

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Drake offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (n) of subsection (1) of section
7 500.03, Florida Statutes, is amended to read:

8 500.03 Definitions; construction; applicability.—

9 (1) For the purpose of this chapter, the term:

10 (n) "Food" includes:

- 11 1. Articles used for food or drink for human consumption;
- 12 2. Chewing gum;
- 13 3. Articles used for components of any such article;
- 14 4. Articles for which health claims are made, which claims
15 are approved by the Secretary of the United States Department of
16 Health and Human Services and which claims are made in

816679 - h1063-strike.docx

Published On: 3/1/2020 4:23:22 PM

Amendment No.

17 accordance with s. 343(r) of the federal act, and which are not
18 considered drugs solely because their labels or labeling contain
19 health claims; ~~and~~

20 5. Dietary supplements as defined in 21 U.S.C. s.
21 321(ff)(1) and (2); and

22 6. Hemp extract as defined in s. 581.217.

23
24 The term includes any raw, cooked, or processed edible
25 substance; ice; any beverage; or any ingredient used, intended
26 for use, or sold for human consumption.

27 Section 2. Paragraph (a) of subsection (1) of section
28 500.12, Florida Statutes, is amended to read:

29 500.12 Food permits; building permits.—

30 (1)(a) A food permit from the department is required of
31 any person who operates a food establishment or retail food
32 store, except:

33 1. Persons operating minor food outlets that sell food,
34 except hemp extract, that is commercially prepackaged, not
35 potentially hazardous, and not time or temperature controlled
36 for safety, if the shelf space for those items does not exceed
37 12 total linear feet and no other food is sold by the minor food
38 outlet.

39 2. Persons subject to continuous, onsite federal or state
40 inspection.

Amendment No.

41 3. Persons selling only legumes in the shell, either
42 parched, roasted, or boiled.

43 4. Persons selling sugar cane or sorghum syrup that has
44 been boiled and bottled on a premise located within the state.
45 Such bottles must contain a label listing the producer's name
46 and street address, all added ingredients, the net weight or
47 volume of the product, and a statement that reads, "This product
48 has not been produced in a facility permitted by the Florida
49 Department of Agriculture and Consumer Services."

50 Section 3. Subsections (7) through (14) of section
51 581.217, Florida Statutes, are renumbered as subsections (6)
52 through (13), respectively, present subsections (3), (4), (6),
53 (7), (9), (11), (12), (13), and (14) are amended, and a new
54 subsection (14) is added to that section, to read:

55 581.217 State hemp program.—

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

57 ~~(a) "Certifying agency" has the same meaning as in s.~~
58 ~~578.011(8).~~

59 (a) ~~(b)~~ "Contaminants unsafe for human consumption"
60 includes, but is not limited to, any microbe, fungus, yeast,
61 mildew, herbicide, pesticide, fungicide, residual solvent,
62 metal, or other contaminant found in any amount that exceeds any
63 of the accepted limitations as determined by rules adopted by
64 the Department of Health in accordance with s. 381.986, or other

Amendment No.

65 limitation pursuant to the laws of this state, whichever amount
66 is less.

67 ~~(b)-(e)~~ "Cultivate" means planting, watering, growing, or
68 harvesting hemp.

69 ~~(c)-(d)~~ "Hemp" means the plant *Cannabis sativa* L. and any
70 part of that plant, including the seeds thereof, and all
71 derivatives, extracts, cannabinoids, isomers, acids, salts, and
72 salts of isomers thereof, whether growing or not, that has a
73 total delta-9-tetrahydrocannabinol concentration that does not
74 exceed 0.3 percent on a dry-weight basis.

75 ~~(d)-(e)~~ "Hemp extract" means a substance or compound
76 intended for ingestion or inhalation containing more than trace
77 amounts of cannabidiol that is derived from or contains hemp and
78 that does not contain other controlled substances. The term does
79 not include synthetic CBD or seeds or seed-derived ingredients
80 that are generally recognized as safe by the United States Food
81 and Drug Administration.

82 ~~(e)-(f)~~ "Independent testing laboratory" means a laboratory
83 that:

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

86 2. Does not have a direct or indirect interest in a
87 facility that cultivates, processes, distributes, dispenses, or
88 sells hemp or hemp extract in the state or in another

Amendment No.

