



Hemp Seed

Frequently Asked Questions

1. What is Hemp?

Pursuant to section 581.217, Florida Statutes (F.S.), Hemp is defined as 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 (THC) concentration that does not exceed 0.3 % on a dry-weight basis.¹

2. What hemp seed can be grown in Florida?

According to s. 581.217(6), F.S., 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, F.S.

Department rule 5E-4.016(1)(a), Florida Administrative Code (F.A.C.) defines **Certified hemp seed** as a class of hemp seed which is the progeny of breeder, foundation, or registered hemp seed certified by an agent of the Association of Official Seed Certifying Agencies (AOSCA).

Department rule 5E-4.016(1)(c), F.A.C. defines **Pilot project hemp seed** as hemp seed approved by an institution or university conducting an industrial hemp pilot project pursuant to s. 1004.4473, F.S. Rule 5E-4.016(3), F.A.C. identifies **Pilot project hemp seed** as seed that has been tested 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.

3. What are AOSCA and AOSA?

The Association of Official Seed Certifying Agencies (AOSCA) is an organization of agencies that provides internationally recognized seed certification, and is dedicated to assisting plant breeders and seed producers in the production, identification, distribution, and promotion of certified classes of seed and other crop propagation materials. Among these seed certifying agencies are U.S. Agencies, Global Agencies, and Foundation Seed Organizations.

The Association of Official Seed Analysts (AOSA) is an organization of state, federal, and university laboratories from the US and Canada dedicated to education and research. The AOSA promotes uniformity in seed testing procedures. The organization publishes the AOSA Rules for Testing Seeds which specifies how testing is to be performed.

¹ (http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0581/Sections/0581.217.html)

4. Who can certify/approve hemp seed?

Pursuant to s. 578.011, F.S., a certifying agency means an agency authorized under the laws of a state, territory, or possession of the United States to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or an agency of a foreign country that the US Secretary of Agriculture has determined as adhering to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies located within the United States. A current list of certifying agencies is available at the *Association of Official Seed Certifying Agencies (AOSCA)* website <https://www.aosca.org>. Florida's official agent for parties wishing to certify seed in the state is the Southern Seed Certification Association.

In addition, per s. 581.217, F.S., a Florida institution or university permitted for and conducting an industrial hemp pilot project pursuant to s. 1004.4473, F.S., may approve hemp seed for use in the state.

Note: These certifications/approvals do not guarantee that plants cultivated from these seeds will result in plants that have a total delta-9 tetrahydrocannabinol (THC) concentration that does not exceed 0.3 % on a dry weight basis.

5. What hemp cultivars can be planted in Florida?

According to s. 581.217(6), F.S., 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, F.S. AOSCA is currently developing standards for certifying hemp cultivars.

The Department's rule 5E-4.016(1)(b), F.A.C. defines **Pilot Project Hemp Cultivar** as a clone or propagule of hemp approved by an institution or university conducting an industrial hemp pilot project pursuant to s. 1004.4473, F.S.

6. How can I sell hemp seeds in Florida?

Pursuant to s. 578.08, F.S., every person, before selling, distributing for sale, offering for sale, exposing for sale, handling for sale, or soliciting orders for the purchase of any agricultural, vegetable, flower, or forest tree seed or mixture thereof, shall first register with the Department as a Seed Dealer. To apply for a Seed Dealer License, please go to <https://lms.flaes.org>.

7. How can I sell hemp clones in Florida?

Pursuant to s. 581.131, F.S., before any nurseryman shall sell or distribute, or offer for sale or for distribution, any nursery stock in this state, she or he shall apply to the director of the Division of Plant Industry, on forms supplied by the division, for a certificate of registration.

[<https://www.fdacs.gov/Divisions-Offices/Plant-Industry/Business-Services/Registrations-and-Certifications/Nursery-and-Stock-Dealer-Registration>]

8. How do I know if the seed I purchase is allowed for use?

All AOSCA-certified seed must be appropriately labeled with an official certified seed tag provided by or sanctioned by a seed certifying agency. The seed certifying agency will be identified on the tag. See the example below.

The Department's rule 5E-4.016(3)(c), F.A.C., requires Pilot Project Hemp Seed to bear the statement "Pilot Project Hemp Seed" and clearly identify the university or institution that granted approval.

9. Will I be able to plant seed from my crop?

No. Progeny of a certified hemp seed or pilot project hemp seed is not automatically certified/approved.

10. Will I be able to plant clones or cuttings from my crop?

No.

11. Is there an approved list of varieties that have been tested in Florida?

No. Several Florida universities and institutions are actively pursuing research under s. 1004.4473, F.S., to test known varieties as well as develop new varieties that will be suited to Florida's climate.

Example AOSCA Certified Hemp Seed Tag:

