

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Massullo offered the following:

Amendment (with title amendment)

Remove 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 regulate the cultivation of hemp in the state. This section constitutes the state plan for the regulation of the cultivation of hemp for purposes of 7 U.S.C. s. 1639p.

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

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- 14 (a) Hemp is an agricultural commodity.
- 15 (b) Hemp-derived cannabinoids, including, but not limited
16 to, cannabidiol, are not controlled substances or adulterants.
- 17 (3) DEFINITIONS.—As used in this section, the term:
- 18 (a) "Certifying agency" has the same meaning as in s.
19 578.011(8).
- 20 (b) "Contaminants unsafe for human consumption" includes,
21 but is not limited to, any microbe, fungus, yeast, mildew,
22 herbicide, pesticide, fungicide, residual solvent, metal, or
23 other contaminant found in any amount that exceeds any of the
24 accepted limitations as determined by rules adopted by the
25 Department of Health in accordance with s. 381.986, or other
26 limitation pursuant to the laws of this state, whichever amount
27 is less.
- 28 (c) "Cultivate" means planting, watering, growing, or
29 harvesting hemp.
- 30 (d) "Hemp" means the plant Cannabis sativa L. and any part
31 of that plant, including the seeds thereof, and all derivatives,
32 extracts, cannabinoids, isomers, acids, salts, and salts of
33 isomers thereof, whether growing or not, that has a total delta-
34 9 tetrahydrocannabinol concentration that does not exceed 0.3
35 percent on a dry-weight basis.
- 36 (e) "Hemp extract" means a substance or compound intended
37 for ingestion that is derived from or contains hemp and that
38 does not contain other controlled substances.

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39 (f) "Independent testing laboratory" means a laboratory
40 that:

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

43 2. Does not have a direct or indirect interest in a
44 facility that cultivates, processes, distributes, dispenses, or
45 sells hemp or hemp extract in the state or in another
46 jurisdiction or cultivates, processes, distributes, dispenses,
47 or sells marijuana, as defined in s. 381.986; and

48 3. Is accredited by a third-party accrediting body as a
49 competent testing laboratory pursuant to ISO/IEC 17025 of the
50 International Organization for Standardization.

51 (4) FEDERAL APPROVAL.—The department shall seek approval
52 of the state plan for the regulation of the cultivation of hemp
53 with the United States Secretary of Agriculture in accordance
54 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If
55 the state plan is not approved by the United States Secretary of
56 Agriculture, the Commissioner of Agriculture, in consultation
57 with and with final approval from the Administration Commission,
58 shall develop a recommendation to amend the state plan and
59 submit the recommendation to the Legislature.

60 (5) LICENSURE.—

61 (a) It is unlawful for a person to cultivate hemp in this
62 state without a license issued by the department.

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63 (b) A person seeking to cultivate hemp must apply to the
64 department for a license on a form prescribed by the department
65 and must submit a full set of fingerprints to the department
66 along with the application.

67 1. The department shall forward the fingerprints to the
68 Department of Law Enforcement for state processing and the
69 Department of Law Enforcement shall forward the fingerprints to
70 the Federal Bureau of Investigation for national processing.

71 2. Fingerprints submitted to the Department of Law
72 Enforcement pursuant to this paragraph must be retained by the
73 Department of Law Enforcement as provided in s. 943.05(2)(g) and
74 (h) and must be retained as provided in s. 943.05(4) when the
75 Department of Law Enforcement begins participation in the
76 Federal Bureau of Investigation's national retained fingerprint
77 arrest notification program.

78 3. Any arrest record identified shall be reported to the
79 department.

80 (c) The department shall adopt rules establishing
81 procedures for the issuance and annual renewal of a hemp
82 license.

83 (d) A person seeking to cultivate hemp must provide to the
84 department the legal land description and global positioning
85 coordinates of the area where hemp will be cultivated.

