

Amendment No.

CHAMBER ACTION

Senate

House

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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 that is  
37 derived from or contains hemp and that does not contain other  
38 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 the Governor and the Attorney General, shall seek guidance  
58 on how to amend the state plan and submit the recommendations to  
59 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 the results of a level 2 background screening to  
66 the department.

67 (c) The department shall adopt rules establishing  
68 procedures for the issuance and annual renewal of a hemp  
69 license.

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

73 (e) The department shall deny the issuance of a hemp  
74 license to an applicant, or refuse to renew the hemp license of  
75 a licensee, if the department finds that the applicant or  
76 licensee:

77 1. Has falsified any information contained in an  
78 application for a hemp license or hemp license renewal; or

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

82 (6) HEMP SEED.—A licensee may only use hemp seeds and  
83 cultivars certified by a certifying agency or a university  
84 conducting an industrial hemp pilot project pursuant to s.  
85 1004.4473.

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86 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.-Hemp  
87 extract may only be distributed and sold in the state if the  
88 product:

89 (a) Has a certificate of analysis prepared by an  
90 independent testing laboratory that states:

91 1. The hemp extract is the product of a batch tested by  
92 the independent testing laboratory;

93 2. The batch contained a total delta-9-  
94 tetrahydrocannabinol concentration that did not exceed 0.3  
95 percent on a dry-weight basis pursuant to the testing of a  
96 random sample of the batch; and

97 3. The batch does not contain contaminants unsafe for  
98 human consumption.

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

100 1. A scannable barcode or quick response code linked to  
101 the certificate of analysis of the hemp extract by an  
102 independent testing laboratory;

103 2. The batch number;

104 3. The Internet address of a website where batch  
105 information may be obtained;

106 4. The expiration date;

107 5. The number of milligrams of hemp extract; and

108 6. A statement that the product contains a total delta-9-  
109 tetrahydrocannabinol concentration that does not exceed 0.3  
110 percent on a dry-weight basis.

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

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

121 (10) VIOLATIONS.—

122 (a) A licensee must complete a corrective action plan if  
123 the department determines that the licensee has negligently  
124 violated this section or department rules, including  
125 negligently:

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

128 2. Failing to obtain a proper license or other required  
129 authorization from the department; or

130 3. Producing Cannabis sativa L. that has a total delta-9  
131 tetrahydrocannabinol concentration that exceeds 0.3 percent on a  
132 dry-weight basis.

133 (b) The corrective action plan must include:

134 1. A reasonable date by which the licensee must correct  
135 the negligent violation; and

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136        2. A requirement that the licensee periodically report to  
137 the department on compliance with this section and department  
138 rules for a period of at least 2 calendar years after the date  
139 of the violation.

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

144        (d) If the department determines that a licensee has  
145 violated this section or department rules with a culpable mental  
146 state greater than negligence, the department shall immediately  
147 report the licensee to the Attorney General and the United  
148 States Attorney General.

149        (11) ENFORCEMENT.—

150        (a) The department shall enforce this section.

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

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

158        (d) The department shall conduct random inspections, at  
159 least annually, of each licensee to ensure that only certified

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160 hemp seeds are being used and that hemp is being cultivated in  
161 compliance with this section.

162 (12) RULES.—By August 1, 2019, the department, in  
163 consultation with the Department of Health and the Department of  
164 Business and Professional Regulation, shall initiate rulemaking  
165 to administer the state hemp program. The rules must provide  
166 for:

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

170 (b) A procedure for the effective disposal of plants,  
171 whether growing or not, that are cultivated in violation of this  
172 section or department rules, and products derived from those  
173 plants.

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

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

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

179 (c) A licensee who negligently violates this section or  
180 department rules is not subject to any criminal or civil  
181 enforcement action by the state or a local government other than  
182 the enforcement of violations of this section as authorized  
183 under subsection (10).

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

189       (a) The advisory council is adjunct to the department for  
190 administrative purposes.

191       (b) The advisory council shall be composed of all of the  
192 following members:

193       1. Two members appointed by the Commissioner of  
194 Agriculture.

195       2. Two members appointed by the Governor.

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

197       4. Two members appointed by the Speaker of the House of  
198 Representatives.

199       5. The dean for research of the Institute of Food and  
200 Agricultural Sciences of the University of Florida or his or her  
201 designee.

202       6. The president of Florida Agricultural and Mechanical  
203 University or his or her designee.

204       7. The executive director of the Department of Law  
205 Enforcement or his or her designee.

206       8. The president of the Florida Sheriffs Association or  
207 his or her designee.

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208       9. The president of the Florida Police Chiefs Association  
209 or his or her designee.

210       10. The president of the Florida Farm Bureau Federation or  
211 his or her designee.

212       11. The president of the Florida Fruit and Vegetable  
213 Association or his or her designee.

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

216       (d) A majority of the members of the advisory council  
217 constitutes a quorum.

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

220       (f) Advisory council members shall serve without  
221 compensation and are not entitled to reimbursement for per diem  
222 or travel expenses.

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

225       893.02 Definitions.—The following words and phrases as  
226 used in this chapter shall have the following meanings, unless  
227 the context otherwise requires:

228       (3) "Cannabis" means all parts of any plant of the genus  
229 Cannabis, whether growing or not; the seeds thereof; the resin  
230 extracted from any part of the plant; and every compound,  
231 manufacture, salt, derivative, mixture, or preparation of the  
232 plant or its seeds or resin. The term does not include

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233 "marijuana," as defined in s. 381.986, if manufactured,  
234 possessed, sold, purchased, delivered, distributed, or  
235 dispensed, in conformance with s. 381.986. The term does not  
236 include hemp as defined in s. 581.217 or industrial hemp as  
237 defined in s. 1004.4473.

238 Section 3. Paragraph (a) of subsection (2) of section  
239 1004.4473, Florida Statutes, is amended to read:

240 1004.4473 Industrial hemp pilot projects.-

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

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

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

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 legislative findings; providing definitions; directing the department to submit a plan for the state program to the United States Secretary of Agriculture for approval; providing licensure requirements; requiring licensees to use specified hemp seeds and cultivars; providing requirements for the distribution and sale of hemp extract; directing the department to maintain a land registry and submit monthly reports to the United States Secretary of Agriculture; providing for violations and corrective measures; providing for enforcement of the state hemp program; directing the department, in consultation with the Department of Health and the Department of Business and Professional Regulation, to adopt specified rules; providing applicability; establishing, adjunct to the department, the Industrial Hemp Advisory Council; providing for council purpose, membership, and meetings; amending s. 893.02, F.S.; revising the definition of the term

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283 | "cannabis"; amending s. 1004.4473, F.S.; revising the  
284 | colleges and universities at which the department is  
285 | required to authorize and oversee the development of  
286 | industrial hemp pilot projects; providing an effective  
287 | date.

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