



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

April 8, 2020

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Perdue:

Thank you for the important work that you are doing to promote and restore economic opportunities in our rural communities. As public servants representing farmers, it is vital that we address the impacts that climate change, unfair trade practices, and declining farm income have had on our constituents. Providing farmers with a new, alternative crop is a strong step in that endeavor.

Since the passage of the Agriculture Improvement Act of 2018, the Florida Department of Agriculture and Consumer Services ("Department") has worked to create a plan that not only meets congressional requirements but one that works for Florida farmers. I believe this plan does both. Florida's plan consists of section 581.217, Florida Statutes, and rule 5B-57.014, Florida Administrative Code. Section 297B(a)(2)(A) of the Agriculture Improvement Act of 2018 outlines seven main requirements that each state plan must include. Below are those requirements along with the responsive statute and/or rule:

(1) Inventory of land used for the cultivation of hemp.

The following citations demonstrate the state's plan "to maintain relevant information regarding land on which hemp is produced in the State ... including a legal description of the land, for a period of not less than 3 calendar years[.]" See Sec. 297B(a)(2)(A)(i).

See sections 581.217(5)(d), (8), and (9), Florida Statutes.

See rule 5B-57.014(4)(b), Florida Administrative Code.

See rule 5B-57.014(5)(d), Florida Administrative Code.

(2) Testing Procedures.

The following citations demonstrate the state's "procedure[s] for testing, using postdecarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State. See Sec 297B(a)(2)(A)(ii).

See section 581.217(12)(a), Florida Statutes.

See rule 5B-57.014(1)(f), Florida Administrative Code.

See rule 5B-57.014(2)(c)3., Florida Administrative Code.

See the Designated Laboratory Compliance Agreement, FDACS-08121, 12/19.

(3) Disposal procedures for plants and plant products.

The following citations demonstrate the state's "procedure for the effective disposal of plants, whether growing or not, that are produced in violation of this subtitle, and products derived from those plants[.]" See Sec. 297B(a)(2)(A)(iii)(I)-(II).

See section 581.217(12), Florida Statutes

See rule 5B-57.013(6)(b), Florida Administrative Code.

See rule 5B-57.014(12)(b), Florida Administrative Code.

(4) Enforcement procedures.

The following citations demonstrate the state's "procedure[s] to comply with the enforcement procedures under subsection (e) ... " regarding negligent and other violations in Florida. See 297B(a)(2)(A)(iv).

See sections 581.217(10), (11), (13)(c), Florida Statutes

See rule 5B-57.014(13), Florida Administrative Code.

(5) Annual Inspections.

The following citations demonstrate the state's "procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subtitle[.]" See 2978(a)(2)(A)(v).

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See section 581.217(11)(c), Florida Statutes.

See rule 5B-57.014(10), Florida Administrative Code.

(6) Information Sharing.

The following citations demonstrate the state's "procedure[s] for submitting the information described in section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received," See 2978(a)(2)(A)(vi).

See section 581.217(9), Florida Statutes.

See rule 5B-57.014(4), Florida Administrative Code.

See attached document titled "Application for License to Cultivate Hemp, FDACS-08112, 12/19."

See rule 5B-57.014(5), Florida Administrative Code.

(7) State certification.

See section 581.217(1), Florida Statutes.

See attached document titled "State Plan Certification."

To assist the United State Department of Agriculture in its review, the Department has also included the "State and Tribal Government Plan Requirements" published on USDA's website in italicized text along with the responsive statute(s) and/or rule(s).

I look forward to our continued partnership with USDA and appreciate your consideration of Florida's plan to regulate the domestic production of hemp.

Sincerely,



Nicole Fried
Commissioner of Agriculture

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Attachments:

Requirements for State and Tribal Hemp Plans
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Laws of Florida Chapter 2019-132
Rule 5B-57.014, Florida Administrative Code
Designated Laboratory Compliance Agreement, FDACS-08121
Pre-Harvest Sampling Manual, FDACS-08127
Post-Harvest Sampling Manual, FDACS-08129
Cannabis Sample Submission Form, FDACS-08114
Application for License to Cultivate Hemp, FDACS-08112
Hemp Waste Disposal Manual, FDACS-08115
Notice of Disposal, FDACS-08116
Rule 5E-4.006, Florida Administrative Code
Rule 5E-4.007, Florida Administrative Code
Rule 5E-4.016, Florida Administrative Code



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Requirements for State and Tribal Hemp Plans

1. *Plans to maintain relevant producer and land information*

- *Collect, maintain and provide to USDA contact and real-time information for each hemp producer licensed or authorized in the state or territory of the tribal government (whichever applicable)*

FDACS Response: The Department will require applicants to complete the document titled “Application for License to Cultivate Hemp FDACS-08112.” The Department has software capabilities to generate custom reports and provide those reports to USDA on recurring schedules or upon request.

- *Provide contact information for each hemp producer covered under the plan including name, address, telephone number, and email address (if available). If the producer is a business entity, the information must include the full name of the business, address of the principal business location, full name and title of the key participants, an email address if available, and EIN number of the business entity. This information can be provided via mail, fax, or email.*

FDACS Response: The Department will require applicants to complete the document titled “Application for License to Cultivate Hemp FDACS-08112.” All the above information is required for licensure.

- *A legal description collected and forwarded for land where hemp is produced in the state or tribal territory.*

FDACS Response: The Department will require applicants to complete the document titled “Application for License to Cultivate Hemp FDACS-08112.” The Department requires applicants to provide a detailed description of each location intended for the cultivation of hemp, including the address, legal land description, tax parcel number, and GPS coordinates. Additionally, pursuant to rule 5B-57.014(5)(d), F.A.C., Licensees are required to notify the Department sixty (60) days before any changes to cultivation location’s approved on the initial application.

- *Maintain and report to USDA status of licensed producers (and any changes) and license or authorization numbers of producers*

FDACS Response: The Department has software capabilities to generate custom reports that include this information and will provide those reports to USDA on recurring schedules or upon request.

2. *Plans for accurate and effective sampling testing using post decarboxylation or similar reliable methods*

- *Procedures for collecting samples from the flower material of plants*

FDACS Response: The Department has adopted a procedure for collecting floral hemp material prior to harvest in rule 5B-57.014(8), F.A.C. The sample collection will be done by the Department or its agent and will be done in accordance with the documents titled, “Pre-Harvest Sampling Manual FDACS-08127” or “Post-Harvest Sampling Manual, FDACS-08129,” as applicable.

- *Procedures to conduct sampling and testing 15 days prior to the harvest date anticipated*

FDACS Response: The Department has adopted a procedure for collecting floral hemp material prior to harvest in rule 5B-57.014(8), F.A.C. and a procedure for harvesting hemp in rule 5B-57.014(9), F.A.C.

- *Procedures to ensure the method used for sampling represents a homogenous composition of the lot*

FDACS Response: The Department’s sampling ratios are included in both the “Pre-Harvest Sampling Manual FDACS-08127” and the Post-Harvest Sampling Manual FDACS-08129” these manuals are adopted by reference in rules 5B-57.014(2)(c)3. and 5B-57.014(8)(f), F.A.C., respectively. The ratios in both mirror USDA’s ratios.

- *Procedure/statement/allowance to require the producer or an authorized representative of the producer to be present at the growing site during sample collection*

FDACS Response: The Department has adopted a procedure for collecting floral hemp material prior to harvest in rule 5B-57.014(8), F.A.C. Pursuant to rule 5B-57.014(8), F.A.C., the licensee or its agent must be present during sample collection.

- *Procedures to allow for representatives of the sampling agency to have complete and unrestricted access during business hours to all hemp and other cannabis plants and all land, buildings, etc. used for cultivation and/or handling*

FDACS Response: Pursuant to section 581.217(11), Florida Statutes, the Department, or its agent, is authorized to enter any public or private premises during regular business hours in the performance of its duties relating to hemp cultivation.

- *Procedures to ensure that a producer does not harvest any cannabis prior to samples being taken*

FDACS Response: The Department has adopted a procedure for collecting hemp samples prior to harvest in rule 5B-57.014(8), F.A.C. and a procedure for harvesting hemp in rule 5B-57.014(9), F.A.C. Among other things, Licensees are not permitted to harvest any hemp prior to the collection of samples.

- *Procedures to require testing for delta-9 THC concentration. The procedures must require accurate identification of the acceptable hemp THC level. Testing methods must include but are not limited to: 1) Post decarboxylation or other similarly reliable method (*if “similarly reliable,” verify with AMS S&T); 2) Consideration of potential conversion of delta-9 THCA into THC and test result measure total available THC (THC + THCA); 3) Use of gas or liquid chromatography with detection; 4) Procedures to determine total THC concentration on a dry weight basis*

FDACS Response: The Department has adopted a procedure for testing of hemp material prior to harvest in rule 5B-57.014(8), F.A.C. Under the Department rule, Licensees will be required to use a Designated laboratory for any Tetrahydrocannabinol concentration sampling. Both the Department laboratory and a Designated laboratory must test for Total delta-9 concentration in accordance with the “Designated Laboratory Compliance Agreement FDACS-08121.” Article 7 of this Compliance Agreement addresses post decarboxylation, the consideration of the potential conversion of delta-9 THCA into THC, and the use of gas chromatography and high-performance liquid chromatography.

- *Procedures that prohibit handling, processing, or entering the stream of commerce of any hemp grown in a lot where the acceptable hemp THC level is noncompliant*

FDACS Response: The Department has adopted a procedure for testing of hemp material prior to harvest in rule 5B-57.014(8), F.A.C. Among other things, if the laboratory report indicates that the Total delta-9 tetrahydrocannabinol exceeds 0.3% on a dry weight basis, the Department will notify the licensee that the licensee has produced cannabis that exceeds the acceptable Total delta-9 tetrahydrocannabinol concentration and that the licensee must arrange for the collection of the non-compliant Lot by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer. Licensees are also provided the opportunity to dispose of the non-compliant Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115. Regardless of the option

chosen, the Licensee must notify the Department of using the form titled, “Notice of Disposal FDACS-08116” upon collection or destruction of the non-compliant Lot.