86 (e) The department shall deny the issuance of a hemp
87 license to an applicant, or refuse to renew the hemp license of

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88 | a licensee, if the department finds that the applicant or
89 | licensee:

90 | 1. Has falsified any information contained in an
91 | application for a hemp license or hemp license renewal; or

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

95 | (6) HEMP SEED.—A licensee may only use hemp seeds and
96 | cultivars certified by a certifying agency or a university
97 | conducting an industrial hemp pilot project pursuant to s.
98 | 1004.4473.

99 | (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp
100 | extract may only be distributed and sold in the state if the
101 | product:

102 | (a) Has a certificate of analysis prepared by an
103 | independent testing laboratory that states:

104 | 1. The hemp extract is the product of a batch tested by
105 | the independent testing laboratory;

106 | 2. The batch contained a total delta-9-
107 | tetrahydrocannabinol concentration that did not exceed 0.3
108 | percent on a dry-weight basis pursuant to the testing of a
109 | random sample of the batch; and

110 | 3. The batch does not contain contaminants unsafe for
111 | human consumption.

112 | (b) Is distributed or sold in packaging that includes:

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- 113 1. A scannable barcode or quick response code linked to
114 the certificate of analysis of the hemp extract by an
115 independent testing laboratory;
- 116 2. The batch number;
- 117 3. The Internet address of a website where batch
118 information may be obtained;
- 119 4. The expiration date;
- 120 5. The number of milligrams of hemp extract; and
- 121 6. A statement that the product contains a total delta-9-
122 tetrahydrocannabinol concentration that does not exceed 0.3
123 percent on a dry-weight basis.

124 (8) LAND REGISTRY.—The department shall maintain a
125 registry of land on which hemp is cultivated or has been
126 cultivated within the past 3 calendar years, including the
127 global positioning coordinates and legal land description for
128 each location.

129 (9) DEPARTMENT REPORTING.—The department shall submit
130 monthly to the United States Secretary of Agriculture a report
131 of the locations in the state where hemp is cultivated or has
132 been cultivated within the past 3 calendar years. The report
133 must include the contact information for each licensee.

134 (10) VIOLATIONS.—

135 (a) A licensee must complete a corrective action plan if
136 the department determines that the licensee has negligently
137 violated this section or department rules, including

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138 negligently:
139 1. Failing to provide the legal land description and
140 global positioning coordinates pursuant to subsection (5);
141 2. Failing to obtain a proper license or other required
142 authorization from the department; or
143 3. Producing Cannabis sativa L. that has a total delta-9
144 tetrahydrocannabinol concentration that exceeds 0.3 percent on a
145 dry-weight basis.
146 (b) The corrective action plan must include:
147 1. A reasonable date by which the licensee must correct
148 the negligent violation; and
149 2. A requirement that the licensee periodically report to
150 the department on compliance with this section and department
151 rules for a period of at least 2 calendar years after the date
152 of the violation.
153 (c) A licensee who negligently violates the corrective
154 action plan under this subsection three times within 5 years is
155 ineligible to cultivate hemp for 5 years following the date of
156 the third violation.
157 (d) If the department determines that a licensee has
158 violated this section or department rules with a culpable mental
159 state greater than negligence, the department shall immediately
160 report the licensee to the Attorney General and the United
161 States Attorney General.
162 (11) ENFORCEMENT.-

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163 (a) The department shall enforce this section.

164 (b) Every state attorney, sheriff, police officer, and
165 other appropriate county or municipal officer shall enforce, or
166 assist any agent of the department in enforcing, this section
167 and rules adopted by the department.

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

171 (d) The department shall conduct random inspections, at
172 least annually, of each licensee to ensure that only certified
173 hemp seeds are being used and that hemp is being cultivated in
174 compliance with this section.

