Animal Control Board
Thursday, January 29, 2026 at 2:30 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

A. Roll Call

2. APPROVAL OF MINUTES

3. OLD BUSINESS

4. NEW BUSINESS

4.A Introduction: Animal Control Board Board Duties

4.B Introduction: Animal Control Officer Dylan Wulf

4.C Appeal of Dangerous Dog Determination regarding Baxter a 5 Year old Black and White Pit Bull type dog

5. STAFF REPORTS

6. BOARD MEMBER COMMENTS

7. PUBLIC COMMENTS

8. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - CITY CLERK'S OFFICE

INTRODUCTION: ANIMAL CONTROL BOARD BOARD DUTIES

January 29, 2026

Background:
Introduction to the Board Duties and Responsibilities, to include Sunshine Law and Public Record Law Overview.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Sharon Taylor-Harding

Attachments:

Animal Control Board- Presentation.pptx



ANIMAL CONTROL BOARD

CITY OF NEW SMYRNA BEACH

BOARD COMPOSITION

Section 18-61

- Licensed Veterinarian
- Southeast Human Society Representative
- Two animal owners
- One Non animal owning

BOARD FUNCTIONS

SECTION 18-64

- Hold meetings
- Recommend standards for animal control enforcement
- Hear appeals for dangerous dog classification
- Issue written decision on the determination of the dangerous dog appeals which will be filed by the court
- Making recommendation for changes to the city code
- Understanding the Code or Ordinance and the role of the animal service officer

FLORIDA SUNSHINE LAW

- All meeting of the animal control board must be open to the public
- Board members may not discuss board business privately outside of a notice public meeting
- Reasonable notice of the meeting must be provided to the public
- Minutes must be taken and made available as a public record
- Found in Chapter 286 of the Florida Statute

PUBLIC MEETING OBLIGATIONS



Meeting must be held in a location accessible to the public



The board should discuss items that are on the agenda



Public has a right to attend the meeting and comment.



All votes must occur in the sunshine



If at the Dias you may must vote.

FLORIDA PUBLIC RECORD LAW



All documents made or received in connection with the Animal Board or official city business are public records unless there is a statutory exemption that applies



Public records include emails, draft agendas, presentations, text messages/ voicemails related to board business and meeting minutes

BOARD MEMBERS OBLIGATIONS

- Records must be retained and provided upon request in accordance with Florida law (Chapter 119 F.S.)
- Personal devices and private emails accounts must still comply if used for board related communications
- Destroying, concealing, or failing to provided public records is prohibited

BEST PRACTICES



Avoid discussing board matters via text or personal messaging platforms



Maintain clear, organized records to ensure timely response to public records



Any email received by a board member should be sent to the City Clerk for proper retention.

Questions?

Shey McCurdy

Assistant City Attorney

New Smyrna Beach, Florida

smccurdy@cityofnsb.com



THE CITY OF NEW SMYRNA BEACH - POLICE DEPARTMENT

INTRODUCTION: ANIMAL CONTROL OFFICER DYLAN WULF

January 29, 2026

Background:

Animal Control Officer Dylan Wulf will provide a brief overview of his background and his responsibilities as an ACO officer.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Shey McCurdy

THE CITY OF NEW SMYRNA BEACH - POLICE DEPARTMENT

APPEAL OF DANGEROUS DOG DETERMINATION REGARDING BAXTER A 5 YEAR OLD BLACK AND WHITE PIT BULL TYPE DOG

January 29, 2026

Background:

This appeal hearing is being conducted pursuant to sections 767.11 and 767.12, Florida Statutes, to determine whether the dog known as Baxter, owned by Ms. Tracey Lindsey, meets the statutory criteria for designation as a dangerous dog. The New Smyrna Beach Police Department initiated a dangerous dog investigation following a January 13, 2026 incident in which Baxter became unrestrained while off the owner's property and inflicted severe injury upon another domestic animal. This incident constitutes the second documented off property attack by Baxter resulting in significant injury to another dog, with a prior similar incident having occurred in June 2025. Under Florida law, a dog that has, on more than one occasion while off the owner's property, caused severe injury to a domestic animal meets the definition of a dangerous dog. Based on these findings, Animal Control issued a Notice of Sufficient Cause declaring Baxter dangerous. Ms. Lindsey has exercised her statutory right to contest that declaration, necessitating the convening of this appeal hearing to determine whether the dangerous dog designation is supported by competent, substantial evidence