- *Procedures to ensure the hemp plant material from one lot not be commingled with hemp plant material from other lots*

FDACS Response: The Department has adopted a procedure for the harvesting of hemp in rule 5B-57.014(9), F.A.C. The Department allows for a Lot to be harvested once the pre-harvest laboratory results indicate that the sample does not have a Total delta-9-tetrahydrocannabinol concentration that exceeds 0.3 % on a dry weight basis. Additionally, the Department allows for a Lot to be harvested after sampling, but before per-harvest laboratory results are available if the Licensee complies with certain enumerated criteria.

- *Procedures to require hemp testing laboratories to adhere to standards of performance for detecting THC concentration, including Measurement of Uncertainty (MU); must use DEA registered labs.*

FDACS Response: The Department has adopted a procedure for testing of hemp material by Designated Laboratories prior to harvest in rule 5B-57.014(8), F.A.C., Laboratories must be ISO 17025:2017-accredited including for Cannabinoid Analysis, be registered with the DEA¹, provide all proficiency sampling documentation to the Department, and, use JCGM 100:2008, Evaluation of Measurement Data-Guide to the expression of uncertainty in measurement (GUM) or the laboratory’s ISO17025:2017 approved procedure.

3. *Plan for disposal procedures*

- *Procedures for plants that do not meet the requirements of this part*

FDACS Response: The Department has adopted a procedure for testing of hemp material prior to harvest in rule 5B-57.014(8), F.A.C. If the laboratory report indicates that the Total delta-9 tetrahydrocannabinol exceeds 0.3% on a dry weight basis, the Department will notify the licensee that the licensee has produced cannabis that exceeds the acceptable Total delta-9 tetrahydrocannabinol concentration and that the licensee must arrange for the collection of the non-compliant Lot by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer. Licensees are also provided the opportunity to dispose of the non-compliant Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115. Regardless of the option chosen, the

¹ Pursuant to section 120.542, Florida Statutes and to maintain consistency with USDA guidance in Release No.: 032-20, laboratories may petition the Department for a variance or waiver to the requirement to be registered with the Drug Enforcement Administration in accordance with 21 CFR 1301.13. Any grant of a variance or waiver shall be limited in duration not to exceed October 31, 2021, or the USDA’s final hemp rules are published, whichever comes first.

Licensee must notify the Department via the form titled, “Notice of Disposal FDACS-08116” upon collection or destruction of the non-compliant Lot.

- *Procedures to notify USDA of non-compliant plants and disposal of those plants from the lot where representative samples were taken. Test results must be included.*

FDACS Response: Licensees must notify the Department using the form titled, “Notice of Disposal FDACS-08116” upon collection or destruction of the non-compliant Lot. The Department has software capabilities to generate custom reports that include this information and will provide those reports to USDA on recurring schedules or upon request.

4. *Plan for inspection procedures*

- *Procedure for conducting annual inspections of random sample of licensed producers to verify that hemp is not produced in violation of this part*

FDACS Response: Pursuant to section 581.217(11), Florida Statutes, the Department shall conduct random inspections, at least annually, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with this section.

5. *Plan for collection of information*

- *Procedure for submitting the information described in 990.70 to the Secretary not more than 30 days after the date on which the information is received.*

FDACS Response: The Department has software capabilities to generate custom reports that include this information and will provide those reports to USDA on recurring schedules or upon request.

- *Procedure for producers licensed under state and tribal government plans to share information with USDA, Agricultural Marketing Service (AMS), or Farm Service Agency (FSA) including: 1) hemp crop acreage; 2) reporting total acreage of hemp planted, harvested, and disposed; 3) license or authorization number; 4) street address; 5) geospatial location(s) of each lot or greenhouse where hemp will be produced; 6) acreage of greenhouse or indoor square footage dedicated to the production of hemp.*

FDACS Response: The Department has adopted cultivation requirements in rule 5B-57.014(6), F.A.C. Among other things, Licensees must report the hemp crop acreage to the USDA Farm Service Agency in accordance with 7 CFR 990.23 7 CFR 990.23 (Revised October 31, 2019). The remaining information referenced

above will be collected by the Department and reported to USDA on recurring schedules or upon request.

6. *Plan to comply with enforcement procedures*

- *Provides for corrective action plan for negligent violations: 1) failure to provide legal description of land; 2) failure to obtain a license; 3) produces cannabis with THC exceeding the acceptable hemp THC level*

FDACS Response: Section 581.217(10), Florida Statutes addresses the states plan to comply with enforcement procedures for negligent violations.

- *Procedures to provide for the correction of negligent violations: 1) a reasonable date to correct the violation; 2) reporting requirements for 2 years from date of the negligent violation; 3) violations are not subject to federal, state, tribal, or local government criminal enforcement action; 4) provides that a negligent violation 3 times within a 5-year period is ineligible to produce hemp for a period of 5 years from the date of the 3rd violation; 5) state or tribal government shall conduct inspections to determine if corrective action plan has been implemented.*

FDACS Response: Section 581.217(10), Florida Statutes addresses the states plan to comply with enforcement procedures for negligent violations.

- *Procedures for producer violations made with a culpable mental state greater than negligence: Producer shall be reported to the U.S. Attorney General and the chief law enforcement officer of the state or tribal government.*

FDACS Response: Section 581.217(10), Florida Statutes addresses the states plan to comply with enforcement procedures for negligent violations.

- *Procedures for addressing felonies: 1) provides for a 10-year ineligibility restriction for persons with a State or Felony conviction relating to a controlled substance; 2) provides for controlled substance felony conviction exception for participants in state hemp pilot program authorized under the 2014 Agricultural Act after December 2018; 3) procedures for business entities to determine which participants are considered to be “key,” or have executive managerial control.*

FDACS Response: Section 581.217(5), Florida Statutes prohibits the Department from issuance of a hemp license to an applicant that has been convicted of a felony relating to a controlled substance under state or federal law. Pursuant to rule 5B-57.014(4), F.A.C., any person seeking to cultivate hemp must submit to the Department a full set of fingerprints for each Control person and the Responsible person submitted through a Livescan service provider evaluated by the Florida Department of Law Enforcement for state and national processing to Department ORI number FL925080Z. If the fingerprint processing identifies criminal charges or convictions related to a controlled substance violation under state or federal

law, the Department will notify the applicant that additional information is needed to complete the application. Applicants with a controlled substance conviction that occurred prior to December 20, 2018, who participated in a state hemp pilot program authorized under the 2014 Agricultural Act would be allowed to submit documentation proving participation in a state hemp pilot program for this exception to apply.

- *Procedures stating that any persons who materially falsify any information in their application shall be deemed ineligible to participate in the program.*

FDACS Response: Pursuant to section 581.217(5), Florida Statutes, the Department shall deny the issuance of a hemp license to an applicant, or refuse to renew the hemp license of a licensee, if the Department finds that the applicant or licensee has falsified any information contained in an application for a hemp license or hemp license renewal.

7. *Certification that the state or tribal government (whichever applicable) has resources and personnel to carry out required Farm Bill practices and procedures*

FDACS Response: Pursuant to section 581.217(1), Florida Statutes, 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. For fiscal year 2019-20, the Department intends to implement this program with existing resources. For Fiscal 2020-21, the Department is seeking additional legislative funding to implement the program, as well as, statutory authority to charge license fees to hemp cultivators.

Plan may include other practices or procedures as long as consistent with this part and the Act. Plan may include requirements more stringent than this part or the Act.

FDACS Response: All practices or procedures not discussed above are provided for in section 581.217, Florida Statutes, or adopted in rules 5B-57.014 and 5E-4.006, 5E-4.007, and 5E-4.016, F.A.C.

License Numbering Schemes for State and Tribal Hemp Production Plans States must use the following format when assigning license or authorization numbers:

FDACS Response: Florida will issue licenses using the following format:
12_1000, 12_1001, 12_1002, etc.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

April 8, 2020

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Perdue:

Pursuant to Section 297B(a)(2)(A)(vii) of the Agricultural Improvement Act of 2018, I certify that the state of Florida has the resources and personnel necessary to carry out each of the practices and procedures identified in Section 297B(a)(2) of the Act. For FY2019-20, the Florida Department of Agriculture and Consumer Services has received legislative funding to implement the program.

Sincerely,

Nicole Fried
Commissioner of Agriculture

CHAPTER 2019-132

Committee Substitute for Committee Substitute for Senate Bill No. 1020

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 “cannabis”; amending s. 1004.4473, F.S.; revising the colleges and universities at which the department is required to authorize and oversee the development of industrial hemp pilot projects; removing a condition for the implementation of industrial hemp commercialization projects; providing an effective date.

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

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:

(a) Hemp is an agricultural commodity.

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

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

(a) “Certifying agency” has the same meaning as in s. 578.011(8).

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

(c) “Cultivate” means planting, watering, growing, or harvesting hemp.

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

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

(f) “Independent testing laboratory” means a laboratory that:

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

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

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

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

(5) LICENSURE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The batch number;

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

4. The expiration date;

5. The number of milligrams of hemp extract; and

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

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

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

(10) VIOLATIONS.—

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

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

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

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

(b) The corrective action plan must include:

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

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

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

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

(11) ENFORCEMENT.—

(a) The department shall enforce this section.

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

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

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

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

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

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

(13) APPLICABILITY.—Notwithstanding any other law:

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

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

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

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

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

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

1. Two members appointed by the Commissioner of Agriculture.
2. Two members appointed by the Governor.
3. Two members appointed by the President of the Senate.
4. Two members appointed by the Speaker of the House of Representatives.
5. The dean for research of the Institute of Food and Agricultural Sciences of the University of Florida or his or her designee.
6. The president of Florida Agricultural and Mechanical University or his or her designee.
7. The executive director of the Department of Law Enforcement or his or her designee.
8. The president of the Florida Sheriffs Association or his or her designee.
9. The president of the Florida Police Chiefs Association or his or her designee.
10. The president of the Florida Farm Bureau Federation or his or her designee.
11. The president of the Florida Fruit and Vegetable Association or his or her designee.

