HSJ 06: ANIMAL HOUSING IN SELF-STORAGE
STAFF ANALYSIS

PROPOSAL INFORMATION			
SUBMITTING COUNTY:	Flagler County		
SPONSOR CONTACT:	Andy Dance, Commissioner adance@flaglercounty.gov; 386.627.5600		
FAC COMMITTEE:	Health, Safety, & Justice (HSJ)	**CROSS-CLAIMS:**	N/A
FAC STAFF:	T. Graham	**DATE:**	October 5, 2026

This staff analysis is based on the proposal as submitted and does not reflect an adopted position of the Florida Association of Counties.

POLICY PROPOSAL:

FAC supports legislation, to be known as "Ava and Karma's Law," prohibiting the housing, boarding, keeping, or confinement of live animals in self-service storage facilities and self-contained storage units, while providing reasonable exceptions for temporary presence, transportation, emergency circumstances, or other legitimate purposes that do not constitute housing or confinement of an animal.

I. SUMMARY:

Flagler County is asking FAC to support Ava and Karma's Law, which would ban housing live animals in self-service storage facilities and self-contained storage units, with exceptions for temporary visits, transportation, and emergencies. Current law already prohibits animal neglect and cruelty and allows local animal-control ordinances, but there is no statewide rule against keeping animals in storage units. The change could be made in chapters 83 and 828, F.S., as long as the bill clearly defines what is prohibited, the exceptions, the penalties, and who enforces it. The proposal is protective of home rule as submitted and creates no unfunded mandate, although county costs are indeterminate and the final enforcement duties would need review.

II. PRESENT SITUATION:

The Self-Service Storage Facility Act

Chapter 83, part III, F.S., covers self-service storage facilities and self-contained storage units. Section 83.803(5), F.S., defines a self-service storage facility as property used to rent individual storage spaces where tenants store and remove personal property, and it does not allow anyone to live in a unit. Section 83.803(4), F.S., covers leased storage units of at least 200 cubic feet, including trailers and shipping containers, whether they sit at a storage facility or at another location the tenant chooses. Neither definition says anything about keeping live animals.

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Animal Cruelty and Confinement
Section 828.12(1), F.S., makes certain acts of cruelty, including denying an animal necessary food or shelter, a first-degree misdemeanor. Under s. 828.12(2), F.S., it is a third-degree felony when an intentional act, or a failure to act by the person responsible for the animal, results in a cruel death or excessive or repeated unnecessary pain or suffering.

Section 828.13(2), F.S., also makes it a first-degree misdemeanor to confine an animal without enough food and water, or to keep an animal without exercise and fresh air. These violations do not require injury or death, so having water available or looking healthy at one inspection does not mean the animal's needs are being met. What is missing is a statewide ban on using storage space to house animals when a neglect or cruelty violation cannot be proven.

Local Enforcement and Animal Care
Under s. 828.27(1), (2), (7), and (8), F.S., counties and cities can adopt animal-control or cruelty ordinances enforced as civil infractions. Animal-control officers can investigate and issue civil citations, but that section does not let them make arrests. Local ordinances cannot conflict with state law, and other code-enforcement tools are still available. A local ordinance can protect animals within one jurisdiction, but it cannot create a uniform statewide rule.

Section 828.073, F.S., allows certain officers and agents to take custody of an animal that has been neglected or treated cruelly, or to order care at the owner's expense. That process goes through a petition and hearing in county court, and the animal must be cared for while custody is decided. An animal being in a storage unit is not, by itself, enough to show neglect or cruelty under that section.

Enforcement is also limited by constitutional search protections. In *See v. City of Seattle*, 387 U.S. 541, 543 through 546 (1967), the U.S. Supreme Court held that Fourth Amendment protections apply to regulatory inspections of private businesses. A new ban would not give officers the right to enter every rented unit without a warrant.

The Flagler County Proposal
Flagler County reports that Ava and Karma, two Labrador retrievers, were found dead in a commercial storage unit in Bunnell, and that a person was later arrested on aggravated animal-cruelty charges. According to the proposal, an earlier inspection found a dog that looked healthy, with water available and a portable air conditioner running. These details come from the county; the proposal does not include the investigation record or the outcome of the court case.

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The county points out the risk when temporary cooling, airflow, water, or caretaker visits fail. There is no rule in the Florida Administrative Code that prohibits housing animals in these storage units.

III. EFFECT OF THE PROPOSAL:

The Legislature could add a section to chapter 83, part III, F.S., that bans using the storage spaces and leased units defined in s. 83.803, F.S., to house, board, keep, or confine live animals. A matching section in chapter 828, F.S., could set the penalties and say who enforces the ban. Cross-references would keep both chapters covering the same facilities, and no local funding would be needed.