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Shey McCurdy

Attachments:

Dangerous dog Appeal.pptx
Baxter Prior Case Redacted.pdf

DANGEROUS DOG APPEAL “BAXTER”

HEARING HELD ON JANUARY 29TH, 2026





INITIAL INVESTIGATION AND DETERMINATION (ANIMAL CONTROL OFFICER) SECTION 18-281

- The ACO is empowered to:
  - Investigate incidents involving alleged dangerous dog behavior
  - Make an initial determination whether a dog meets the statutory definition of a “dangerous dog” under F.S. § 767.12
  - The ACO officer can assign penalties to include confiscation of the animal for destruction when legally justified.

Once the ACO decides that a dog shall be declared dangerous under the Code of Ordinances and Florida Law, this then triggers the Owner’s right to appeal that determination to this Board.

DEFINITION OF A DANGEROUS DOG F.S. 767.11(3)

A dog is legally classified as a “dangerous” when according to the records of the appreciate authority, it meets any of the following criteria:

1. The dog has severely attack a human

   the dog has aggressive attacked or endangered a human or inflicted severe injury on a human

2. repeated injury or killing of domestic animals

   the dog has more than once

3. The Dog has severely injured or killed a domestic animal with off owner’s property

4. the Dog while unprovoked has menacing Behavior towards a person- chased, or approached a person on public ground (streets, sidewalks or public areas in a menacing fashion or with apparent attitude of attack

OWNER'S RIGHT TO REQUEST A HEARING SECTION 18-282

- If the ACO determines the dog should be classified as dangerous:
  - The owner has 7 calendar days from receiving notice to file a written request for a hearing with the City Clerk
  - Durning the appeal, the owner must confine and manage the dog as if already classified dangerous (per F.S. Ch 767)
    - In this case the dog has been confined at the Edgewater Animal Shelter
  - All cost for safekeeping during the appeal belong to the owner

HEARING BEFORE THE BOARD SECTION 18- 283

Hearing Standards

- The hearing must comply with Florida Statute 767 and must afford the owner:
  - The opportunity to be heard
  - The right to present evidence
  - The right to present witnesses
  - The right to cross-examine witnesses

Due Process

- Notice must follow statutory requirements
- Ex parte communication with the board members are prohibited to protected fairness

HOW THE BOARD EVALUATES THE ACO'S DETERMINATION

When deciding whether the ACO's dangerous dog determination was appropriate the Board evaluates:

1. Whether the ACO followed legal standards
   - Did the investigation meet the requirements of F.S. 767.12?
   - Did the incident meet the statutory definition of a dangerous dog?
   - Was the classification supported by evidence?
2. Whether the evidence supports the finding
   - ACO reports
   - Witness testimony (victims, ACO, Medical records)
   - Photos, video, medical/vet records
   - The owner's rebuttal evidence
   - Prior incident/ history
3. Whether the ACO determination is
   - Factually supported and based on credible reliable evidence

The board can uphold or overturn the dangerous dog classification

DECISION AND FILING SECTION 18-283(B)



The Board's decision must be in writing signed by the Chair



It becomes final upon filing with the city clerk



Further appeals is to the Curcuit Court following F.S. 767.12(4)

POST DECISION REQUIREMENTS SECTION 18-284



If the Classification is upheld, the owner must within 14 Days- obtain a dangerous dog registration certification by providing

Proof of current rabies vaccination

Propert enclosure and posted warning signage



Permanent identification

(such as a tattoo or electric implantation)



Proof of sterilization



Proof of ability to pay damages up to the required statutory limits provided by Florida Law, and follow all other requirements as outlined in Florida Statute 767.12



And Annual renewal of certification as a dangerous dog with the city

New Smyrna Beach Police Department

- Incident Supplement -

CASE No.: NS250600005

Agency ORI Number:	Reporting Agency:	Supplement Reported Date
FL0640300	New Smyrna Beach Police Department	6/4/2025

OTHER INVOLVED PERSONS

Person No. 1 - OTHER

Last Name	First Name	Middle Name	Suffix	Street Name/Nickname	Sex	Race	Ethnicity
LINDSEY	TRACEY	LYNN			F	White	Non-Hispanic