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

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

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

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

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

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

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

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

1004.4473 Industrial hemp pilot projects.—

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

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

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

(5) The research office of an institution or a university that implements an industrial hemp pilot project shall oversee the pilot project and ensure

compliance with rules adopted by the department. The office must identify a contact person who is responsible for oversight of the pilot project and shall adopt procedures and guidelines to ensure the proper operation of the pilot project, the proper handling of hemp material and products, compliance with state and federal law, and the safety and security of the pilot project facility. At a minimum, the guidelines must:

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

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

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

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

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

~~(6)(7) An institution or a university that implements an industrial hemp pilot project shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of its pilot project and any research related to the cultivation, harvesting, processing, and uses of industrial hemp. The report must be prepared and submitted within 2 years after the pilot project is implemented ~~project's creation.~~~~

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

Approved by the Governor June 25, 2019.

Filed in Office Secretary of State June 25, 2019.

Rule 5B-57.014 - State Hemp Program

(1) Pursuant to s. 581.217, F.S., and in accordance with 7 U.S.C. Section 1639p, the Department shall authorize and oversee the development of the State Hemp Program to regulate the cultivation of hemp in the state, which is a potentially invasive plant species and is a threat to the plant life of this state if not properly controlled. Hemp cultivated pursuant to this rule is considered an agricultural commodity.

(2) Definitions. The definitions provided in ss. 581.011, 581.217, F.S., and the following shall apply to this rule:

(a) “Acceptable THC level” means that the representative sample has a Total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis.

(b) “Control person” means an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. The term includes:

1. A company’s executive officers, including the president, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, and other individuals having similar status or functions.

2. For a corporation, a shareholder who, directly or indirectly, owns 10 percent or more or that has the power to vote 10 percent or more, of a class of voting securities unless the applicant is a publicly traded company.

3. For a partnership, all general partners and limited or special partners who have contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership’s capital.

4. For a trust, each trustee.

5. For a limited liability company, all elected managers and those members who have contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership’s capital.

(c) “Designated laboratory” means a laboratory that:

1. Holds an ISO 17025 accreditation; and

2. Is registered with Drug Enforcement Administration (DEA) in accordance with 21 CFR 1301.13; and

3. Has entered into a compliance agreement with the Department to conduct Tetrahydrocannabinol concentration sampling and testing. The Designated Laboratory Compliance Agreement, FDACS – 08121, 12/19, is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11882>. The Pre-Harvest Sampling Manual, FDACS – 08127, 02/20, is incorporated herein by reference and available online at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-11886>. The Cannabis Sample Submission Form, FDACS-08114, 02/20, is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11881>. JCGM 100:2008, Evaluation of Measurement Data - Guide to the expression of uncertainty in measurement (September 2008) is incorporated herein by reference. Copies may be obtained from <http://www.bipm.org> and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and at the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, 1911 SW 34th Street, Gainesville, FL 32608-1201. Posting of the aforementioned document on the internet for purposes of public examination would violate federal copyright law.

(d) “Person” means individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(e) “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure used for cultivation of the same variety or strain of hemp.

(f) “Processed hemp plant material” means plant matter, including stalks, seed hulls, woody biomass, hemp flowers, or other foliar material that has been processed in such a manner that makes it an ineffective host of plant pests or disease.

(g) “Responsible person” means a natural person who controls or manages the day to day operations of the hemp cultivation.

(h) “Total delta-9 tetrahydrocannabinol concentration” means $[\text{delta-9 tetrahydrocannabinol}] + (0.877 \times [\text{tetrahydrocannabinolic acid}])$.

(i) “Unprocessed hemp plant material” means plant matter, including stalks, seed hulls, woody biomass, hemp flowers, or other foliar material that has been harvested but has not been processed in such a manner that makes it an ineffective host of plant pests or disease.

(3) It is unlawful for any Person to introduce into this state or move through this state the propagative parts of hemp, live hemp plants, Processed hemp plant material, or Unprocessed hemp plant material unless introduced or moved in compliance with this rule. This prohibition does not apply to products containing Hemp extract purchased, sold, and transported in retail packaging.

(4) Application. It is unlawful for a Person to cultivate hemp in this state without a License to Cultivate Hemp issued by the Department. A Person seeking a license to cultivate hemp shall submit the following to the Department:

(a) A completed Application for License to Cultivate Hemp, FDACS-08112, 12/19, incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11887>.

(b) A detailed description of each location intended for the cultivation of hemp, including address, legal land description, tax parcel number, and GPS coordinates.

(c) A full set of fingerprints for each Control person and the Responsible person submitted through a Livescan service provider evaluated by the Florida Department of Law Enforcement for state and national processing to Department ORI number FL925080Z. The Livescan service provider receipt for payment and process reference number must be provided with the Application For License to Cultivate Hemp, FDACS-08112, 12/19. If the fingerprint processing identifies criminal charges or convictions related to a controlled substance violation under state or federal law, the Department will notify the applicant that additional information is needed to complete the application. The applicant must provide to the Department a certified copy of the final disposition concerning the matter which the Department requested additional information pursuant to this section within ninety (90) days of receipt of the notification.

(d) An environmental containment plan for each Lot. An environmental containment plan must include the following:

1. A containment system of silt fences, berms, or fallow areas consisting of bare earth or ground cover to prevent the hemp from spreading beyond the Lot.

2. A plan to clean any equipment used on the Lot of all debris before it is moved from the property.

3. A transportation and movement plan that ensures that the propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material is covered and moved in full containment during transport from noncontiguous locations.

(5) License.

(a) A License to Cultivate Hemp expires twelve months after the date of issuance.

(b) A License must be renewed by following the application procedures outlined in Rule 5B-57.014(4), F.A.C. The License must be renewed on or before the expiration date of the current license.

(c) A License to Cultivate Hemp is not transferable.

(d) A licensee must notify the Department before changing the cultivation location(s) approved on the licensee's application. This notification must be made to DPIHemp@FDACS.gov sixty (60) days before any changes.

(6) Cultivation requirements. The licensee must:

(a) Comply with the licensee's environmental containment plan.

(b) Comply with the Hemp Waste Disposal Manual. The Hemp Waste Disposal Manual, FDACS-08115, 12/19, is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11883>. Code of Federal Regulations Title 40 – Protection of Environment, Parts 261.3 and 273, Subpart A, revised as of July 1, 2019, is incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11888> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-11889>.

(c) Maintain documentation describing the varieties of hemp cultivated for three (3) years from the date of harvest. These documents must be provided to the Department upon request.

(d) Maintain the label and receipts for all Certified hemp seed, Pilot project hemp cultivars, or Pilot project hemp seed used in the cultivation of hemp for three (3) years from the date of harvest. These documents must be provided to the Department upon request.

(e) Use only Certified hemp seed, Pilot project hemp cultivars, or Pilot project hemp seed as defined in Rule 5E-4.016, F.A.C., or nursery stock that was grown from Certified hemp seed, Pilot project hemp cultivars, or Pilot project hemp seed.

(f) Only cultivate hemp on lands that are used primarily for bona fide agricultural purposes pursuant to s. 193.461, F.S., lands located within an area zoned for agricultural or industrial use, or at a nursery as defined in s. 581.011, F.S.

(g) Post signage at every cultivation location access point which contains the following information: the Department issued license number, the address of the cultivation location, and the following statement, "Hemp is being cultivated under a license issued by the Florida Department of Agriculture and Consumer Services."

(h) Each Lot must be identified separately using a numeric designation.

(i) Report the hemp crop acreage to the USDA Farm Service Agency in accordance with 7 CFR 990.23.

(j) Only use Designated laboratories that qualify as Independent testing laboratories pursuant to section 581.217(3)(f), Florida Statutes.

(7) Nurseries. Nurseries propagating hemp plants for distribution shall:

(a) Register with the Department pursuant to s. 581.031(21), F.S.

(b) Hold a License to Cultivate Hemp issued by the Department.

(c) Only distribute hemp plants for cultivation to Persons who are authorized to cultivate Hemp.

(d) Maintain copies of hemp plant movement records or sales invoices including Department-issued license numbers for three (3) years from the date of sale or the date of movement and provide copies to the Department upon request.

(8) Tetrahydrocannabinol concentration sampling.

(a) Within fifteen (15) days prior to the harvest date, the Department or its agent shall collect a representative sample from each Lot to be tested for Total delta-9 tetrahydrocannabinol concentration. Any sampling by the Department or its agent shall be done in accordance with the Pre-Harvest Sampling Manual, FDACS – 08127, 02/20. The licensee shall be responsible for any fees or costs to conduct sampling or laboratory testing. The licensee or its agent must be present during any sample collection.

(b) The Department or its agent will place the sealed representative sample in the mail or deliver to the Designated laboratory of the licensee's choosing within one business day of collection. A Cannabis Sample Submission Form, FDACS-08114, 02/20, must be submitted with each representative sample.

(c) The Designated laboratory's initial report must be issued to DPIHemp@FDACS.gov within one business day after completion of the analysis. Within one business day of receipt, the Department will notify the licensee if the representative sample has an Acceptable THC level. If the representative sample has an Acceptable THC level, the Lot may be harvested.

(d) If the Department notifies the licensee that the representative sample has an unacceptable THC level, the licensee must:

1. Request that the Designated laboratory retest the retained sample held pursuant to the Designated Laboratory Compliance Agreement, FDACS – 08121, 12/19. A request to retest the retained sample must be made to the Designated laboratory within one business day of receipt of the notification provided in paragraph (d) of this subsection. The licensee shall be responsible for any fees or costs to conduct laboratory testing; or

2. Arrange for the collection or destruction of the non-compliant Lot by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer; or

3. Dispose of the Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115, 12/19.

(e) If a retest report is issued and the Department again notifies the licensee that the representative sample has an unacceptable THC level, the licensee must:

1. Arrange for the collection or destruction of the non-compliant Lot by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer; or

2. Dispose of the Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115, 12/19; or

3. Request that the Department collect a confirmatory sample and perform a confirmatory test of the Lot. This request must be made to DPIHemp@FDACS.gov within one business day of receipt of the notification provided in paragraph (e) of this subsection.