89 jurisdiction or cultivates, processes, distributes, dispenses,
90 or sells marijuana, as defined in s. 381.986; and

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

94 (4) FEDERAL APPROVAL.—The department shall seek approval
95 of the state plan for the regulation of the cultivation of hemp
96 with the United States Secretary of Agriculture in accordance
97 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If
98 the state plan is not approved by the United States Secretary of
99 Agriculture, the Commissioner of Agriculture, in consultation
100 with and with final approval from the Administration Commission,
101 shall develop a recommendation to amend the state plan and
102 submit the recommendation to the Legislature. If revisions to
103 the state plan can be made without statutory changes, the
104 department, in consultation with and with final approval from
105 the Administration Commission, shall submit an amended plan to
106 the United States Secretary of Agriculture.

107 ~~(6) HEMP SEED.—A licensee may only use hemp seeds and~~
108 ~~cultivars certified by a certifying agency or a university~~
109 ~~conducting an industrial hemp pilot project pursuant to s.~~
110 ~~1004.4473.~~

111 (6) (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

112 (a) Hemp extract may only be distributed and sold in the
113 state if the product:

816679 - h1063-strike.docx

Published On: 3/1/2020 4:23:22 PM

Amendment No.

114 ~~1.(a)~~ Has a certificate of analysis prepared by an
115 independent testing laboratory that states:

116 ~~a.1.~~ The hemp extract is the product of a batch tested by
117 the independent testing laboratory;

118 ~~b.2.~~ The batch contained a total delta-9-
119 tetrahydrocannabinol concentration that did not exceed 0.3
120 percent ~~on a dry-weight basis~~ pursuant to the testing of a
121 random sample of the batch; and

122 ~~c.3.~~ The batch does not contain contaminants unsafe for
123 human consumption.

124 ~~2.(b)~~ Is distributed or sold in a container ~~packaging~~ that
125 includes:

126 ~~a.1.~~ A scannable barcode or quick response code linked to
127 the certificate of analysis of the hemp extract batch by an
128 independent testing laboratory;

129 ~~b.2.~~ The batch number;

130 ~~c.3.~~ The Internet address of a website where batch
131 information may be obtained;

132 ~~d.4.~~ The expiration date; and

133 ~~e.5.~~ The number of milligrams of each marketed cannabinoid
134 per serving hemp extract; ~~and~~

135 ~~6.~~ ~~A statement that the product contains a total delta-9-~~
136 ~~tetrahydrocannabinol concentration that does not exceed 0.3~~
137 ~~percent on a dry-weight basis.~~

Amendment No.

138 (b) Hemp extract distributed or sold in violation of this
139 section shall be considered adulterated or misbranded pursuant
140 to chapter 500, chapter 502, or chapter 580.

141 ~~(8)-(9)~~ DEPARTMENT REPORTING.—The department shall submit
142 monthly to the United States Secretary of Agriculture a report
143 of the locations in the state where hemp is cultivated or has
144 been cultivated within the past 3 calendar years. The report
145 must include the contact information for each licensee and the
146 total acreage of hemp planted, harvested, and, if applicable,
147 disposed of, by each licensee.

148 ~~(10)-(11)~~ ENFORCEMENT.—

149 (a) The department shall enforce this section.

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

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

157 (d) The department shall conduct random inspections, at
158 least annually, of each licensee to ensure that ~~only certified~~
159 ~~hemp seeds are being used and that~~ hemp is being cultivated in
160 compliance with this section. The department may contract with
161 entities to provide sample collection, laboratory testing, and
162 disposal services to implement this section.

816679 - h1063-strike.docx

Published On: 3/1/2020 4:23:22 PM

Amendment No.

163 ~~(11)(12)~~ RULES.—~~By August 1, 2019,~~ The department, in
164 consultation with the Department of Health and the Department of
165 Business and Professional Regulation, shall initiate rulemaking
166 to administer the state hemp program. The rules must provide
167 for:

168 (a) A procedure that uses post-decarboxylation or other
169 similarly reliable methods and a measure of uncertainty for
170 testing the delta-9-tetrahydrocannabinol concentration of
171 cultivated hemp. The procedure must include sampling procedures
172 to ensure that a representative sample is physically collected
173 before the anticipated harvest by a federal, state, local, or
174 tribal law enforcement agency.

175 (b) A procedure for the effective disposal of plants,
176 whether growing or not, that are cultivated in violation of this
177 section or department rules, and products derived from those
178 plants.

179 ~~(12)(13)~~ APPLICABILITY.—Notwithstanding any other law:

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

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

184 (c) A licensee who negligently violates this section or
185 department rules is not subject to any criminal or civil
186 enforcement action by the state or a local government other than

Amendment No.

187 the enforcement of violations of this section as authorized
188 under subsection (9)~~(10)~~.

