

29.13(f) OWNING AN UNCLASSIFIED DOG THAT CAUSED [SEVERE INJURY] [DEATH] WITH OWNER'S KNOWLEDGE AND RECKLESS DISREGARD OF DANGER

§ 767.136, Fla. Stat.

To prove the crime of Owning an Unclassified Dog That Caused [Severe Injury] [Death] with Owner's Knowledge and Reckless Disregard of Danger, the State must prove the following six elements beyond a reasonable doubt:

- 1. (Defendant) owned a dog.**
- 2. The dog had not been previously declared to be a "dangerous dog" by an animal control authority.**
- 3. (Defendant) knew that the dog had dangerous propensities.**
- 4. The dog attacked a human being, to wit: (victim).**
- 5. The attack caused [severe injury to] [the death of] (victim in element #4).**
- 6. (Defendant) had recklessly disregarded the dog's dangerous propensities under the circumstances.**

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.

"Severe injury" means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

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 (victim in element #4) was engaged in or was attempting to engage in criminal activity, at the time the dog attacked.

Lesser Included Offenses

**OWNING AN UNCLASSIFIED DOG THAT CAUSED [SEVERE INJURY] [DEATH]
WITH OWNER'S KNOWLEDGE AND RECKLESS DISREGARD OF DANGER —
767.136**

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.