(f) Any confirmatory sampling by the Department of unharvested hemp shall be done in accordance with the Pre-Harvest Sampling Manual, FDACS – 08127, 02/20. Any confirmatory sampling by the Department of harvested hemp shall be done in accordance with the Post-Harvest Sampling Manual, FDACS – 08129, 02/20, which is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11885>. Any confirmatory testing by the Department shall be done in accordance with the procedures outlined in the Designated laboratory Compliance Agreement, FDACS – 08121, 12/19. The expense of the confirmatory sampling and the confirmatory testing shall be assessed, collected, and enforced against the licensee by the Department. The licensee or its agent must be present during any sample collection.

(g) If the Department’s confirmatory report indicates that the Lot has an Acceptable THC level, the Lot may be harvested. If the Department’s confirmatory test indicates that the Lot has an unacceptable THC level, the director of Plant Industry or her or his designee shall notify the licensee and the licensee shall within 10 days after the notice:

1. Arrange for the collection or destruction of the non-compliant Lot by a DEA-registered reverse distributor, a duly authorized Federal, State, or local law enforcement officer; or

2. Dispose of the Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115, 12/19.

(h) If the licensee refuses or neglects to comply with the terms of the notice in paragraph (g) of this subsection, the director or her or his authorized representative may, under authority of the Department, proceed to destroy the plants. The expense of the treatment or destruction shall be assessed, collected, and enforced against the licensee by the Department. No damages shall be awarded to the licensee for the destruction of the plants under the provisions of this rule.

(i) The licensee shall notify the Department within one business day of the collection or destruction of a non-compliant Lot. This notification must be made via Notice of Disposal, FDACS-08116, 12/19, which is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11884>.

(9) Harvest.

(a) The licensee must notify the Department no fewer than thirty (30) days prior to each intended harvest date by email at DPIHemp@FDACS.gov or by phone at 1-888-397-1517. The licensee shall not harvest the Lot until the Department notifies the licensee that the representative sample has an Acceptable THC level unless authorized under paragraph (b) of this subsection.

(b) If a representative sample has been collected, the licensee may harvest the Lot before the Designated laboratory results are available if the licensee complies with the following:

1. At least 48 hours prior to harvest, the licensee must report to the Department its revised harvest date and the anticipated harvest tonnage.

2. Within 24 hours of harvest, the licensee must report to the Department the harvested tonnage.

3. The harvested material must remain unprocessed in a securely locked building or fixed container on the licensed address or the storage location identified on the licensee's application. For the purposes of this subparagraph, drying or freezing to prevent spoilage is not considered processing.

4. The harvested material must remain segregated from other harvested hemp until the Designated laboratory results are available.

(10) Inspections. The Department shall conduct random annual inspections of each licensee to ensure compliance with the following:

(a) The Licensee's environmental containment plan.

(b) Maintenance of Certified hemp seed, Pilot project hemp cultivars, or Pilot project hemp seed documentation required under paragraphs 5B-57.014(6)(c)-(d), F.A.C.

(c) Hemp plants have a Total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(d) Hemp plants are found to be free from plant pests or disease not known to be established in this state.

(e) Compliance with s. 581.217, F.S., and rules promulgated therefrom.

(11) Transportation Requirements.

(a) Intrastate movement. Any Person transporting propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material within the state of Florida shall:

1. Transport in a fully enclosed vehicle or container when being moved between noncontiguous locations.

2. Have in their possession a bill of lading or proof of ownership, documentation showing the name, physical address, Lot designation number, and license number of the originating licensed cultivator, and the name and physical address of the recipient of the delivery when transporting between non-contiguous locations.

3. Stop and submit for inspection while passing any official agricultural inspection station pursuant to s. 570.15, F.S.

(b) Interstate movement. Any Person outside the State of Florida who desires to ship into this state propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material from any state, U.S. possession, territory, or district of the United States, or foreign jurisdiction, shall comply with the following regulations:

1. The movement of propagative parts of hemp or live hemp plants into the State of Florida is prohibited unless:

a. Maintained and shipped in a soilless growing media, sterile growing media, or sterile environment; and

b. Accompanied by proof of origin with hemp cultivation license number, or equivalent, from the jurisdiction of origin and an original phytosanitary certificate of inspection issued by a state or country plant protection governmental agency.

2. The movement of any Unprocessed hemp plant material into the State of Florida is prohibited unless:

a. Accompanied by proof of origin with a hemp cultivation license number, or equivalent, from the jurisdiction of origin; and

b. Accompanied by a certificate of analysis showing that the Unprocessed hemp plant material has an Acceptable THC level; and

c. Transported frozen or dried.

3. The movement of any Processed hemp plant material into the state of Florida is prohibited unless:

a. The Processed hemp plant material has been rendered non-viable through processing; and

b. Accompanied by proof of origin with a hemp cultivation license number, or equivalent, from the jurisdiction of origin; and

c. Accompanied by a certificate of analysis showing that the Processed hemp plant material has an Acceptable

THC level.

4. Upon entry in the state, all persons transporting propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material must comply with the intrastate movement requirements outlined in this rule.

(12) Abandoned operations. It is the responsibility of the licensee to completely destroy all hemp plant material, rendering the plants non-viable in accordance with the Hemp Waste Disposal Manual FDACS-08115, 12/19, prior to vacating the property or stopping hemp cultivation.

(13) Violations. A licensee must complete a corrective action plan if the Department determines that the licensee has negligently violated s. 581.217, F.S. or this rule. A licensee who negligently violates the corrective action plan under this rule three times within five (5) years is ineligible to cultivate hemp for five (5) years following the date of the third violation. If the Department determines that a licensee has violated s. 581.217, F.S., or Department rules with a culpable mental state greater than negligence, the Department shall immediately report the licensee to the Attorney General and the United States Attorney General. A determination that a licensee has negligently violated s. 581.217, F.S. or this rule shall be subject to the process outlined in ss. 120.569 and 120.57-120.595, F.S. A determination that a licensee has violated s. 581.217, F.S., or Department rule with a culpable mental state greater than negligence shall be reported to the Attorney General, the state attorney for the judicial circuit where the violation occurred, and the United States Attorney General notwithstanding ss. 120.569 and 120.57-120.595, F.S.

(14) Final Order. The Department may issue an order directing the licensee to destroy any hemp cultivated in violation of s. 581.217, F.S., or Department rule.

Rulemaking Authority 570.07(23), 581.031(4), (5), 581.217(5), FS. Law Implemented 581.031, 581.083, 581.217, FS.

History—New _____.



Florida Department of Agriculture and Consumer Services
Division of Plant Industry

DESIGNATED LABORATORY COMPLIANCE AGREEMENT

NICOLE "NIKKI" FRIED
COMMISSIONER

Section 581.217, F.S.
5B-57.014(2), F.A.C.
Post Office Box 147100, Gainesville, FL 32614-7100 / (352)395-4700

This AGREEMENT, made and entered into on _____, by and between the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES ("DEPARTMENT"), and _____ ("LABORATORY").

LABORATORY wishes to be placed on DEPARTMENT'S designated laboratory list.

In consideration of the mutual covenants set forth, the parties agree as follows:

ARTICLE 1: TERM

- 1.1 The term of this Agreement shall commence on the Effective Date and shall continue for a period of one (1) year, subject to termination provision(s).
- 1.2 Extension of this agreement shall be in writing for a single period only not to exceed six (6) months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the LABORATORY.

ARTICLE 2: SAMPLE COLLECTION AND TESTING

- 2.1 Sample Collection. LABORATORY agrees to collect samples in accordance with the Pre-Harvest Sampling Manual, FDACS – 08127, 02/20.

ARTICLE 3: GENERAL PROVISIONS

To determine the Total delta-9 tetrahydrocannabinol concentration in hemp samples the LABORATORY agrees to the following:

- 3.1 LABORATORY shall be accredited to the International Organization for Standardization (ISO) 17025:2017.
- 3.2 LABORATORY shall be registered with Drug Enforcement Administration (DEA) in accordance with 21 CFR 1301.13.
- 3.3 The Cannabinoid Analysis method utilized for Total delta-9 tetrahydrocannabinol concentration must be included within the ISO17025:2017 scope of accreditation.
- 3.4 LABORATORY shall notify the Department in writing within three (3) business days if there is a change in its accreditation status or scope of accreditation. This notification must be made to DPIHemp@FDACS.gov.

- 3.5 LABORATORY shall use its best efforts to ensure that its turn around time for delivering laboratory results to the DEPARTMENT shall not exceed two business days from the time of sample receipt at the LABORATORY'S location.
- 3.6 LABORATORY shall provide documentation to DEPARTMENT identifying that it has adequate redundancy in equipment and resources to meet the sample turnaround time specified above.
- 3.7 LABORATORY shall maintain copies of all proficiency testing program sample results for three (3) years from the date the results are finalized and provide to the DEPARTMENT upon request.
- 3.8 LABORATORY shall notify DEPARTMENT within 3 (three) business days if it will not be able to meet the sample turnaround time identified in this agreement.

ARTICLE 4: Sample Custody and Records

- 4.1 Upon receipt by LABORATORY, the sample collection bag seal must be inspected for tampering or damage.
- 4.2 LABORATORY must notify DEPARTMENT if the sample collection bag seal is damaged as resampling will be required for any samples that do not have an intact seal. This notification must be made to DPIHemp@FDACS.gov.
- 4.3 LABORATORY must sign and date the Cannabis Sample Submission Form FDACS – 08114, 02/20 upon receipt. A copy of the signed form must accompany the laboratory report.
- 4.4 LABORATORY must assign a unique identification number to each sample which links it to Cannabis Sample Submission Form, FDACS-08114, 02/20.
- 4.5 LABORATORY must maintain all records associated with the receipt, preparation, analysis, reporting, and disposal of the samples for three (3) years from the date of disposal of the samples and provide to the DEPARTMENT upon request.
- 4.6 LABORATORY must maintain, and provide to the DEPARTMENT upon request, standard operating procedures (SOPs) that accurately reflect all procedures utilized, including the testing requirements specified in this document.