189 ~~(13)~~~~(14)~~ INDUSTRIAL HEMP ADVISORY COUNCIL.—An Industrial
190 Hemp Advisory Council, an advisory council as defined in s.
191 20.03, is established to provide information, advice, and
192 expertise to the department with respect to plans, policies, and
193 procedures applicable to the administration of the state hemp
194 program. Notwithstanding ss. 377.6015 and 570.232, the
195 Industrial Hemp Advisory Council is the sole advisory body to
196 provide information, advice, and expertise related to the state
197 hemp program to the department, and no other advisory body may
198 be created for such purpose.

199 (a) The advisory council is adjunct to the department for
200 administrative purposes.

201 (b) The advisory council shall be composed of all of the
202 following members:

203 1. Two members appointed by the Commissioner of
204 Agriculture.

205 2. Two members appointed by the Governor.

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

207 4. Two members appointed by the Speaker of the House of
208 Representatives.

209 5. The dean for research of the Institute of Food and
210 Agricultural Sciences of the University of Florida or his or her
211 designee.

816679 - h1063-strike.docx

Published On: 3/1/2020 4:23:22 PM

Amendment No.

212 6. The president of Florida Agricultural and Mechanical
213 University or his or her designee.

214 7. The executive director of the Department of Law
215 Enforcement or his or her designee.

216 8. The president of the Florida Sheriffs Association or
217 his or her designee.

218 9. The president of the Florida Police Chiefs Association
219 or his or her designee.

220 10. The president of the Florida Farm Bureau Federation or
221 his or her designee.

222 11. The president of the Florida Fruit and Vegetable
223 Association or his or her designee.

224 (c) Each advisory council member shall be appointed to a
225 4-year term, and any vacancy in the membership of the council
226 must be filled in the same manner as the original appointment
227 for the remainder of the unexpired term. For the purpose of
228 achieving staggered terms, the initial members appointed to the
229 council shall serve the following terms:

230 1. Four years for members appointed by the Governor.

231 2. Three years for members appointed by the President of
232 the Senate or the Speaker of the House of Representatives.

233 3. Three years for members appointed by the Commissioner
234 of Agriculture.

235 4. Two years for all other appointed members.

Amendment No.

236 ~~(d)(e)~~ The advisory council shall elect by a two-thirds
237 vote of the members one member to serve as chair of the council.
238 The chair shall serve for a term of 1 year.

239 ~~(e)(d)~~ A majority of the members of the advisory council
240 constitutes a quorum.

241 ~~(f)(e)~~ The advisory council shall meet at least once
242 annually at the call of the chair.

243 ~~(g)(f)~~ Advisory council members shall serve without
244 compensation and are not entitled to reimbursement for per diem
245 or travel expenses.

246 (14) FEES.—By December 1, 2020, the department shall
247 submit a report to the President of the Senate and the Speaker
248 of the House of Representatives that provides recommendations
249 for initial license application fees and license renewal fees
250 sufficient to cover the costs of implementing and administering
251 this section. If such fees do not cover the costs of inspections
252 and testing, the department shall include a separate cost
253 breakdown for any other program fees that the department
254 recommends and anticipates are necessary.

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

256
257 -----
258 **T I T L E A M E N D M E N T**

259 Remove everything before the enacting clause and insert:

Amendment No.

260 An act relating to the state hemp program; amending s.
261 500.03, F.S.; revising the definition of the term "food" to
262 include hemp extract for purposes of the Florida Food
263 Safety Act; amending s. 500.12, F.S.; providing that a
264 person operating a minor food outlet that sells hemp is not
265 exempt from certain food permit requirements; amending s.
266 581.217, F.S.; revising definitions; directing the
267 Department of Agriculture and Consumer Services to submit
268 an amended plan for the state program to the United States
269 Secretary of Agriculture under certain circumstances;
270 removing a requirement that licensees only use certain hemp
271 seeds and cultivars; revising requirements for the
272 distribution and retail sale of hemp extract; providing
273 that hemp extract that does not meet certain requirements
274 will be considered adulterated or misbranded; requiring the
275 department to include additional information in monthly
276 reports to the United States Secretary of Agriculture;
277 conforming provisions to changes made by the act; requiring
278 program rules to include specified sampling procedures;
279 providing that the Industrial Hemp Advisory Council is the
280 sole advisory body to provide information, advice, and
281 expertise regarding the program to the department;
282 prohibiting the creation of other advisory bodies for such
283 purpose; providing terms for advisory council members and
284 the council chair; providing requirements for filling

816679 - h1063-strike.docx

Published On: 3/1/2020 4:23:22 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1063 (2020)

Amendment No.

285 | advisory council vacancies; directing the department to
286 | submit a report that provides recommendations for program
287 | fees to the Legislature by a specified date; providing an
288 | effective date.