

By Senator Harrell

31-00190-26

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A bill to be entitled

An act relating to animal cremation; creating s. 501.961, F.S.; providing a short title; defining terms; requiring a provider of companion animal cremation services to provide certain individuals and entities with a written description of the services the provider offers; specifying requirements for such written descriptions of services; requiring certain persons or entities that make referrals to providers or accept deceased companion animals for cremation through a provider to make a copy of the provider's written description of services available to owners or their representatives; providing construction; requiring certain providers to include a certification with the returned animal's cremation remains; specifying requirements for the certification; providing that certain acts are unlawful; providing civil penalties for initial and subsequent offenses; providing circumstances under which a person commits an unfair or deceptive act or practice or an unfair method of competition in violation of certain provisions; providing for a private right of action; providing powers of the Department of Agriculture and Consumer Services; requiring that certain fines collected by the department be paid into the General Inspection Trust Fund; authorizing the department to adopt rules; providing an effective date.

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

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31 Section 1. Section 501.961, Florida Statutes, is created to
32 read:

33 501.961 Animal cremation.—

34 (1) SHORT TITLE.—This section may be cited as “Sevilla’s
35 Law.”

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

37 (a) “Commingling of significant amounts of cremation
38 remains from different companion animals” means the commingling
39 of remains such that specific cremation remains cannot be
40 attributed to a particular animal or the cremation remains
41 attributed to one companion animal contain more than 1 percent
42 by weight of cremation remains from one or more other companion
43 animals. The term does not include the presence of, in the
44 cremation remains of a companion animal, the remains of any
45 creature that was on or contained within the body of that animal
46 at the time of cremation, including parasites, insects, food, or
47 creatures eaten by that companion animal.

48 (b) “Communal cremation” means a cremation process in which
49 companion animals are cremated together without effective
50 partitions or separation during the cremation process such that
51 the commingling of significant amounts of cremation remains from
52 different companion animals is likely or certain to occur.

53 (c) “Companion animal” or “animal” means a deceased animal
54 that had a companion relationship or a pet relationship with its
55 owner at the time of the animal’s death.

56 (d) “Cremation remains” means the material remaining after
57 the cremation of an animal, which may include ashes, skeletal
58 remains, and other residue resulting from the incineration

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process, and which may be pulverized or otherwise processed by the provider of cremation services.

(e) "Department" means the Department of Agriculture and Consumer Services.

(f) "Individually partitioned cremation" means a cremation process in which the commingling of significant amounts of cremation remains from different companion animals is unlikely to occur and:

1. Only one companion animal at a time is cremated in the incinerator; or

2. More than one companion animal is cremated in the incinerator at the same time, but each of the animals is completely separated from the others by partitions during the cremation process.

(g) "On a regular basis" means that the person or business entity referring animal owners or bringing business to a provider:

1. Has an ongoing contractual or agency relationship with the provider relating to the cremation of companion animals;

2. Regularly receives compensation or consideration from the provider or animal owners relating to the cremation of companion animals by the provider; or

3. Refers or brings to the provider the business of more than five animal owners in an average month.

(h) "Provider" means a person, company, or other entity engaging in the business of cremating deceased companion animals in this state.

(3) WRITTEN DESCRIPTION OF SERVICES.—

(a) A provider of companion animal cremation services

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shall, without charge, provide to all of the following a written description of the services the provider offers:

1. 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.

2. All veterinarians, pet shops, and other business entities or persons known to the provider who refer animal owners or bring deceased animals to the provider on a regular basis.

3. The department.

4. Any other person, upon request.

(b) The written description of services:

1. May be in the form of a brochure;

2. Must be provided in quantities sufficient to allow its distribution to animal owners whose business is being referred or brought to the provider;

3. Must include a detailed explanation of each service provided for each type or level of cremation service offered. If any part of the deceased companion animal will be removed, used, or sold by the provider before or after the cremation, the written description of services must disclose that fact; and

4. May not include false or misleading information. A written description of services is misleading if it:

a. 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 under this subsection;

b. Uses the terms "private" or "individual" with respect to any communal cremation procedure or with respect to an

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individually partitioned cremation procedure that will cremate more than one companion animal at the same time;

c. Uses the terms "individually partitioned" or "separate" with respect to a communal cremation process; or

d. 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.

(4) BUSINESS ENTITIES OR PERSONS REFERRING OR BRINGING BUSINESS TO A PROVIDER.—

(a) A veterinarian, pet shop, or other business entity or person referring owners of deceased animals, or persons making arrangements on an owner's behalf, to a provider on a regular basis shall, at the time of the referral, make a copy of the provider's written description of services available to such person.

(b) A veterinarian, pet shop, or other business entity or person accepting, on a regular basis, deceased companion animals for cremation through services obtained from a provider shall make a copy of the provider's written description of services available to each animal owner, or person making arrangements on the owner's behalf, from whom a deceased companion animal is accepted.

(c) A copy of the written description of services may be given to the animal owner, or the person making arrangements on the owner's behalf, at the time the services are offered.

(d) For purposes of this subsection, publishing or otherwise disseminating advertising for a provider of companion

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animal cremation services does not, in and of itself, constitute referring or bringing business to that provider.

(5) CERTIFICATION; PENALTY FOR FALSE CERTIFICATION.—If a provider's services include the return of the cremation remains of the animal, the provider must include a certification along with the returned cremation remains. The certification must declare that, to the best of the provider's knowledge and belief, except as otherwise specifically indicated on the certificate, the cremation and any other services specified were provided in accordance with the representations of the provider in the applicable portions of the provider's written description of services.

(6) UNLAWFUL ACTS.—It is unlawful for a provider:

(a) To prepare or distribute a written description of services which the provider knows or should know to be false or misleading. A first offense is punishable by a fine of at least \$1,000 but not more than \$1,500, and each subsequent offense is punishable by a fine of at least \$2,000 but not more than \$2,500.

(b) To intentionally fail to prepare or distribute a written description of services as required by this section. A first offense is punishable by a fine of at least \$1,000 but not more than \$1,500, and each subsequent offense is punishable by a fine of at least \$2,000 but not more than \$2,500.

(c) To knowingly make a false certification under subsection (5). A first offense is punishable by a fine of at least \$1,000 but not more than \$1,500, and each subsequent offense is punishable by a fine of at least \$2,000 but not more than \$2,500.

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175 (7) VIOLATION AS A DECEPTIVE ACT OR PRACTICE OR UNFAIR
176 TRADE PRACTICE.—In addition to any fine imposed under subsection
177 (6), a person who commits an act or a practice declared to be
178 unlawful under subsection (6) or who violates this section
179 commits an unfair method of competition or an unfair or
180 deceptive act or practice in violation of part II of this
181 chapter and is subject to the penalties and remedies provided
182 for such violations.

183 (8) PRIVATE RIGHT OF ACTION.—In addition to any other
184 penalties or remedies provided by law, a person injured by a
185 violation of this section may bring a civil action to recover
186 damages or punitive damages, including costs, court costs, and
187 attorney fees. This subsection may not be construed to limit any
188 right or remedy provided under law.

189 (9) POWERS OF THE DEPARTMENT.—

190 (a) The department may conduct an investigation of any
191 person or provider if there is an appearance that, either upon
192 complaint or otherwise, a violation of this section or of any
193 rule adopted or order issued pursuant to this section has been
194 committed or is about to be committed.

195 (b) The department may issue and serve subpoenas and
196 subpoenas duces tecum to compel the attendance of witnesses and
197 the production of all books, accounts, records, and other
198 documents and materials relevant to an examination or
199 investigation. The department, or its duly authorized
200 representative, may administer oaths and affirmations to any
201 person.

202 (c) The department may enter an order imposing one or more
203 of the penalties set forth in subsection (6) if the department

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finds that a provider or a person or business entity that refers animal owners to a provider, or an agent, a servant, or an employee thereof on a regular basis:

1. Violated or is operating in violation of this section or department rule or order;

2. Refused or failed, or any of its principal officers refused or failed, after notice, to produce any record of such provider, person, or business entity or to disclose any information required to be disclosed under this section or department rules; or

3. Made a materially false statement in response to any department request or investigation.

(d) Upon a finding as set forth in paragraph (c), the department may enter an order doing one or more of the following:

1. Issuing a notice of noncompliance pursuant to s. 120.695.

2. Issuing a cease and desist order that directs the provider, person, or business entity to cease and desist specified activities.

3. Imposing an administrative fine in the Class II category pursuant to s. 570.971 for each act or omission.

4. Imposing an administrative fine in the Class III category pursuant to s. 570.971 for each act or omission that involves fraud or deception.

(e) Except as otherwise provided in this section, the administrative proceedings that could result in the entry of an order imposing any of the penalties specified in paragraph (d) are governed by chapter 120.

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233 (f) All fines collected by the department under paragraph
234 (d) must be paid into the General Inspection Trust Fund.
235 (10) RULEMAKING AUTHORITY.—The department may adopt rules
236 pursuant to ss. 120.536(1) and 120.54 to implement this section.
237 Section 2. This act shall take effect July 1, 2026.