ARTICLE 5: Drying and Homogenization

- 5.1 After LABORATORY receipt and login, the samples must be dried at a temperature not to exceed 85°C until brittle or a consistent weight is achieved.
- 5.2 Samples must then be homogenized in a manner that produces homogeneous particle sizes that fit through a wire screen no larger than 1.5 x 1.5mm.
- 5.3 After homogenization, the sample must be separated into test and retain portions.

ARTICLE 6: Extraction

- 6.1 A portion of the homogenized sample must be extracted in an organic solvent that is suitable for recovering cannabinoids.
- 6.2 The preparation method utilized must be the one specified in the ISO17025:2017 scope of accreditation for cannabinoid analysis.
- 6.3 A hemp Certified Reference Material (CRM) should be processed with each analytical batch.

ARTICLE 7: Analysis

- 7.1 At a minimum, analytical testing of samples for Total delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the USDA. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THCA content. Testing methodologies meeting these requirements include, but are not limited to, gas chromatography and high-performance liquid chromatography.

Total delta-9 tetrahydrocannabinol concentration = [delta-9 tetrahydrocannabinol] + (0.877 x [tetrahydrocannabinolic acid]).

- 7.2 The analysis method must also be the one specified in the ISO17025:2017 scope of accreditation for cannabinoid analysis. The method must be sensitive enough to be able to report delta-9 THC and THCA at a minimum of 0.30%.
- 7.3 BAEL methods PREP 240 (sample preparation) and METHOD 711 (analysis method) are hereby listed as reference methods.
- 7.4 Retest. Any hemp program licensee may request that the laboratory retest the retained samples if the initial report indicates the sample did not have an Acceptable THC level. If this occurs, the laboratory shall follow the same procedures that were followed to conduct the initial test. The licensee requesting the retest of the second sample will pay the cost of the test. The retest shall be done on the retain portion described in the Drying and Homogenization section above.

ARTICLE 8: Reporting

- 8.1 The Total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.
- 8.2 The percent Total delta-9 tetrahydrocannabinol concentration shall be reported to two decimal places (example: 0.XX%). Results below the method detection limit shall be reported as not detected or <MDL. The MDL shall be listed on the laboratory report.
- 8.3 The testing measurement of uncertainty shall be reported as a \pm value in the same units as the result on each laboratory report. LABORATORY's measurement uncertainty shall be calculated following JCGM 100:2008, Evaluation of Measurement Data-Guide to the expression of uncertainty in measurement (GUM) or the LABORATORY'S ISO17025:2017 approved procedure.
- 8.4 Laboratory reports must be issued to DPIHemp@FDACS.gov within one business day after the completion of the analysis.
- 8.5 Any modifications to LABORATORY'S SOPs must be documented and included on the laboratory report.

ARTICLE 9: Termination

- 7.1 For Convenience. DEPARTMENT or LABORATORY may terminate this AGREEMENT in whole or in part for its convenience by giving at least forty-five (45) days written notice by electronic or registered mail to the other party, specifying the effective date of termination.

7.2 For Cause. DEPARTMENT may terminate this AGREEMENT for cause; provided, however, no right of default shall accrue until thirty (30) days after the defaulting party is notified in writing of the reason(s) for termination and has failed to cure or give adequate assurances of performance within the thirty (30) day period after notice of termination.

7.2.1 For cause termination shall be defined as default, breach or failure of the LABORATORY to fulfill any of its obligations hereunder.

7.2.2 Opportunity to cure. Prior to the exercise of any remedy provided for herein, DEPARTMENT shall provide thirty (30) calendar days written notice of default and shall provide LABORATORY the opportunity to cure such failure or default within said thirty (30) day period. Upon the failure or inability to cure, DEPARTMENT shall have all rights and remedies provided at law or in equity.

Signed by parties to this AGREEMENT:

LABORATORY

FLORIDA DEPARTMENT OF
AGRICULTURE AND CONSUMER
SERVICES

Signature

Signature

Title

Title

Date

Date



Florida Department of Agriculture and Consumer Services
Division of Plant Industry

PRE-HARVEST SAMPLING MANUAL

NICOLE “NIKKI” FRIED
COMMISSIONER

Section 581.217, F.S.
5B-57.014(2), F.A.C.
Post Office Box 147100, Gainesville, FL 32614-7100 / (352)395-4700

Under the authority of the Agriculture Improvement Act of 2018, the Florida legislature has created a program to regulate the cultivation of Hemp. Pursuant to section 581.217, Florida Statutes, the Department of Agriculture and Consumer Services (“Department”) is charged with the responsibility to manage that program.

Among other requirements, persons cultivating hemp must collect pre-harvest samples to ensure that the Total delta-9 tetrahydrocannabinol does not exceed 0.3% on a dry weight basis. This manual outlines the sample collection procedures that must be followed prior to harvest.

I. Definitions.

1. “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a Total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.
2. “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure used for cultivation of the same variety or strain of Hemp.

II. Preparation/Supplies

Disposable gloves
Sheers or single use scalpel
Alcohol wipes
Paper bags
Tamper resistant tape
Ruler or measuring tape
Stapler
Cannabis Sample Submission Form, FDACS-08114, 02/20

III. Collection Protocols.

1. No earlier than fifteen (15) days prior to harvest, collect a representative sample from the Lot to be harvested.
2. Assemble all necessary forms, Personal Protective Equipment (PPE), supplies and

sampling equipment. Make sure sampling equipment is clean, dry, and in good working condition.

3. Identify Lot of Hemp to be sampled.
4. First divide the Lot into four (4) equal quadrants.
5. Refer to the table below for the total clippings required from each Lot. The total clippings required below must be taken evenly among the four quadrants¹:

Lot size in harvested acres	Total number of plant clippings for each representative sample	Lot size in harvested acres	Total number of plant clippings for each representative sample
< 5	Four (one from each quadrant)	≥80 but <82	64
≥ 5 but < 19	1 per acre	≥82 but <83	65
≥19 but <20	18	≥83 but <85	66
≥20 but <21	19	≥85 but <87	67
≥21 but <22	20	≥87 but <88	68
≥22 but <23	21	≥88 but <90	69
≥23 but <24	22	≥90 but <92	70
≥24 but <25	23	≥92 but <93	71
≥25 but <27	24	≥93 but <95	72
≥27 but <28	25	≥95 but <97	73
≥28 but <29	26	≥97 but <99	74
≥29 but <30	27	≥99 but <100	75
≥30 but <31	28	≥100 but <102	76
≥31 but <33	29	≥102 but <104	77
≥33 but <34	30	≥104 but <106	78
≥34 but <35	31	≥106 but <108	79
≥35 but <36	32	≥108 but <109	80
≥36 but <37	33	109 but <111	81
≥37 but <39	34	111 but <113	82
≥39 but <40	35	≥113 but <115	83
≥40 but <41	36	≥115 but <117	84
≥41 but <43	37	≥117 but <119	85
≥43 but <44	38	≥119 but <121	86
≥44 but <45	39	≥121 but <123	87
≥45 but <47	40	≥123 but <125	88
≥47 but <48	41	≥125 but <127	89
≥48 but <49	42	≥127 but <129	90
≥49 but <51	43	≥129 but <131	91
≥51 but <52	44	≥131 but <133	92
≥52 but <53	45	≥133 but <135	93
≥53 but <55	46	≥135 but <137	94
≥55 but <56	47	≥137 but <139	95
≥56 but <57	48	≥139 but <141	96
≥57 but <59	49	≥141 but <144	97
≥59 but <60	50	≥144 but <146	98
≥60 but <62	51	≥146 but <148	99
≥62 but <63	52	≥148 but <150	100
≥63 but <65	53	≥150 but <153	101
≥65 but <66	54	≥153 but <155	102
≥66 but <68	55	≥155 but <157	103
≥68 but <69	56	≥157 but <159	104
≥69 but <71	57	≥159 but <162	105
≥71 but <72	58	≥162 but <164	106
≥72 but <74	59	≥164 but <167	107
≥74 but <75	60	≥167 but <169	108
≥75 but <77	61	≥169 but <171	109
≥77 but <78	61	≥171 but <173	110
≥78 but <80	63	Please contact	

¹ Where the total number of plant clippings cannot be evenly divided by four, the remainder may be taken from anywhere in the Lot.

		DPIHemp@FDACS.gov if your Lot exceeds 173 acres in size.	
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6. Each plant clipping must be eight (8) inches long, and must be taken from the plant's primary stem, including floral material. Do not remove any stalks, stems, flowers, seeds, or leaves from the clipping.
7. Place the plant clippings collected from the Lot into a paper bag. This is the representative sample.
8. Staple a completed **Cannabis Sample Submission Form, FDACS-08114, 02/20**, to the paper bag containing the representative sample.
9. Seal the paper bag with tamper resistant tape.
10. Each representative sample with the attached **Cannabis Sample Submission Form, FDACS-08114, 02/20**, must be placed in the mail or delivered to lab for analysis within one business day of collection. Please note, Designated laboratories will not accept damaged or torn bags and it is recommended that paper bags be shipped in boxes or padded envelopes.
11. Use single use/disposable equipment or thoroughly clean sampling equipment and change disposable gloves after taking each representative sample collection.



Florida Department of Agriculture and Consumer Services
Division of Plant Industry

POST-HARVEST SAMPLING MANUAL

NICOLE “NIKKI” FRIED
COMMISSIONER

Section 581.217, F.S.
5B-57.014(8), F.A.C.
Post Office Box 147100, Gainesville, FL 32614-7100 / (352)395-4700

Under the authority of the Agriculture Improvement Act of 2018, the Florida legislature has created a program to regulate the cultivation of Hemp. Pursuant to Section 581.217, Florida Statutes, the Department of Agriculture and Consumer Services (“Department”) is charged with the responsibility to manage that program.

