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1  
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 legislative findings; providing definitions;  
6 directing the department to submit a plan for the  
7 state program to the United States Secretary of  
8 Agriculture for approval; providing licensure  
9 requirements; requiring licensees to use specified  
10 hemp seeds and cultivars; providing requirements for  
11 the distribution and sale of hemp extract; directing  
12 the department to maintain a land registry and submit  
13 monthly reports to the United States Secretary of  
14 Agriculture; providing for violations and corrective  
15 measures; providing for enforcement of the state hemp  
16 program; directing the department, in consultation  
17 with the Department of Health and the Department of  
18 Business and Professional Regulation, to adopt  
19 specified rules; providing applicability;  
20 establishing, adjunct to the department, the  
21 Industrial Hemp Advisory Council; providing for  
22 council purpose, membership, and meetings; amending s.  
23 893.02, F.S.; revising the definition of the term  
24 "cannabis"; amending s. 1004.4473, F.S.; revising the  
25 colleges and universities at which the department is  
26 required to authorize and oversee the development of  
27 industrial hemp pilot projects; removing a condition  
28 for the implementation of industrial hemp  
29 commercialization projects; providing an effective

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30 date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Section 581.217, Florida Statutes, is created to  
35 read:

36 581.217 State hemp program.-

37 (1) CREATION AND PURPOSE.-The state hemp program is created  
38 within the department to regulate the cultivation of hemp in the  
39 state. This section constitutes the state plan for the  
40 regulation of the cultivation of hemp for purposes of 7 U.S.C.  
41 s. 1639p.

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

43 (a) Hemp is an agricultural commodity.

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

46 (3) DEFINITIONS.-As used in this section, the term:

47 (a) "Certifying agency" has the same meaning as in s.  
48 578.011(8).

49 (b) "Contaminants unsafe for human consumption" includes,  
50 but is not limited to, any microbe, fungus, yeast, mildew,  
51 herbicide, pesticide, fungicide, residual solvent, metal, or  
52 other contaminant found in any amount that exceeds any of the  
53 accepted limitations as determined by rules adopted by the  
54 Department of Health in accordance with s. 381.986, or other  
55 limitation pursuant to the laws of this state, whichever amount  
56 is less.

57 (c) "Cultivate" means planting, watering, growing, or  
58 harvesting hemp.

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59       (d) "Hemp" means the plant Cannabis sativa L. and any part  
60 of that plant, including the seeds thereof, and all derivatives,  
61 extracts, cannabinoids, isomers, acids, salts, and salts of  
62 isomers thereof, whether growing or not, that has a total delta-  
63 9 tetrahydrocannabinol concentration that does not exceed 0.3  
64 percent on a dry-weight basis.

65       (e) "Hemp extract" means a substance or compound intended  
66 for ingestion that is derived from or contains hemp and that  
67 does not contain other controlled substances.

68       (f) "Independent testing laboratory" means a laboratory  
69 that:

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

72           2. Does not have a direct or indirect interest in a  
73 facility that cultivates, processes, distributes, dispenses, or  
74 sells hemp or hemp extract in the state or in another  
75 jurisdiction or cultivates, processes, distributes, dispenses,  
76 or sells marijuana, as defined in s. 381.986; and

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

80       (4) FEDERAL APPROVAL.—The department shall seek approval of  
81 the state plan for the regulation of the cultivation of hemp  
82 with the United States Secretary of Agriculture in accordance  
83 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If  
84 the state plan is not approved by the United States Secretary of  
85 Agriculture, the Commissioner of Agriculture, in consultation  
86 with and with final approval from the Administration Commission,  
87 shall develop a recommendation to amend the state plan and

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88 submit the recommendation to the Legislature.

89 (5) LICENSURE.-

90 (a) It is unlawful for a person to cultivate hemp in this  
91 state without a license issued by the department.

92 (b) A person seeking to cultivate hemp must apply to the  
93 department for a license on a form prescribed by the department  
94 and must submit a full set of fingerprints to the department  
95 along with the application.

96 1. The department shall forward the fingerprints to the  
97 Department of Law Enforcement for state processing and the  
98 Department of Law Enforcement shall forward the fingerprints to  
99 the Federal Bureau of Investigation for national processing.

100 2. Fingerprints submitted to the Department of Law  
101 Enforcement pursuant to this paragraph must be retained by the  
102 Department of Law Enforcement as provided in s. 943.05(2)(g) and  
103 (h) and must be retained as provided in s. 943.05(4) when the  
104 Department of Law Enforcement begins participation in the  
105 Federal Bureau of Investigation's national retained fingerprint  
106 arrest notification program.

