

**29.13(d) OWNING A DANGEROUS DOG THAT ATTACKED OR BIT A
[PERSON] [DOMESTIC ANIMAL]**
§ 767.13(1), Fla. Stat.

To prove the crime of **Owning a Dangerous Dog that Attacked or Bit a [Person] [Domestic Animal]**, the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **owned a dog.**
2. **An animal control authority had declared that dog to be a “dangerous dog.”**
3. **That dog, without provocation, attacked or bit [a person, to wit: (name of victim)] [a domestic animal].**

The “owner” of a dog is any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of the dog or, if the dog is owned by a person under the age of 18, that person’s parent or guardian.

“Animal control authority” means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. [In areas not served by an animal control authority, the sheriff of the county in which the dog resides is the animal control authority.]

Give if applicable. An explanation of the elements of the crime or attempted crime may be necessary.

It is a defense to this crime if (name of victim in element #3) **was engaged in or was attempting to engage in criminal activity, at the time the dog attacked.**

Lesser Included Offenses

OWNING A DANGEROUS DOG THAT ATTACKED OR BIT A [PERSON] [DOMESTIC ANIMAL] — 767.13(1)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Culpable negligence inflicting actual injury	784.05(2)	8.9
	Culpable negligence exposing another to injury	784.05(1)	8.9

Comments

The courts may determine the defense in § 767.13, Fla. Stat., (victim was committing a crime at the time of the dog attack) is an affirmative defense. As of August 2025, there was no case law that determined which party had the burden of persuasion for the affirmative defense and what that burden is (preponderance of the

evidence, clear and convincing, or beyond a reasonable doubt).

This instruction was adopted on September 12, 2025.