Among other requirements, hemp must have a Total delta-9 tetrahydrocannabinol that does not exceed 0.3% on a dry weight basis. This manual outlines the regulatory sample collection procedures that must be followed for sampling hemp post-harvest.

I. Definitions.

1. “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a Total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.
2. “Lot” means hemp harvested from a contiguous area in a field, greenhouse, or indoor growing structure used for cultivation of the same variety or strain of Hemp.
3. “Post-harvest sample” means a sample representative of a harvested Lot. The entire Lot’s harvest must be in the same form (e.g., intact-plant, flowers, ground materials, etc.), representative of the Lot, and not mixed with non-hemp materials or hemp materials from another Lot.

II. Preparation/Supplies.

Disposable gloves
Sterile probe/scoop
Sheers or single use scalpel
Alcohol wipes
Paper bags
Tamper resistant tape
Ruler or measuring tape
Stapler
“Sample by FDACS” stickers and packaging tape (in case the stickers do not seal)
Cannabis Sample Submission Form, FDACS-08114, 02/20
Tyvek or similar disposable sleeves

III. Collection Protocols.

A Post-harvest sample should be collected for each Lot identified.

1. Assemble all necessary forms, Personal Protective Equipment (PPE), supplies and sampling equipment. Make sure sampling equipment is clean, dry, and in good working condition.
2. Identify Lot of hemp to be sampled.

NOTE: Check for “FDACS Sampled By” sticker(s) to determine if Lot was previously sampled.

3. Documentation

- a. Obtain shipping documents.

NOTE: If shipping documents cannot be obtained, document from whom the hemp was purchased/shipped, identifying lot number/code and brand name, date shipped, and how much was in the original shipment.

- b. Obtain certificate of analysis, if the firm has previously had the lot tested for Total delta-9-tetrahydrocannabinol concentration.
- c. Review label and obtain a copy (if applicable).

4. For Intact-Plant Post-Harvest Samples:

- a. If the plant is intact, a representative sample would consist of clippings from non-adjacent plants within the storage or drying area. Each clipping consists of the top eight (8) inches of hemp plant, taken from the plant’s primary stem, including floral material. Do not remove any stalks, stems, flowers, seeds, or leaves from the clipping.
- b. First divide the Lot into four (4) equal quadrants.
- c. Refer to the table below for the total clippings required from each Lot. The total clippings required below must be taken evenly among the four quadrants:¹

¹ Where the total number of plant clippings cannot be evenly divided by four, the remainder may be taken from anywhere in the Lot.

Lot size in harvested acres	Total number of plant clippings for each representative sample	Lot size in harvested acres	Total number of plant clippings for each representative sample
< 5	Four (one from each quadrant)	≥80 but <82	64
≥ 5 but < 19	1 per acre	≥82 but <83	65
≥19 but <20	18	≥83 but <85	66
≥20 but <21	19	≥85 but <87	67
≥21 but <22	20	≥87 but <88	68
≥22 but <23	21	≥88but <90	69
≥23 but <24	22	≥90 but <92	70
≥24 but <25	23	≥92 but <93	71
≥25 but <27	24	≥93 but <95	72
≥27 but <28	25	≥95 but <97	73
≥28 but <29	26	≥97 but <99	74
≥29 but <30	27	≥99 but <100	75
≥30 but <31	28	≥100 but <102	76
≥31 but <33	29	≥102 but <104	77
≥33 but <34	30	≥104 but <106	78
≥34 but <35	31	≥106 but <108	79
≥35 but <36	32	≥108 but <109	80
≥36 but <37	33	109 but <111	81
≥37 but <39	34	111 but <113	82
≥39 but <40	35	≥113 but <115	83
≥40 but <41	36	≥115 but <117	84
≥41 but <43	37	≥117 but <119	85
≥43 but <44	38	≥119 but <121	86
≥44 but <45	39	≥121 but <123	87
≥45 but <47	40	≥123 but <125	88
≥47 but <48	41	≥125 but <127	89
≥48 but <49	42	≥127 but <129	90
≥49 but <51	43	≥129 but <131	91
≥51 but <52	44	≥131 but <133	92
≥52 but <53	45	≥133 but <135	93
≥53 but <55	46	≥135 but <137	94
≥55 but <56	47	≥137 but <139	95
≥56 but <57	48	≥139 but <141	96
≥57 but <59	49	≥141 but <144	97
≥59 but <60	50	≥144 but <146	98
≥60 but <62	51	≥146 but <148	99
≥62 but <63	52	≥148 but <150	100
≥63 but <65	53	≥150 but <153	101
≥65 but <66	54	≥153 but <155	102
≥66 but <68	55	≥155 but <157	103
≥68 but <69	56	≥157 but <159	104
≥69 but <71	57	≥159 but <162	105
≥71 but <72	58	≥162 but <164	106
≥72 but <74	59	≥164 but <167	107
≥74 but <75	60	≥167 but <169	108
≥75 but <77	61	≥169 but <171	109
≥77 but <78	61	≥171 but <173	110
≥78 but <80	63	Please contact DPIHemp@FDACS.gov if your Lot exceeds 173 acres in size.	

- d. Place the sample in a paper bag, close and seal the bag with tamper resistant tape.
- e. Staple a completed **Cannabis Sample Submission Form, FDACS-08114, 02/20**, to the paper bag containing the representative sample.
- f. The paper bags should be shipped in boxes.
- g. Use single use/disposable equipment or thoroughly clean sampling equipment and change disposable gloves after taking each representative sample collection.

5. For Chopped or Ground Hemp Material

- a. Divide the Lot evenly into four (4) quadrants. A representative sample would consist of draws from non-adjacent areas. Each draw should consist of a handful or sterile scoop of biomass (approximately one cup by volume). The draws should be taken evenly from each quadrant according to the table below

Note: Draws should not just be from the top of bulk containers, depths should vary. Utilize Tyvek or similar disposable sleeves if reaching deep into a container.

Note: Take care not to spill or drop portions of the sample. If spillage does occur return all spillage to the container being sampled - do not include spillage into the sample itself.

Lot size in tons	Total number of draws for each representative sample	Lot size in tons	Total number of draws for each representative sample
< 5	Four (one from each quadrant)	≥80 but <82	64
≥ 5 but < 19	1 per acre	≥82 but <83	65
≥19 but <20	18	≥83 but <85	66
≥20 but <21	19	≥85 but <87	67
≥21 but <22	20	≥87 but <88	68
≥22 but <23	21	≥88but <90	69
≥23 but <24	22	≥90 but <92	70
≥24 but <25	23	≥92 but <93	71
≥25 but <27	24	≥93 but <95	72
≥27 but <28	25	≥95 but <97	73
≥28 but <29	26	≥97 but <99	74
≥29 but <30	27	≥99 but <100	75
≥30 but <31	28	≥100 but <102	76
≥31 but <33	29	≥102 but <104	77
≥33 but <34	30	≥104 but <106	78
≥34 but <35	31	≥106 but <108	79
≥35 but <36	32	≥108 but <109	80
≥36 but <37	33	109 but <111	81
≥37 but <39	34	111 but <113	82
≥39 but <40	35	≥113 but <115	83
≥40 but <41	36	≥115 but <117	84
≥41 but <43	37	≥117 but <119	85
≥43 but <44	38	≥119 but <121	86
≥44 but <45	39	≥121 but <123	87
≥45 but <47	40	≥123 but <125	88
≥47 but <48	41	≥125 but <127	89
≥48 but <49	42	≥127 but <129	90
≥49 but <51	43	≥129 but <131	91
≥51 but <52	44	≥131 but <133	92
≥52 but <53	45	≥133 but <135	93
≥53 but <55	46	≥135 but <137	94
≥55 but <56	47	≥137 but <139	95
≥56 but <57	48	≥139 but <141	96
≥57 but <59	49	≥141 but <144	97
≥59 but <60	50	≥144 but <146	98
≥60 but <62	51	≥146 but <148	99
≥62 but <63	52	≥148 but <150	100
≥63 but <65	53	≥150 but <153	101
≥65 but <66	54	≥153 but <155	102
≥66 but <68	55	≥155 but <157	103
≥68 but <69	56	≥157 but <159	104

≥69 but <71	57	≥159 but <162	105
≥71 but <72	58	≥162 but <164	106
≥72 but <74	59	≥164 but <167	107
≥74 but <75	60	≥167 but <169	108
≥75 but <77	61	≥169 but <171	109
≥77 but <78	61	≥171 but <173	110
≥78 but <80	63	Please contact DPIHemp@FDACS.gov if your Lot exceeds 173 acres in size.	

- b. Place the sample in a paper bag, close and seal the bag with tamper resistant tape.
- c. Staple a completed **Cannabis Sample Submission Form FDACS-08114, 02/20**, to the paper bag containing the representative sample.
- d. The paper bags should be shipped in boxes.
- e. Re-seal bags where the sample was taken, as applicable, and mark as sampled using “Sampled by FDACS” adhesive labels.
- f. Thoroughly clean sampling equipment and change disposable gloves after taking each representative sample collection (e.g., using alcohol wipes).

IV. Sample Shipping/Transport

1. Samples must be transported to the laboratory or shipped using the United States Postal Service to the address below within one business day of collection:

Bureau of Agricultural Environmental Laboratories
3125 Conner Blvd. Lab #7
Tallahassee, FL 32399-1650



Florida Department of Agriculture and Consumer Services
Division of Plant Industry

APPLICATION FOR LICENSE TO CULTIVATE HEMP

**NICOLE "NIKKI" FRIED
COMMISSIONER**

Section 581.217, F.S., 5B-57.014(4), F.A.C
Post Office Box 147100, Gainesville, FL 32614-7100 / (352)395-4700

Return This Form:
DPIHemp@FDACS.gov

or

FDACS - DIVISION OF PLANT
INDUSTRY
P.O. BOX 147100
GAINESVILLE, FLORIDA
32614-7100

THIS SECTION TO BE COMPLETED BY STATE OFFICIAL		
License Number:	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Conditions:
Expiration Date:	Signature: _____	
	Title: _____ Date: _____	

New Application Renewal Application _____
Hemp License Number

Applicant Information:

Business Name and EIN (if applicable): _____

Responsible Person Name: _____
First Middle Last

Responsible Person Address: _____
Street or PO Box City State Zip Code

Responsible Person Email Address: _____

Responsible Person Phone: _____

Check All That Apply:

HEMP PLANT CULTIVATION FOR COMMERCIAL PRODUCTION AND HARVESTING

Intended marketable part of the plant	<input type="checkbox"/> Seed
	<input type="checkbox"/> Fiber
	<input type="checkbox"/> Oil

HEMP NURSERY PLANT CULTIVATION FOR PLANT DISTRIBUTION TO HEMP GROWERS

Nursery Registration number: _____

Cultivation Location(s):

Provide the address, legal land description, tax parcel number, and GPS coordinates for each location where hemp will be cultivated. Use ADDITIONAL CULTIVATION LOCATION section on page 4 for each additional cultivation location.