Date of Birth	Place Of Birth	Age	To Age	Height	Weight	Eye Color	Hair Color	Hair Length	Hair Style	Facial Hair
4/10/1969		56		5' 05"	160 lbs	Blue	Blonde Or Strawberry			

Build	Complexion	Glasses	Teeth	Speech/Voice	Physical Feature Code

Education Level	Resident Status	Misc ID Number / Type / State
[redacted]	Resident	-- / -- / --

- Contact information -

	City	State	Zip Code	County	Country
[redacted]	New Smyrna	FL	32168	Volusia	USA

Employer/School Name	Employer/School Phone	Employer/School Address	City	County	State	Zip Code	Country

Cell Phone	Home Phone	Work Phone	Email	Heroin/Opioid OD is Suspected?
[redacted]			n/a	No

Narcan Administered? / patient respond?	Narcan Dosage	Date/Time Administered	Who Administered	Narcotic Involved	Transported to Hospital
-- / --					

Email	Social Media Information
n/a	

- Related Offenses -

	Code	Description	UCR Code
1	999	NON REPORTABLE OFFENSE	999

BUS/STATE/GOV

Business/State/Gov No. 1 - MISC. ASSOCIATED NAMES

Organization Name	Organization Phone	Victim Type
VOLUSIA HEALTH DEPT		

Address	Apt	City	State	Zip Code	County	Country
1845 HOLSONBACK DR		Daytona Beach	FL	32117	VOLUSIA	USA

- Related Offenses -

	Code	Description	UCR Code
1	999	NON REPORTABLE OFFENSE	999

NARRATIVE

On 6.3.2025, Officer Flanagan forwarded me an email on stating that the reporting party from this case, Joanne Bellazzini believes the dog that attacked her resides at 451 Pink Coral Lane, New Smyrna Beach.

It should be noted, on 6.3.2025, Bellazzini called into the dispatch center stating that she found the owner of the dog to be a female named Tracey Goodwin. A D.A.V.I.D. inquiry of the name did not show anyone in the City Of New Smyrna with a matching name.

On 6.4.2025, I made contact with Bellazzini at her employer, Advent Health New Smyrna, where she completed a written statement regarding this incident. Similar to the original report completed by Officer Flanagan, Bellazzini stated she was walking her dog, "Dexter", a 5 year old neutered male Shih Tzu type dog when she was approached by a black and white pit bull type dog. It should be noted, both dogs were restrained on leashes at the time of their interaction. Bellazzini stated she asked the male who was the handler of the pit bull type dog, if the dog was friendly and he replied "yes". Upon contact, the pit bull type dog attacked "Dexter", biting the right side of "Dexter's" head and flailing "Dexter" around. Bellazzini attempted to separate the two dogs when she was dragged to ground and bit by the pit bull type dog.

Bellazzini sustained a minor bite to her hand and lacerations to her knee. "Dexter" sustained puncture wounds from the bite as well. Bellazzini was able to locate the owner of the dog through a neighbor, who indicated the male handling the dog was named Luke, the pit bulls name is "Baxter" and the family resides at 451 Pink Coral Lane.

After obtaining a written statement from Bellazzini, I went to 451 Pink Coral Lane where I made contact with a female named Tracey Lindsey. Lindsey identified her dog as "Baxter" a 5 year old neutered male pit bull type dog. Lindsey stated she was not at the scene when

this occurred and asked me to speak to her son. He stated an almost identical story regarding the incident, however, he stated "Baxter" is typically friendly but he believes "Baxter" was overwhelmed which caused him to attack Bellazzini`s dog. Lindsey nor her son wanted to complete a written statement regarding this incident. Lindsey provided me Baxter's documents from when they adopted him from the Halifax Humane Society, they indicated his rabies vaccination expired on 3.16.2024.

Since Lindsey claimed ownership of the dog, all documentation was issued to her, although, she was not the handler at the time of the incident.

Lindsey was issued a 10 day at home quarantine agreement, in effect until 6.11.2025, due to the bite.

Lindsey was issued a written warning, reference violation of New Smyrna City Ordinance Chapter 18-162, Failure to provide proof of valid rabies vaccination.

Lindsey`s written warning also indicated for her to review Florida State Statue 767.11, Dangerous Dogs as I provided her a verbal explanation regarding the process of dangerous dogs.

This investigation will serve as documentation of "Baxter's" first attack, upon another domestic animal, while off the property of its owner resulting in severe injury to that animal. