

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 526

INTRODUCER: Senator Harrell

SUBJECT: Animal Cremation

DATE: February 2, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1282 designates this act as “Sevilla’s Law.” It requires a provider of companion animal cremation to provide a written description of their services to the owner of the deceased animal, the person making cremation arrangements for the owner, veterinarians, pet shops, the Department of Agriculture and Consumer Services (department), and any person, upon request. It prohibits written descriptions of services to contain false or misleading information. The provider must include a certification along with the returned cremation remains. The bill provides criteria for the certification. The bill provides civil penalties for unlawful acts by the provider. It also provides for the powers of the department and authorizes it to adopt rules to carry out the provisions of the act.

II. Present Situation:

Pets are important to a family and they want their pet to be treated in a compassionate, dignified manner after its passing. Not only are pet owners faced with the loss of a treasured friend, but they are also faced with the disposition of the pet after their passing. According to a 2012 study by the Pet Loss Professionals Alliance, 99 percent of pets are cremated, of which 28 percent were partitioned cremations, 49 percent were group cremations, and 23 percent were private cremations.¹

“Sevilla” was cremated before its owners could say their final farewells or attend the private cremation that they had ordered.² The owners were concerned and had the University of Florida Maples Center for Forensic Medicine analyze the ashes provided by the funeral home and crematorium. The DNA analysis indicated that the forensic scientists were unable to determine that the ashes were those of a cat, and even more disturbing to the owners was that there was

¹ Connecting Directors. *Pet Loss Professionals Alliance Releases Findings of Inaugural Professional Survey*. May 12, 2013. <https://connectingdirectors.com/40088-pet-loss-professionals-alliance-releases-findings-of-inaugural-professional-survey> (Last visited February 2, 2021).

² <https://sevillaslaw.com/about> (Last visited February 2, 2021).

human DNA in the cremains. Additionally, the microchip in Sevilla was not found by the analysis. This bill would provide additional regulation of pet cremation.

III. Effect of Proposed Changes:

Section 1 creates s. 501.961, F.S., to create the act cited as “Sevilla’s Law.” It provides definitions for the terms “commingling of significant amounts of cremation remains from different animals,” “communal cremation,” “companion animal or animal,” “cremation remains,” “department,” “individually partitioned cremation,” “on a regular basis,” and “provider.”

The bill requires a provider of companion animal cremation services to provide, without charge, to all of the following a written description of the services that the provider offers:

- The owner of each deceased animal for whom the provider agrees to provide cremation services, or the person making cremation arrangements on the owner’s behalf;
- All veterinarian, pet shops, and other persons or entities known to the provider who refer animal owners or bring deceased animals to the provider on a regular basis;
- The department; and
- Any other person, upon request.

The required written description of services:

- May be in the form of a brochure;
- Must be provided in quantities sufficient to allow its distribution to animal owners whose business is being referred or brought to the provider;
- Must include a detailed explanation of each service offered for each type or level of cremation service offered; and
- May not include false or misleading information.

A written description is misleading if it:

- Fails to include a detailed explanation of the cremation services offered or fails to include, for each type or level of cremation service offered, any of the disclosures required;
- Uses the terms “private” or “individual” with respect to any communal cremation procedure or with respect to an individually partitioned cremation procedure that will cremate more than one companion animal at the same time;
- Uses the terms “individually partitioned” or “separate” with respect to a communal cremation process; or
- Includes any text, picture, illustration, or combination thereof, or uses any layout, typography, or color scheme, which reasonably causes confusion about the nature of the services to be provided or obstructs certain parts of the written description of services.

The bill requires entities that make referrals to providers or accepts deceased companion animals for cremation through a provider to make the provider’s written description of services available to owners or their representatives. It requires providers to include a certification with the returned animal’s remains and provides requirements for such certification. It provides that the following acts are unlawful and come with civil penalties:

- For a provider to prepare or distribute a written description of services that the provider knows or should know to be false or misleading.

- To intentionally fail to prepare or distribute a written description of services as required by this section.
- To knowingly make a false certification concerning persons referring or bringing business to a provider.

The bill provides circumstances under which a person commits an unfair or deceptive act or practice or engages in an unfair method of competition in violation of certain provisions. It provides that a person who is injured by a violation of this act may bring a civil action to recover damages or punitive damages, including costs, court costs, and attorney fees. The bill provides for the powers of the Department of Agriculture and Consumer Services and authorizes the department to adopt rules to implement the act.

Section 2 provides that this act shall take effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There could be a burden on providers to create and share detailed list of services offered.

C. Government Sector Impact:

The Florida Department of Agriculture and Consumer Services estimates the bill will have an impact on the department of \$256,179 in fiscal year 2021-2022, \$198,502 in fiscal year 2022-2023, and \$198.502 in fiscal year 2023-2024.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 501.961 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.