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CARLOS J. JIMENEZ P.L.

South Florida Personal Injury - Protecting the Legal Rights of Florida Families

Florida Dog Bite Law

In the State of Florida there is a specific statute that governs dog bites. Florida Statute 767.01 states that an owner of a dog is liable for any dog bite committed by the dog. The act alone of the dog bite, asserts direct liability on the dog owner under the "strict liability" portion of the statute.

767.04 Dog owner's liability for damages to persons bitten.--The owner of any dog that bites any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, is liable for damages suffered by persons bitten, regardless of the former viciousness of the dog or the owners' knowledge of such viciousness. However, any negligence on the part of the person bitten that is a proximate cause of the biting incident reduces the liability of the owner of the dog by the percentage that the bitten person's negligence contributed to the biting incident. A person is lawfully upon private property of such owner within the meaning of this act when the person is on such property in the performance of any duty imposed upon him or her by the laws of this state or by the laws or postal regulations of the United States, or when the person is on such property upon invitation, expressed or implied, of the owner. However, the owner is not liable, except as to a person under the age of 6, or unless the damages are proximately caused by a negligent act or omission of the owner, if at the time of any such injury the owner had displayed in a prominent place on his or her premises a sign easily readable including the words "Bad Dog." The remedy provided by this section is in addition to and cumulative with any other remedy provided by statute or common law.

After a dog bite it is important to identify the responsible dog. This is an important step so that one can also identify the owner, and make sure that the dog had the rabies vaccine. The victim should seek medical care immediately regardless of the severity of the bite, especially if you cannot identify the dog's owner. The victim may receive a phone call from the dog owner's insurance company, it is recommendable that you not give a statement to the insurance adjuster. Once you have a free initial consultation with one of the attorneys at the Law Offices of Carlos J. Jimenez, PL, we will immediately contact the insurance adjuster. If necessary, we will allow a personal interview with the insurance adjuster in the presence of one of our attorneys.



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The Dog Owner Usually Is Closely Related To The Victim

The defendant in a dog bite case usually is the victim's relative, neighbor or friend. Under the circumstances, we, as your attorneys, must approach this defendant differently than other defendants. The defendant may be on the victim's side. He might be very angry at the unreasonable behavior of his insurance company and the defense attorney. His body language and tone would imply hostility in another case, but here you are seeing a person trying to hold in a lot of emotions including sadness and self-blame.

Insurers Are Limiting Their Exposure

Given that dog bite claims result in a significant number of claims each year, many insurers are limiting their exposure. Some companies require dog owners to sign liability waivers while others charge more for owners of biting breeds such as pit bulls, Dobermans, and Rottweilers. Some insurance carriers are not offering insurance to dog owners at all. Some will cover a pet if the owner takes the dog to classes aimed at modifying its behavior or if the dog is restrained with a muzzle, chain or cage. It is unlikely that insurers will begin offering specialty insurance policies just for dog bites since the cost of such policies would be prohibitive.

The Dog Owner Is The Best Source For The Information Required By Our expert on canine aggression

There are five factors that lead to dog attacks, and experts believe that one or more are involved in most dog bite cases. These common factors are:

- ? Breed and "parents"
- ? Socialization
- ? Training
- ? Health
- ? Behavior of the victim.

The dog owner usually can shed light on each of these five factors. For example, he might testify that his dog is very reactive and unpredictable (poorly socialized), he trained it himself (although he knows little about dog training), the dog had a metal plate in its right leg because of being hit by a car (raising the issue of what it must feel like if someone innocently touches that hip), and the victim must have stepped on the dog's tail. Follow-up questions about the metal plate might reveal that touching the hip would make the dog yelp in pain and occasionally snap at a person. At that point the issue of warning" comes up. Did the dog owner warn the victim about petting the dog near its hip. Usually the defendant will respond that he did not give any warnings..