

By the Committees on Appropriations; and Agriculture; and
Senators Bradley, Albritton, Hutson, and Bracy

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1 A bill to be entitled
2 An act relating to the state hemp program; creating s.
3 581.217, F.S.; creating the state hemp program within
4 the Department of Agriculture and Consumer Services;
5 providing the purpose of the program; providing
6 legislative findings; defining terms; providing
7 requirements for program registration and for the
8 distribution and retail sale of hemp and hemp
9 products; providing that hemp seed and hemp seed
10 dealers are subject to the Florida Seed Law; providing
11 hemp seed certification requirements; requiring the
12 department, in consultation with the Department of
13 Health and the Department of Business and Professional
14 Regulation, to adopt specified rules within a
15 specified timeframe; directing the Commissioner of
16 Agriculture, in consultation with the Governor and
17 Attorney General, to submit a specified plan within a
18 specified timeframe to the United States Secretary of
19 Agriculture; creating an Industrial Hemp Advisory
20 Board for a specified purpose; providing that the
21 board is adjunct to the department for administrative
22 purposes; providing the membership and meetings of the
23 board; prohibiting members of the board from receiving
24 compensation; authorizing members of the board to
25 receive reimbursements for certain expenses; amending
26 s. 893.02, F.S.; revising the definition of the term
27 "canabis" to exclude hemp and industrial hemp for
28 purposes of the Florida Comprehensive Drug Abuse
29 Prevention and Control Act; amending s. 1004.4473,

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30 F.S.; revising the schools at which the department is
31 required to authorize and oversee the development of
32 industrial hemp pilot projects; authorizing
33 universities to implement industrial hemp pilot
34 projects pursuant to the state hemp program; requiring
35 the department to submit certain program and fee
36 information in its legislative budget request for the
37 2020-2021 fiscal year; providing a directive to the
38 Division of Law Revision; providing an effective date.
39

40 Be It Enacted by the Legislature of the State of Florida:
41

42 Section 1. Section 581.217, Florida Statutes, is created to
43 read:

44 581.217 State hemp program.-

45 (1) CREATION AND PURPOSE.-The state hemp program is created
46 within the department to promote the cultivation, handling,
47 processing, and sale of hemp, hemp products, and hemp extract in
48 the state.

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

50 (a) Hemp is an agricultural commodity.

51 (b) Hemp-derived cannabinoids, including, but not limited
52 to, cannabidiol, are not controlled substances or adulterants.

53 (c) Products containing one or more hemp-derived
54 cannabinoids, including, but not limited to, cannabidiol,
55 intended for ingestion are foods and not controlled substances
56 or adulterated products.

57 (d) The addition of hemp derivatives, including, but not
58 limited to, hemp-derived cannabidiol, to cosmetics, personal

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59 care products, and products intended for human or animal
60 consumption is not an adulteration of such products.

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

62 (a) "Cannabidiol" means the compound by the same name
63 derived from the hemp variety of the *Cannabis sativa L.* plant.

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

67 (c) "Federally defined THC level for hemp" means a total
68 delta-9-tetrahydrocannabinol concentration that does not exceed
69 0.3 percent on a dry-weight basis, or the tetrahydrocannabinol
70 concentration for hemp defined in 7 U.S.C. s. 5940, whichever is
71 greater.

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

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

87 (f) "Hemp extract" means a no-THC or low-THC substance or

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88 compound that:

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

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

95 3. Does not contain other controlled substances.

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

104 (h) "Process" means the conversion of hemp into a
105 marketable form.

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

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

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

114 (c) Seeking to cultivate hemp must provide to the
115 department the legal land description and global positioning
116 coordinates of the area where hemp will be cultivated.

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117 (d) Seeking to cultivate, handle, process, or sell hemp
118 must provide to the department prior written consent allowing
119 representatives of the department, the state police, and other
120 state and local law enforcement agencies to enter onto all
121 premises where hemp is cultivated, handled, or processed for the
122 purpose of conducting physical inspections and ensuring
123 compliance with the requirements of this section and department
124 rules.

125 (5) INDUSTRIAL HEMP PILOT PROJECTS.—Notwithstanding s.
126 1004.4473, an existing industrial hemp project approved by a
127 university under s. 1004.4473 is eligible to cultivate, handle,
128 and process hemp and may register with the department to
129 participate in the state hemp program.

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

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

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

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

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

145 (b) A university conducting an industrial hemp pilot

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146 project pursuant to s. 1004.4473.

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

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

159 (b) Due process and an appeals process;

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

161 (d) A civil penalty schedule for violations;

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

164 (f) Inclusion of the state hemp program in the Florida
165 Agricultural Promotional Campaign and for promotion and labeling
166 of hemp, hemp products, and hemp extract as "Fresh From
167 Florida"; and

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

170 (9) DEPARTMENT PLAN.—

171 (a) Within 90 days after the effective date of this act,
172 the Commissioner of Agriculture, in consultation with the
173 Governor and Attorney General, shall submit to the United States
174 Secretary of Agriculture the department plan for regulating hemp

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175 production. The plan must include:

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

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

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

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

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

191 6. A procedure for submitting the information described in
192 7 U.S.C. s. 1639q(d) (2) to the United States Secretary of
193 Agriculture within 30 days after the date on which the
194 information is received; and

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

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

202 (10) INDUSTRIAL HEMP ADVISORY BOARD.—An Industrial Hemp
203 Advisory Board is created to provide advice and expertise as

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204 needed by a university or the department with respect to plans,
205 policies, and procedures applicable to the administration of
206 their respective industrial hemp pilot programs.

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

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

211 1. Two members appointed by the commissioner.

212 2. Two members appointed by the Governor.

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

214 4. Two members appointed by the Speaker of the House of
215 Representatives.

216 5. The dean for research of the Institute of Food and
217 Agricultural Sciences of the University of Florida or his or her
218 designee.

219 6. The president of Florida Agricultural and Mechanical
220 University or his or her designee.

221 7. The executive director of the Department of Law
222 Enforcement or his or her designee.

223 8. The president of the Florida Sheriffs Association or his
224 or her designee.

225 9. The president of the Florida Police Chiefs Association
226 or his or her designee.

227 10. The president of the Florida Farm Bureau Federation or
228 his or her designee.

229 11. The president of the Florida Fruit and Vegetable
230 Association or his or her designee.

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

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233 (d) A majority of the members of the board shall constitute
234 a quorum.

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

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

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

242 893.02 Definitions.—The following words and phrases as used
243 in this chapter shall have the following meanings, unless the
244 context otherwise requires:

245 (3) "Cannabis" means all parts of any plant of the genus
246 *Cannabis*, whether growing or not; the seeds thereof; the resin
247 extracted from any part of the plant; and every compound,
248 manufacture, salt, derivative, mixture, or preparation of the
249 plant or its seeds or resin. The term does not include
250 "marijuana," as defined in s. 381.986, if manufactured,
251 possessed, sold, purchased, delivered, distributed, or
252 dispensed, in conformance with s. 381.986; "hemp," as defined in
253 s. 581.217(3); or "industrial hemp," as defined in s.
254 1004.4473(1).

255 Section 3. Paragraph (a) of subsection (2) of section
256 1004.4473, Florida Statutes, is amended, and subsection (8) is
257 added to that section, to read:

258 1004.4473 Industrial hemp pilot projects.—

259 (2) (a) The department shall authorize and oversee the
260 development of industrial hemp pilot projects for the Institute
261 of Food and Agricultural Sciences at the University of Florida,

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262 Florida Agricultural and Mechanical University, ~~and~~ any land
263 grant university in the state that has a college of agriculture,
264 and any Florida College System institution or state university
265 that has an established agriculture or pharmacy program. The
266 department shall adopt rules as required under the Agricultural
267 Act of 2014, 7 U.S.C. s. 5940, to implement this section,
268 including rules for the certification and registration of sites
269 used for growth or cultivation. The purpose of the pilot
270 projects is to cultivate, process, test, research, create, and
271 market safe and effective commercial applications for industrial
272 hemp in the agricultural sector in this state.

273 (8) Notwithstanding this section, a university may choose
274 to implement an industrial hemp pilot project pursuant to s.
275 581.217.

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

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

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

285 (3) A recommended fee schedule.

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

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