect to plans, policies, and procedures applicable to the administration of their respective industrial hemp pilot programs.

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

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

1. Two members appointed by the commissioner.
2. Two members appointed by the Governor.
3. Two members appointed by the President of the Senate.
4. Two members appointed by the Speaker of the House of Representatives.
5. The dean for research of the Institute of Food and Agricultural Sciences of the University of Florida or his or her designee.
6. The president of Florida Agricultural and Mechanical University or his or her designee.
7. The executive director of the Department of Law Enforcement or his or her designee.
8. The president of the Florida Sheriffs Association or his or her designee.
9. The president of the Florida Police Chiefs Association or his or her designee.
10. The president of the Florida Farm Bureau Federation or his or her designee.
11. The president of the Florida Fruit and Vegetable Association or his or her designee.

(c) The board shall elect by a two-thirds vote of the members one member to serve as chair of the board.
(d) A majority of the members of the board shall constitute a quorum.

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

(f) Board members may not receive compensation but may be reimbursed for any actual travel expense incurred while attending meetings of the board.

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

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) “Cannabis” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986; “hemp,” as defined in s. 581.217(3); or “industrial hemp,” as defined in s. 1004.4473(1).

Section 3. Paragraph (a) of subsection (2) of section 1004.4473, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

1004.4473 Industrial hemp pilot projects.—

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

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

Section 4. The Department of Agriculture and Consumer Services shall include, at a minimum, all of the following information for administering the state hemp program as created in s. 581.217, Florida Statutes, in the department’s legislative budget request for the 2020-2021 fiscal year:

(1) An estimate of the number of registrants for the first year.

(2) An outline of costs associated with operation of the program.

(3) A recommended fee schedule.

Section 5. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

Section 6. This act shall take effect upon becoming a law.