Address: _____
Street City State Zip Code

Legal Land Description: _____

Tax Parcel Number: _____

GPS coordinates: _____

Outside planting (acres): _____

Inside planting (square feet): _____

Cultivation Location is (check all that apply):

- Classified Agricultural pursuant to s. 193.461, F.S.
- Zoned for Agricultural Use
- Zoned for Industrial Use
- A Nursery as defined in s. 581.011, F.S.

Storage Location for Harvested Hemp:

Provide the address and GPS coordinates where any harvested hemp will be stored for inspection.

Address: _____
Street City State Zip Code

GPS coordinates: _____

The applicant must submit a full set of fingerprints for the Responsible person and each Control person(s) submitted through a Livescan services provider evaluated by the Florida Department of Law Enforcement for state and national processing to the Department ORI number FL925080Z.

DISCLOSURE OF CRIMINAL CONVICTIONS Pursuant to s. 581.217, F.S., and Rule 5B-57.014, F.A.C., providing the Department with false or misleading information subjects an applicant to revocation or denial of a license to cultivate hemp.

- The Responsible person and any Control person(s) has not been convicted of a felony relating to a controlled substance under state or federal law within the previous ten years.

The applicant must submit an environmental containment plan for each Lot.

- Included with this application is a copy of my environmental containment plan for each Lot.

Sign Your Application:

I certify that I will comply with all conditions above and with the requirements of s. 581.217, F.S., and Rule 5B-57.014, F.A.C.

Responsible person signature: _____ Date: _____

Print Name: _____

Responsible person and Control person(s):

Provide the following information for the Responsible person and each Control person(s) as defined in Rule 5B-57.014, F.A.C. Submit multiple copies of this page if more space is needed.

Responsible person Name: _____
First Middle Last

Responsible person Address: _____
Street or PO Box City State Zip Code

Email Mailing Address: _____

Phone: _____

Livescan Information:

Date submitted (MM/DD/YYYY):		Livescan Reference Number:		Date of Birth (MM/DD/YYYY):	
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Control person Name: _____
First Middle Last

Control person Address: _____
Street or PO Box City State Zip Code

Email Mailing Address: _____

Phone: _____

Livescan Information:

Date submitted (MM/DD/YYYY):		Livescan Reference Number:		Date of Birth (MM/DD/YYYY):	
------------------------------	--	----------------------------	--	-----------------------------	--

Control person Name: _____
First Middle Last

Control person Address: _____
Street or PO Box City State Zip Code

Email Mailing Address: _____

Phone: _____

Livescan Information:

Date submitted (MM/DD/YYYY):		Livescan Reference Number:		Date of Birth (MM/DD/YYYY):	
------------------------------	--	----------------------------	--	-----------------------------	--

Control person Name: _____
First Middle Last

Control person Address: _____
Street or PO Box City State Zip Code

Email Mailing Address: _____

Phone: _____

Livescan Information:

Date submitted (MM/DD/YYYY):		Livescan Reference Number:		Date of Birth (MM/DD/YYYY):	
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ADDITIONAL CULTIVATION LOCATION(S)

Return This Form:
DPIHemp@FDACS.gov

or

FDACS - DIVISION OF PLANT
INDUSTRY
P.O. BOX 147100
GAINESVILLE, FLORIDA
32614-7100

Additional Cultivation Location(s):

Provide the address, legal land description, tax parcel number, and GPS coordinates for each location where hemp will be cultivated. Each additional growing location must include the required information below. Submit multiple copies of this page if more space is needed.

Business Name (if applicable): _____

Address: _____
Street City State Zip Code

Legal Land Description: _____

Tax Parcel Number: _____

GPS coordinates: _____

Outside planting (acres): _____

Inside planting (square feet): _____

Cultivation Location is (check all that apply):

- Classified Agricultural pursuant to s. 193.461, F.S.
- Zoned for Agricultural Use
- Zoned for Industrial Use
- A Nursery as defined in s. 581.011, F.S.

Storage Location for Harvested Hemp:

Provide the address and GPS coordinates where any harvested hemp will be stored for inspection.

Address: _____
Street City State Zip Code

GPS coordinates: _____

Address: _____
Street City State Zip Code

Legal Land Description: _____

Tax Parcel Number: _____

GPS coordinates: _____

Outside planting (acres): _____

Inside planting (square feet): _____

Cultivation Location is (check all that apply):

- Classified Agricultural pursuant to s. 193.461, F.S.
- Zoned for Agricultural Use
- Zoned for Industrial Use



Florida Department of Agriculture and Consumer Services
Division of Plant Industry

HEMP WASTE DISPOSAL MANUAL

NICOLE "NIKKI" FRIED
COMMISSIONER

Section 581.217, F.S., 5B-57.014(6) F.A.C
Post Office Box 147100, Gainesville, FL 32614-7100 / (352)395-4700

I. Introduction. Pursuant to the Agriculture Improvement Act of 2018, the Florida Legislature has created the state Hemp Program within the Department of Agriculture and Consumer Services ("Department"). In section 581.217, F.S., the Florida Legislature instructed the Department to provide a procedure for the effective disposal of hemp plants, whether growing or not, that are cultivated in violation of section 581.217, F.S., or Department rules, and products derived from those plants. This manual outlines the waste disposal procedures that licensees, registrants, and permittees must follow.

II. Definitions. The definitions provided in ss. 500.03, 578.011, 580.031, 581.011, 581.217, F.S., and the following shall apply to this manual:

1. "Hazardous Waste" means any waste generated by a Possessor that constitutes a hazardous waste as defined in 40 C.F.R. Part 261.3 (Rev. 07/19).
2. "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a Total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.
3. "Hemp extract" means a substance or compound intended for ingestion that is derived from or contains Hemp and that does not contain other controlled substances.
4. "Licensee" means a person with a valid license to cultivate Hemp, as issued by the Department.
5. "Lot" means a contiguous area in a field, greenhouse, or indoor growing structure used for the cultivation of the same variety or strain of Hemp.
6. "Permittee" means a person with a valid food permit for a Hemp Food Establishment and a paid associated fee as required in rule 5K-4.020, F.A.C.
7. "Possessor" means a Licensee, Permittee, or Registrant as defined in this manual.
8. "Post-harvest plant material waste" means any part of the Hemp plant, such as leaves, stalks, and stems, that has been harvested and that is not processed with solvent or used in the processing of Hemp to generate derivative product;

9. “Pre-harvest plant material waste” means any part of the Hemp plant, such as leaves, stalks, and stems, that has not been harvested.

10. “Registrant” means any person issued a master registration by the Department.

11. “Total delta-9 tetrahydrocannabinol concentration” means [delta-9 tetrahydrocannabinol + (0.877 x tetrahydrocannabinolic acid)].

12. “Universal Waste” means any waste generated by a Possessor that constitutes a universal waste, as defined in 40 C.F.R. Part 273, Subpart A (Rev. 07/19).

13. “Waste,” as used in this rule, means the following:

- (a) Processing waste, including spent solvents, and similar materials used in the processing of Hemp;
- (b) Derivative product waste, including Hemp that is unusable or unfit for sale or consumption. Product waste includes unused, returned, surplus, contaminated, recalled, and expired Hemp or Hemp product; and
- (c) Other contaminated materials, which is defined to include any substance, item or material that, at any time while in possession of the Possessor contained or came in contact with Hemp or Hemp-infused product.

14. “Waste Disposal Plan” means a detailed plan outlining the process the Possessor will use to destroy Hemp or products containing Hemp extract.

III. Disposal.

1. A Possessor shall store, handle, transport, manage, and dispose of any solid or liquid waste, generated during any activity related to acquisition, cultivation, possession, processing, manufacturing, transferring, transporting, sale, distribution, dispensation, and administration of Hemp and products containing Hemp extract in compliance with applicable federal, state, and local statutes, ordinances, and regulations.
2. Waste Disposal. Waste that does not meet the definition of hazardous or universal must be rendered unusable, unrecognizable, and non-retrievable before it leaves the control of the Possessor. Waste must be rendered unusable by grinding and mixing the waste with, at least, an equal amount of other compostable materials (e.g. food waste, yard waste, vegetable-based grease or oils) or non-compostable materials (e.g. paper waste, cardboard waste, plastic waste, or oil). Waste is rendered unusable and unrecognizable if all components are homogenous, indistinguishable, and incapable of being inhaled, ingested, swallowed, injected, or otherwise used or consumed. Waste must be rendered non-retrievable by permanently altering its condition and thereby rendering the waste unusable for all practical purposes.
 - (a) Until such time that the waste is rendered unusable, unrecognizable, and non-retrievable, the waste must be stored in waste receptacles that are:
 1. Securely locked, enclosed container;

2. Securely fastened to a permanent structure such that it cannot be removed; and
 3. Located in a secured area of the facility
- (b) A Possessor shall maintain, and provide to the Department upon request, policies and procedures identifying employees of the Possessor with access to the waste storage area(s) of its facility.
- (c) After the waste is rendered unusable, unrecognizable, and non-retrievable, the waste shall be collected by a waste hauler along with other non-Hemp waste generated by the Possessor and delivered to a solid waste management facility, as that term is defined in section 403.703(39), F.S., for final disposition.
3. Hazardous Waste Disposal. Chapter 62-730, F.A.C., governs the methods in which hazardous waste may be disposed.
 4. Universal Waste Disposal. Any waste generated by a Possessor that constitutes a universal waste shall be managed and disposed of in compliance with all applicable requirements of 40 C.F.R. Part 273, Subpart A (Rev. 07/19).
 5. Plant material waste. Pre-harvest plant material waste or Post-harvest plant material waste which does not meet the definition of Hazardous or Universal waste must be disposed of by the Possessor in one of the following ways:
 - a. Plowing the plant material waste into the field;
 - b. Burying the plant material waste at a depth of at least 12” on-site;
 - c. Disposing the plant material waste in a landfill;
 - d. Burning the plant material waste on-site;
 - e. Composting the plant material waste.
 6. The Possessor is responsible for all costs associated with the disposal of the Hazardous waste, Pre-harvest plant material waste, Post-harvest plant material waste, Waste, and Universal waste.