107 3. Any arrest record identified shall be reported to the  
108 department.

109 (c) The department shall adopt rules establishing  
110 procedures for the issuance and annual renewal of a hemp  
111 license.

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

115 (e) The department shall deny the issuance of a hemp  
116 license to an applicant, or refuse to renew the hemp license of

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117 a licensee, if the department finds that the applicant or  
118 licensee:

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

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

124 (6) HEMP SEED.—A licensee may only use hemp seeds and  
125 cultivars certified by a certifying agency or a university  
126 conducting an industrial hemp pilot project pursuant to s.  
127 1004.4473.

128 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp  
129 extract may only be distributed and sold in the state if the  
130 product:

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

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

135 2. The batch contained a total delta-9-tetrahydrocannabinol  
136 concentration that did not exceed 0.3 percent on a dry-weight  
137 basis pursuant to the testing of a random sample of the batch;  
138 and

139 3. The batch does not contain contaminants unsafe for human  
140 consumption.

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

142 1. A scannable barcode or quick response code linked to the  
143 certificate of analysis of the hemp extract by an independent  
144 testing laboratory;

145 2. The batch number;

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146       3. The Internet address of a website where batch  
147 information may be obtained;

148       4. The expiration date;

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

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

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

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

163       (10) VIOLATIONS.—

164       (a) A licensee must complete a corrective action plan if  
165 the department determines that the licensee has negligently  
166 violated this section or department rules, including  
167 negligently:

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

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

172       3. Producing Cannabis sativa L. that has a total delta-9  
173 tetrahydrocannabinol concentration that exceeds 0.3 percent on a  
174 dry-weight basis.

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175 (b) The corrective action plan must include:

176 1. A reasonable date by which the licensee must correct the  
177 negligent violation; and

178 2. A requirement that the licensee periodically report to  
179 the department on compliance with this section and department  
180 rules for a period of at least 2 calendar years after the date  
181 of the violation.

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

186 (d) If the department determines that a licensee has  
187 violated this section or department rules with a culpable mental  
188 state greater than negligence, the department shall immediately  
189 report the licensee to the Attorney General and the United  
190 States Attorney General.

191 (11) ENFORCEMENT.—

192 (a) The department shall enforce this section.

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

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

200 (d) The department shall conduct random inspections, at  
201 least annually, of each licensee to ensure that only certified  
202 hemp seeds are being used and that hemp is being cultivated in  
203 compliance with this section.

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204       (12) RULES.—By August 1, 2019, the department, in  
205 consultation with the Department of Health and the Department of  
206 Business and Professional Regulation, shall initiate rulemaking  
207 to administer the state hemp program. The rules must provide  
208 for:

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

212           (b) A procedure for the effective disposal of plants,  
213 whether growing or not, that are cultivated in violation of this  
214 section or department rules, and products derived from those  
215 plants.

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

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

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

221           (c) A licensee who negligently violates this section or  
222 department rules is not subject to any criminal or civil  
223 enforcement action by the state or a local government other than  
224 the enforcement of violations of this section as authorized  
225 under subsection (10).

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

231           (a) The advisory council is adjunct to the department for  
232 administrative purposes.



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233       (b) The advisory council shall be composed of all of the  
234 following members:

235       1. Two members appointed by the Commissioner of  
236 Agriculture.

237       2. Two members appointed by the Governor.

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

239       4. Two members appointed by the Speaker of the House of  
240 Representatives.

241       5. The dean for research of the Institute of Food and  
242 Agricultural Sciences of the University of Florida or his or her  
243 designee.

244       6. The president of Florida Agricultural and Mechanical  
245 University or his or her designee.

246       7. The executive director of the Department of Law  
247 Enforcement or his or her designee.

248       8. The president of the Florida Sheriffs Association or his  
249 or her designee.

250       9. The president of the Florida Police Chiefs Association  
251 or his or her designee.

252       10. The president of the Florida Farm Bureau Federation or  
253 his or her designee.

254       11. The president of the Florida Fruit and Vegetable  
255 Association or his or her designee.

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

258       (d) A majority of the members of the advisory council  
259 constitutes a quorum.

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

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262           (f) Advisory council members shall serve without  
263 compensation and are not entitled to reimbursement for per diem  
264 or travel expenses.

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

267           893.02 Definitions.—The following words and phrases as used  
268 in this chapter shall have the following meanings, unless the  
269 context otherwise requires:

270           (3) "Cannabis" means all parts of any plant of the genus  
271 *Cannabis*, whether growing or not; the seeds thereof; the resin  
272 extracted from any part of the plant; and every compound,  
273 manufacture, salt, derivative, mixture, or preparation of the  
274 plant or its seeds or resin. The term does not include  
275 "marijuana," as defined in s. 381.986, if manufactured,  
276 possessed, sold, purchased, delivered, distributed, or  
277 dispensed, in conformance with s. 381.986. The term does not  
278 include hemp as defined in s. 581.217 or industrial hemp as  
279 defined in s. 1004.4473.

280           Section 3. Paragraph (a) of subsection (2) and subsections  
281 (3) through (7) of section 1004.4473, Florida Statutes, are  
282 amended to read:

283           1004.4473 Industrial hemp pilot projects.—

284           (2) (a) The department shall authorize and oversee the  
285 development of industrial hemp pilot projects for the Institute  
286 of Food and Agricultural Sciences at the University of Florida,  
287 Florida Agricultural and Mechanical University, ~~and~~ any land  
288 grant university in the state that has a college of agriculture,  
289 and any Florida College System institution or state university  
290 that has an established agriculture, engineering, or pharmacy

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291 program. The department shall adopt rules as required under the  
292 Agricultural Act of 2014, 7 U.S.C. s. 5940, to implement this  
293 section, including rules for the certification and registration  
294 of sites used for growth or cultivation. The purpose of the  
295 pilot projects is to cultivate, process, test, research, create,  
296 and market safe and effective commercial applications for  
297 industrial hemp in the agricultural sector in this state.

298 (3) An institution or a university must obtain the  
299 authorization of its board of trustees before implementing an  
300 industrial hemp pilot project. A pilot project authorized by an  
301 institution or a university must be registered with the  
302 department and must comply with rules adopted by the department.

303 (4) An institution or a university that implements an  
304 industrial hemp pilot project shall develop partnerships with  
305 qualified project partners to attract experts and investors  
306 experienced with agriculture and may develop the pilot project  
307 in partnership with public, nonprofit, and private entities in  
308 accordance with this section and all applicable state and  
309 federal laws.

310 (5) The research office of an institution or a university  
311 that implements an industrial hemp pilot project shall oversee  
312 the pilot project and ensure compliance with rules adopted by  
313 the department. The office must identify a contact person who is  
314 responsible for oversight of the pilot project and shall adopt  
315 procedures and guidelines to ensure the proper operation of the  
316 pilot project, the proper handling of hemp material and  
317 products, compliance with state and federal law, and the safety  
318 and security of the pilot project facility. At a minimum, the  
319 guidelines must:

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320 (a) Designate the physical location, global positioning  
321 system position, and map of the pilot project facility. Areas  
322 within the facility must be designated as general access or  
323 limited access. An area where hemp material is cultivated,  
324 processed, stored, or packaged or where industrial hemp research  
325 is conducted must be designated as limited access. Limited-  
326 access areas must be restricted to entry by qualified program  
327 personnel and authorized visitors accompanied at all times by  
328 qualified program personnel. All other areas of the facility may  
329 be designated as general access and are open to authorized  
330 visitors, regardless of whether accompanied by qualified program  
331 personnel.

332 (b) Identify the qualified program personnel involved in  
333 the pilot project who meet the requirements of 21 CFR s. 1301.18  
334 pursuant to the Agricultural Act of 2014, 7 U.S.C. s. 5940.

335 (c) Authorize the qualified program personnel to handle,  
336 grow, cultivate, process, and manufacture hemp materials.

337 (d) Establish a testing program and protocols to ensure the  
338 proper labeling of hemp material.

339 ~~(6) An industrial hemp commercialization project may only~~  
340 ~~be conducted after an industrial hemp pilot project has been in~~  
341 ~~place for 2 years to determine if there are any adverse impacts~~  
342 ~~of hemp cultivation on current indigenous crops in the state.~~

343 (6)-(7) An institution or a university that implements an  
344 industrial hemp pilot project shall submit a report to the  
345 Governor, the President of the Senate, and the Speaker of the  
346 House of Representatives on the status of its pilot project and  
347 any research related to the cultivation, harvesting, processing,  
348 and uses of industrial hemp. The report must be prepared and

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349 submitted within 2 years after the pilot project is implemented  
350 ~~project's~~ creation.

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