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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2019	.	
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The Committee on Appropriations (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



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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 that does not exceed
32 0.3 percent on a dry-weight basis, or the tetrahydrocannabinol
33 concentration for hemp defined in 7 U.S.C. s. 5940, whichever is
34 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



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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 that does not exceed 0.3 percent on a dry-weight
57 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.



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69 (4) REGISTRATION.—A person or an 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



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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.—Hemp seed and hemp seed dealers are subject
105 to chapter 578 and the rules adopted thereto. Registrants shall
106 only use seeds certified by one of the following:

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

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

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

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

122 (b) Due process and an appeals process;

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

124 (d) A civil penalty schedule for violations;

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



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127 (f) Inclusion of the state hemp program in the Florida
128 Agricultural Promotional Campaign and for promotion and labeling
129 of hemp, hemp products, and hemp extract as "Fresh From
130 Florida"; and

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

133 (9) DEPARTMENT PLAN.—

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

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

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

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

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

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

154 6. A procedure for submitting the information described in
155 7 U.S.C. s. 1639q(d) (2) to the United States Secretary of



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156 Agriculture within 30 days after the date on which the
157 information is received; and

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

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

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

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

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

174 1. Two members appointed by the commissioner.

175 2. Two members appointed by the Governor.

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

177 4. Two members appointed by the Speaker of the House of
178 Representatives.

179 5. The dean for research of the Institute of Food and
180 Agricultural Sciences of the University of Florida or his or her
181 designee.

182 6. The president of Florida Agricultural and Mechanical
183 University or his or her designee.

184 7. The executive director of the Department of Law



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185 Enforcement or his or her designee.

186 8. The president of the Florida Sheriffs Association or his
187 or her designee.

188 9. The president of the Florida Police Chiefs Association
189 or his or her designee.

190 10. The president of the Florida Farm Bureau Federation or
191 his or her designee.

192 11. The president of the Florida Fruit and Vegetable
193 Association or his or her designee.

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

196 (d) A majority of the members of the board shall constitute
197 a quorum.

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

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

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

205 893.02 Definitions.—The following words and phrases as used
206 in this chapter shall have the following meanings, unless the
207 context otherwise requires:

208 (3) "Cannabis" means all parts of any plant of the genus
209 *Cannabis*, whether growing or not; the seeds thereof; the resin
210 extracted from any part of the plant; and every compound,
211 manufacture, salt, derivative, mixture, or preparation of the
212 plant or its seeds or resin. The term does not include
213 "marijuana," as defined in s. 381.986, if manufactured,



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214 possessed, sold, purchased, delivered, distributed, or
215 dispensed, in conformance with s. 381.986; “hemp,” as defined in
216 s. 581.217(3); or “industrial hemp,” as defined in s.
217 1004.4473(1).

218 Section 3. Paragraph (a) of subsection (2) of section
219 1004.4473, Florida Statutes, is amended, and subsection (8) is
220 added to that section, to read:

221 1004.4473 Industrial hemp pilot projects.—

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

236 (8) Notwithstanding this section, a university may choose
237 to implement an industrial hemp pilot project pursuant to s.
238 581.217.

239 Section 4. The Department of Agriculture and Consumer
240 Services shall include, at a minimum, all of the following
241 information for administering the state hemp program as created
242 in s. 581.217, Florida Statutes, in the department’s legislative



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243 budget request for the 2020-2021 fiscal year:

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

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

248 (3) A recommended fee schedule.

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

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

253
254 ===== T I T L E A M E N D M E N T =====

255 And the title is amended as follows:

256 Delete everything before the enacting clause
257 and insert:

258 A bill to be entitled
259 An act relating to the state hemp program; creating s.
260 581.217, F.S.; creating the state hemp program within
261 the Department of Agriculture and Consumer Services;
262 providing the purpose of the program; providing
263 legislative findings; defining terms; providing
264 requirements for program registration and for the
265 distribution and retail sale of hemp and hemp
266 products; providing that hemp seed and hemp seed
267 dealers are subject to the Florida Seed Law; providing
268 hemp seed certification requirements; requiring the
269 department, in consultation with the Department of
270 Health and the Department of Business and Professional
271 Regulation, to adopt specified rules within a



272 specified timeframe; directing the Commissioner of
273 Agriculture, in consultation with the Governor and
274 Attorney General, to submit a specified plan within a
275 specified timeframe to the United States Secretary of
276 Agriculture; creating an Industrial Hemp Advisory
277 Board for a specified purpose; providing that the
278 board is adjunct to the department for administrative
279 purposes; providing the membership and meetings of the
280 board; prohibiting the board from receiving
281 compensation; amending s. 893.02, F.S.; revising the
282 term "cannabis" to exclude hemp and industrial hemp
283 for purposes of the Florida Comprehensive Drug Abuse
284 Prevention and Control Act; amending s. 1004.4473,
285 F.S.; revising the schools at which the department is
286 required to authorize and oversee the development of
287 industrial hemp pilot projects; authorizing
288 universities to implement industrial hemp pilot
289 projects pursuant to the state hemp program; requiring
290 the Department of Agriculture and Consumer Services to
291 submit certain program and fee information with its
292 2020-2021 fiscal year legislative budget request;
293 providing a directive to the Division of Law Revision;
294 providing an effective date.