Florida Department of Agriculture and Consumer Services
Division of Plant Industry

NICOLE "NIKKI" FRIED
COMMISSIONER

NOTICE OF DISPOSAL

Section 581.217, F.S.
Rule 5B-57.014(8), F.A.C.
Telephone: (850) 245-5520

Send completed form to:
DPIHemp@FDACS.gov

Or

FDACS - Division of Plant Industry
PO BOX 147100
Gainesville, FL 32614-7100

Non-Compliant Lot Disposal:

License #:		Lot #:	
Number of Hemp plants/Acreage collected or volume destroyed:		Strain or Variety:	
Lab report #:			

On _____, the licensee was notified by the Department to: arrange for the collection or destruction of the Lot by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer; or to dispose of the Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115, 12/19. On _____, the non-compliant Lot identified above was:

- Collected or destroyed by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer.
- Disposed of in accordance with the Hemp Waste Disposal Manual, FDACS-08115, 12/19.

(Licensee Name)

By: _____
(Responsible Person Signature)

(Title)

5E-4.006 Seed Standards.

The minimum standard for agricultural seeds shall be 60% (including hard seed or dormant seed) except hybrid field corn seed which shall be 90%, and hemp seed, which shall be 80% (including hard or dormant seed). For hemp seed which germinates less than the standard established by the department, the words “Below Standard” shall be prominently displayed on the label. Hemp seed below 60% germination may not be sold. The minimum standards for vegetable seeds are set forth in the documents incorporated herein. The Federal Seed Act Regulation specified in 7 CFR 201 (Revised January 1, 2018), are hereby incorporated by reference. Copies of this document may be obtained online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10660>. Also incorporated by reference are the State Noxious-Weed Seed Requirements Recognized in the Administration of the Federal Seed Act, October 2018 publication. Copies of this document may be obtained online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10675>.

Rulemaking Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(2) FS. History—New 5-30-63, Amended 1-1-65, 11-21-69, Formerly 5E-4.06, Amended 2-7-89, 6-14-95, 6-9-98, 7-7-19, 1-28-20.

5E-4.007 Commercial Tests and Consumer Request Samples.

(1) The department will make commercial tests and perform analysis of consumer request samples of seed when such will not interfere with prescribed duties of the department.

(2) Definitions. As used in this rule, the following definitions shall apply:

(a) Consumer means individuals who purchase and use seed for plant production purposes.

(b) Consumer request seed samples means an official seed sample taken and analyzed by the department at the request of the consumer.

(3) Schedule of charges for the collection, packaging, shipment and analysis of consumer request seed samples and commercial tests is listed below:

Product	Type Test and Charge	
	Purity	Germination
(a) Aeschynomene	\$10.50	\$15.75
(b) Alfalfa	15.75	15.75
(c) Austrian Winter Pea	10.50	15.75
(d) Bahiagrass, All Varieties	21.00	21.00
(e) Beggarweed	10.50	15.75
(f) Bentgrass	15.75	15.75
(g) Bermudagrass	21.00	15.75
(h) Bluegrass	21.00	15.75
(i) Buckwheat	15.75	15.75
(j) Carpetgrass	21.00	15.75
(k) Centipedegrass	21.00	15.75
(l) Chufa	10.50	21.00
(m) Clovers	15.75	15.75
(n) Corn, Field or Sweet	10.50	21.00
(o) Cowpeas	10.50	15.75
(p) Fescue	21.00	15.75
(q) Flowers	15.75	15.75
(r) Flowers, Mixed	26.25	31.50
(s) Hairy Indigo	15.75	15.75
(t) Hemp	21.00	21.00
(u) Herbs	15.75	15.75
(v) Lespedeza	15.75	15.75
(w) Lovegrass	21.00	15.75
(x) Lupine	10.50	15.75
(y) Millets	15.75	15.75
(z) Mixed Grasses	36.75	36.75
(aa) Oats	15.75	15.75
(bb) Partridge Pea	10.50	15.75
(cc) Peanuts, Hulled	10.50	15.75
(dd) Rye	15.75	15.75
(ee) Ryegrass	21.00	15.75
(ff) Rice	15.75	15.75
(gg) Sesame	10.50	15.75
(hh) Sesbania	10.50	15.75
(ii) Sorghum	15.75	15.75
(jj) Soybeans	10.50	15.75
(kk) Sunflower	10.50	15.75
(ll) Timothy	15.75	15.75

(mm) Tobacco	15.75	15.75
(nn) Tree or Shrub Seed	15.75	21.00
(oo) Triticale	15.75	15.75
(pp) Vegetables	10.50	15.75
(qq) Velvet bean	10.50	15.75
(rr) Vetch	10.50	15.75
(ss) Wheat	15.75	15.75

(4) The Cold Test for corn is \$5.00.

(5) Seed not listed will be charged according to other seed of similar size.

(6) An additional charge of \$5.00 is required for testing germination of uncleaned seed.

(7) The charge for noxious weed test is equal to one-half of the charge of the purity test.

Rulemaking Authority 578.11(2) FS. Law Implemented 578.11(2)(h) FS. History—New 6-29-62, Amended 9-29-83, Formerly 5E-4.07, Amended 8-17-92, 7-7-19, 1-28-20.

5E-4.016 Hemp Seed and Cultivars.

(1) Definitions. The definitions provided in Sections 578.011, 581.217, F.S., and the following shall apply to Section 581.217, F.S., and this rule:

(a) “Certified hemp seed” means a class of hemp seed which is the progeny of breeder, foundation, or registered hemp seed certified by a certifying agency.

(b) “Pilot project hemp cultivar” is a clone or propagule of hemp approved by an institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S.

(c) “Pilot project hemp seed” is hemp seed approved by an institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S.

(d) “Total delta-9-tetrahydrocannabinol concentration” means $[\text{delta-9-tetrahydrocannabinol}] + (0.877 \times [\text{tetrahydrocannabinolic acid}])$.

(2) Pilot project hemp cultivars.

(a) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., may approve pilot project hemp cultivars by complying with the following:

1. Obtain a sample of the hemp cultivar and documentation evidencing the identity and origin of the hemp cultivar to be approved; and

2. Following at least one growth cycle of a minimum of twelve (12) weeks, harvest all viable plants from the sample hemp cultivars, and perform testing on a representative sample to ensure the total delta-9-tetrahydrocannabinol concentration does not exceed 0.3 percent on a dry-weight basis. If the total delta-9-tetrahydrocannabinol concentration of the representative sample does not exceed 0.3 percent on a dry-weight basis, it may be approved by the institution or university. Collection of the representative sample must be done in accordance with the Hemp Field Sampling Manual, FDACS-08119, 12/19, incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11493>. The Hemp Sample Submission Form FDACS-08113 rev. 12/19 is incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11492>; and

3. Maintain records of all pilot project hemp cultivars approved by the institution or university for a minimum of two years.

(b) Approved pilot project hemp cultivars must be labeled as “Pilot Project Hemp Cultivar” and clearly identify the university or institution that granted the approval.

(3) Pilot project hemp seed.

(a) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., shall follow all requirements found in Chapter 578, F.S., and Rule Chapter 5E-4, F.A.C., when approving pilot project hemp seed.

(b) An institution or university conducting an industrial hemp pilot project pursuant to Section 1004.4473, F.S., may approve pilot project hemp seed by complying with the following:

1. Obtain a sample of the hemp seed and documentation evidencing the identity and origin of the hemp seed to be approved; and

2. Perform testing to determine purity, germination, and noxious weed seed content as set forth in Rules 5E-4.003 and 5E-4.006, F.A.C. The manner of sampling, laboratory testing, and the tolerances to be applied to the results shall be the same as that set forth in the “2019 AOSA Rules for Testing Seed” published by The Association of Official Seed Analysts which is hereby incorporated by reference. Copies may be obtained from AOSA, 653 Constitution Avenue N.E., Washington, DC 20002, USA or <https://www.analyzeseeds.com/publications/>, and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and at the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, FL 32399-1650. Posting of the aftermentioned materials on the internet for purposes of public examination would violate federal copyright law; and

3. Following at least one growth cycle of a minimum of twelve (12) weeks, harvest all viable plants from the sample hemp seed, and perform testing on a representative sample of the plants to ensure the total delta-9-tetrahydrocannabinol concentration does not exceed 0.3 percent on a dry-weight basis. If the total delta-9-tetrahydrocannabinol concentration of the representative sample does not exceed 0.3 percent on a dry-weight basis, it may be approved by the institution or university. Collection of the representative sample must be done in accordance with the Hemp Field Sampling Manual, FDACS-08119, 12/19; and

4. Maintain records of all pilot project hemp seed approved by the institution or university pursuant to Section 578.23, F.S.

(c) Approved pilot project hemp seed must be labeled according to Rule 5E-4.002, F.A.C., include the statement “Pilot Project

Hemp Seed” and clearly identify the university or institution that granted the approval.

Rulemaking Authority 570.07(23), 578.11(2), 581.217(12) FS. Law Implemented 578.011(8), 578.23, 581.217(6), 581.217(12) FS. History—New 1-28-20.