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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
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The Committee on Agriculture (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, including immediate  
32 precursors, that does not exceed 0.3 percent on a dry-weight  
33 basis, or the tetrahydrocannabinol concentration for hemp  
34 defined in 7 U.S.C. s. 5940, whichever is 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, including immediate precursors, that does not  
57 exceed 0.3 percent on a dry-weight 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 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 PROGRAM.—The department shall administer a  
105 certified hemp seed program that identifies seeds and cultivars  
106 that are suitable for hemp production. The seeds or cultivars  
107 must be certified as industrial hemp by one of the following:

108 (a) The department.

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

111 (c) A member of the Association of Official Seed Certifying  
112 Agencies.

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

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

125 (b) Due process and an appeals process;

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



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127       (d) A civil penalty schedule for violations;  
128       (e) A schedule of nonrefundable fees for administering the  
129 program; and  
130       (f) Inclusion of the state hemp program in the Florida  
131 Agricultural Promotional Campaign and for promotion and labeling  
132 of hemp, hemp products, and hemp extract as "Fresh From  
133 Florida."  
134       (9) DEPARTMENT PLAN.—  
135       (a) Within 90 days after the effective date of this act,  
136 the Commissioner of Agriculture, in consultation with the  
137 Governor and Attorney General, shall submit to the United States  
138 Secretary of Agriculture the department plan for regulating hemp  
139 production. The plan must include:  
140           1. A procedure for maintaining relevant information  
141 regarding the locations in the state where hemp is cultivated,  
142 handled, and processed for not less than 3 calendar years;  
143           2. A procedure that uses post-decarboxylation or other  
144 similarly reliable methods for testing delta-9-  
145 tetrahydrocannabinol concentration levels of hemp cultivated,  
146 handled, and processed in the state;  
147           3. A procedure for the effective disposal of hemp, hemp  
148 products, and hemp extract cultivated, handled, and processed in  
149 violation of this section and department rules; and  
150           4. Guidance for compliance with enforcement procedures.  
151       (b) If the department plan for regulating hemp production  
152 is not approved by the United States Secretary of Agriculture,  
153 the Commissioner of Agriculture, in consultation with the  
154 Governor and Attorney General, shall submit an amended plan.  
155       (10) INDUSTRIAL HEMP ADVISORY BOARD.—An Industrial Hemp



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156 Advisory Board is created to provide advice and expertise as  
157 needed by a university or the department with respect to plans,  
158 policies, and procedures applicable to the administration of  
159 their respective industrial hemp pilot programs.

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

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

164 1. Two members appointed by the commissioner.

165 2. Two members appointed by the Governor.

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

167 4. Two members appointed by the Speaker of the House of  
168 Representatives.

169 5. The dean for extension of the Institute of Food and  
170 Agricultural Sciences of the University of Florida or his or her  
171 designee.

172 6. The executive director of the Department of Law  
173 Enforcement or his or her designee.

174 7. The president of the Florida Sheriffs Association or his  
175 or her designee.

176 8. The president of the Florida Police Chiefs Association  
177 or his or her designee.

178 9. The president of the Florida Farm Bureau Federation or  
179 his or her designee.

180 10. The president of the Florida Fruit and Vegetable  
181 Association or his or her designee.

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

184 (d) A majority of the members of the board shall constitute



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185 a quorum.

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

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

191 Section 2. Paragraph (a) of subsection (2) of section  
192 1004.4473, Florida Statutes, is amended, and subsection (8) is  
193 added to that section, to read:

194 1004.4473 Industrial hemp pilot projects.—

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

209 (8) Notwithstanding this section, a university may choose  
210 to implement an industrial hemp pilot project pursuant to s.  
211 581.217.

212 Section 3. The Division of Law Revision is directed to  
213 replace the phrase "the effective date of this act" wherever it





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214 occurs in this act with the date this act becomes a law.

215 Section 4. This act shall take effect upon becoming a law.

216

217 ===== T I T L E A M E N D M E N T =====

218 And the title is amended as follows:

219 Delete everything before the enacting clause

220 and insert:

221 A bill to be entitled

222 An act relating to the state hemp program; creating s.

223 581.217, F.S.; creating the state hemp program within

224 the Department of Agriculture and Consumer Services;

225 providing the purpose of the program; providing

226 legislative findings; defining terms; providing

227 requirements for program registration and for the

228 distribution and retail sale of hemp and hemp

229 products; requiring the department to administer a

230 certified hemp seed program; providing the purpose and

231 requirements of the program; requiring the department,

232 in consultation with the Department of Health and the

233 Department of Business and Professional Regulation, to

234 adopt specified rules within a specified timeframe;

235 directing the Commissioner of Agriculture, in

236 consultation with the Governor and Attorney General,

237 to submit a specified plan within a specified

238 timeframe to the United States Secretary of

239 Agriculture; creating an Industrial Hemp Advisory

240 Board for a specified purpose; providing that the

241 board is adjunct to the department for administrative

242 purposes; providing the membership and meetings of the



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243 board; prohibiting the board from receiving  
244 compensation; amending s. 1004.4473, F.S.; revising  
245 the schools at which the department is required to  
246 authorize and oversee the development of industrial  
247 hemp pilot projects; authorizing universities to  
248 implement industrial hemp pilot projects pursuant to  
249 the state hemp program; providing a directive to the  
250 Division of Law Revision; providing an effective date.