175 (12) RULES.—By August 1, 2019, the department, in
176 consultation with the Department of Health and the Department of
177 Business and Professional Regulation, shall initiate rulemaking
178 to administer the state hemp program. The rules must provide
179 for:

180 (a) A procedure that uses post-decarboxylation or other
181 similarly reliable methods for testing the delta-9
182 tetrahydrocannabinol concentration of cultivated hemp.

183 (b) A procedure for the effective disposal of plants,
184 whether growing or not, that are cultivated in violation of this
185 section or department rules, and products derived from those
186 plants.

187 (13) APPLICABILITY.—Notwithstanding any other law:

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

190 (b) This section does not apply to a pilot project
191 developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

192 (c) A licensee who negligently violates this section or
193 department rules is not subject to any criminal or civil
194 enforcement action by the state or a local government other than
195 the enforcement of violations of this section as authorized
196 under subsection (10).

197 (14) INDUSTRIAL HEMP ADVISORY COUNCIL.—An Industrial Hemp
198 Advisory Council, an advisory council as defined in s. 20.03, is
199 established to provide advice and expertise to the department
200 with respect to plans, policies, and procedures applicable to
201 the administration of the state hemp program.

202 (a) The advisory council is adjunct to the department for
203 administrative purposes.

204 (b) The advisory council shall be composed of all of the
205 following members:

206 1. Two members appointed by the Commissioner of
207 Agriculture.

208 2. Two members appointed by the Governor.

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

210 4. Two members appointed by the Speaker of the House of
211 Representatives.

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212 5. The dean for research of the Institute of Food and
213 Agricultural Sciences of the University of Florida or his or her
214 designee.

215 6. The president of Florida Agricultural and Mechanical
216 University or his or her designee.

217 7. The executive director of the Department of Law
218 Enforcement or his or her designee.

219 8. The president of the Florida Sheriffs Association or
220 his or her designee.

221 9. The president of the Florida Police Chiefs Association
222 or his or her designee.

223 10. The president of the Florida Farm Bureau Federation or
224 his or her designee.

225 11. The president of the Florida Fruit and Vegetable
226 Association or his or her designee.

227 (c) The advisory council shall elect by a two-thirds vote
228 of the members one member to serve as chair of the council.

229 (d) A majority of the members of the advisory council
230 constitutes a quorum.

231 (e) The advisory council shall meet at least once annually
232 at the call of the chair.

233 (f) Advisory council members shall serve without
234 compensation and are not entitled to reimbursement for per diem
235 or travel expenses.

236 Section 2. Subsection (3) of section 893.02, Florida

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237 Statutes, is amended to read:

238 893.02 Definitions.—The following words and phrases as
239 used in this chapter shall have the following meanings, unless
240 the context otherwise requires:

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

251 Section 3. Paragraph (a) of subsection (2) and subsections
252 (3) through (7) of section 1004.4473, Florida Statutes, are
253 amended to read:

254 1004.4473 Industrial hemp pilot projects.—

255 (2)(a) The department shall authorize and oversee the
256 development of industrial hemp pilot projects for the Institute
257 of Food and Agricultural Sciences at the University of Florida,
258 Florida Agricultural and Mechanical University, ~~and~~ any land
259 grant university in the state that has a college of agriculture,
260 and any Florida College System institution or state university
261 that has an established agriculture, engineering, or pharmacy

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262 program. The department shall adopt rules as required under the
263 Agricultural Act of 2014, 7 U.S.C. s. 5940, to implement this
264 section, including rules for the certification and registration
265 of sites used for growth or cultivation. The purpose of the
266 pilot projects is to cultivate, process, test, research, create,
267 and market safe and effective commercial applications for
268 industrial hemp in the agricultural sector in this state.

269 (3) An institution or a university must obtain the
270 authorization of its board of trustees before implementing an
271 industrial hemp pilot project. A pilot project authorized by an
272 institution or a university must be registered with the
273 department and must comply with rules adopted by the department.

274 (4) An institution or a university that implements an
275 industrial hemp pilot project shall develop partnerships with
276 qualified project partners to attract experts and investors
277 experienced with agriculture and may develop the pilot project
278 in partnership with public, nonprofit, and private entities in
279 accordance with this section and all applicable state and
280 federal laws.

281 (5) The research office of an institution or a university
282 that implements an industrial hemp pilot project shall oversee
283 the pilot project and ensure compliance with rules adopted by
284 the department. The office must identify a contact person who is
285 responsible for oversight of the pilot project and shall adopt
286 procedures and guidelines to ensure the proper operation of the

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287 pilot project, the proper handling of hemp material and
288 products, compliance with state and federal law, and the safety
289 and security of the pilot project facility. At a minimum, the
290 guidelines must:

291 (a) Designate the physical location, global positioning
292 system position, and map of the pilot project facility. Areas
293 within the facility must be designated as general access or
294 limited access. An area where hemp material is cultivated,
295 processed, stored, or packaged or where industrial hemp research
296 is conducted must be designated as limited access. Limited-
297 access areas must be restricted to entry by qualified program
298 personnel and authorized visitors accompanied at all times by
299 qualified program personnel. All other areas of the facility may
300 be designated as general access and are open to authorized
301 visitors, regardless of whether accompanied by qualified program
302 personnel.

303 (b) Identify the qualified program personnel involved in
304 the pilot project who meet the requirements of 21 CFR s. 1301.18
305 pursuant to the Agricultural Act of 2014, 7 U.S.C. s. 5940.

306 (c) Authorize the qualified program personnel to handle,
307 grow, cultivate, process, and manufacture hemp materials.

308 (d) Establish a testing program and protocols to ensure
309 the proper labeling of hemp material.

310 ~~(6) An industrial hemp commercialization project may only~~
311 ~~be conducted after an industrial hemp pilot project has been in~~

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312 | ~~place for 2 years to determine if there are any adverse impacts~~
313 | ~~of hemp cultivation on current indigenous crops in the state.~~

314 | ~~(6)-(7)~~ An institution or a university that implements an
315 | industrial hemp pilot project shall submit a report to the
316 | Governor, the President of the Senate, and the Speaker of the
317 | House of Representatives on the status of its pilot project and
318 | any research related to the cultivation, harvesting, processing,
319 | and uses of industrial hemp. The report must be prepared and
320 | submitted within 2 years after the pilot project is implemented
321 | ~~project's creation.~~

322 | Section 4. This act shall take effect July 1, 2019.

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325 | **T I T L E A M E N D M E N T**

326 | Remove everything before the enacting clause and insert:

327 | A bill to be entitled

328 | An act relating to the state hemp program; creating s.
329 | 581.217, F.S.; creating the state hemp program within
330 | the Department of Agriculture and Consumer Services;
331 | providing legislative findings; providing definitions;
332 | directing the department to submit a plan for the
333 | state program to the United States Secretary of
334 | Agriculture for approval; providing licensure
335 | requirements; requiring licensees to use specified
336 | hemp seeds and cultivars; providing requirements for

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337 the distribution and sale of hemp extract; directing
338 the department to maintain a land registry and submit
339 monthly reports to the United States Secretary of
340 Agriculture; providing for violations and corrective
341 measures; providing for enforcement of the state hemp
342 program; directing the department, in consultation
343 with the Department of Health and the Department of
344 Business and Professional Regulation, to adopt
345 specified rules; providing applicability;
346 establishing, adjunct to the department, the
347 Industrial Hemp Advisory Council; providing for
348 council purpose, membership, and meetings; amending s.
349 893.02, F.S.; revising the definition of the term
350 "cannabis"; amending s. 1004.4473, F.S.; revising the
351 colleges and universities at which the department is
352 required to authorize and oversee the development of
353 industrial hemp pilot projects; removing a condition
354 for the implementation of industrial hemp
355 commercialization projects; providing an effective
356 date.

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