Under this approach, a violation would be based on how the storage space is used, not on proof that the animal was neglected or suffered. The bill would need to define what counts as housing or confinement, who is responsible, and whether the person has to know about it. Otherwise, the broad words “keeping” and “confinement” could turn brief or incidental contact with a storage space into an offense. Clear definitions would make the ban enforceable and keep it within what the county intends.

The county does not intend to cover home garages, barns, kennels, veterinary offices, or farms. The current storage definitions mostly take care of that, but leased storage containers can also be placed on private property away from a storage business.

The exceptions would need to cover an animal that comes along with a tenant on a normal visit, lawful transportation, and short-term emergencies. Each exception would turn on why the animal is there, whether someone is with it, and for how long, and the animal would need to be moved once the temporary need ends. As written, the “other legitimate purposes” exception is broad enough to allow routine boarding or long-term confinement. Existing cruelty and confinement laws would still apply during any exception.

The proposal does not choose between a civil penalty and a misdemeanor, or name who would enforce the ban, so the bill would need to decide. A civil approach could let trained animal-control officers issue citations, either under a state process or through local ordinances. A criminal approach would require law enforcement and prosecution. Simply adding the ban to the storage definitions would not set up either one.

IV. COUNTY IMPACT:

The law would apply in all 67 counties, including storage facilities and units inside city limits. The incident happened in Flagler County, but the new standard would apply statewide.

- If the law gives duties to county animal-control or law enforcement, counties would need procedures to tell the difference between housing an animal and a permitted short visit, and to coordinate with cities and storage operators.

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- Counties can keep using their existing animal-control and code-enforcement authority. The statewide ban would give them another tool, but they would still need to document the violation.
- Other issues for counties include shelter and custody demands, owner compliance, and any new inspection, reporting, or staffing requirements. Stepping in earlier may prevent some cruelty cases, but the record does not show how many animals are affected or how much would be saved.

The proposal does not explicitly preempt local animal-control ordinances or change county authority over zoning, shelters, or animal services. Its effect on counties would depend on whether the final bill keeps local protections in place or replaces local enforcement with a state-only system.

Protective of Home Rule: Yes, as submitted. The proposal adds a statewide animal-welfare standard without explicitly limiting existing county authority.

V. FISCAL IMPACT:

State Government
Indeterminate. A civil approach would add to court workload, and a criminal offense would add prosecution, public defense, and jail or prison costs. The proposal does not ask for a statewide inspection program, an appropriation, or a state reporting system. No Revenue Estimating Conference or EDR estimate was found for this proposal, and the proposal does not include data to estimate statewide costs.

Local Government
Indeterminate. Counties and cities already respond to animal-welfare complaints, but a new violation would bring more investigations, citations, hearings, transportation, sheltering, and veterinary costs, plus staff training and public education. The net cost would depend on the number of complaints, how long animals stay in custody, and how much owners repay.

Flagler County expects no significant fiscal impact and believes a clear standard would cut the time it takes to prove neglect. That is the county's view; the proposal does not include enforcement or staffing numbers to support it. Stepping in earlier may save some investigation time, but more cases and animal-care costs could offset those savings. Any cost recovery would need to be explicitly authorized and would not necessarily cover all county costs.

Private Sector
Storage operators would have costs to update leases, tell tenants about the ban, and meet any new requirements placed on facility owners. People using storage units to house animals would need to find another place for them. The proposal does not include

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data to estimate these costs and does not create a new county revenue source, and fine revenue would not be a reliable source of funding for animal services.

Article VII, section 18(a), of the Florida Constitution covers general laws that require counties or cities to spend money, and subsection (d) exempts criminal laws and laws creating, changing, or repealing noncriminal infractions. The final answer would depend on the enforcement approach the bill uses and any separate local administrative duties. Even if an exemption applies, counties and cities would still have real costs.

Unfunded Mandate (Art. VII, s. 18, Fla. Const.): No.

VI. LEGISLATIVE & FAC HISTORY:

Enacted Legislation

Chapter 2025-101, Laws of Florida, created Trooper's Law, which made it a felony to restrain a dog outside during certain natural disasters and then abandon it. Chapter 2025-102, Laws of Florida, created Dexter's Law, which includes publishing animal-cruelty convictions and a sentencing multiplier for aggravated cruelty.

Section 4, chapter 2026-78, Laws of Florida, effective October 1, 2026, raised the maximum civil penalties that local animal-control or cruelty ordinances can impose to $2,500 for a first violation, $5,000 for a second, and $7,500 for a third or later violation. Those are caps for local ordinances, not penalties that would automatically apply to Ava and Karma's Law.

Recent Bills

2026: SB 98 and HB 135, Self-storage Spaces, dealt with storage notices, lien enforcement, and an alternate contact in rental agreements. Neither proposed an animal-housing ban. Both died on March 13, 2026: SB 98 in Regulated Industries and HB 135 in Commerce Committee.

BoCC Action

The Flagler County Board of County Commissioners voted to support the proposal.

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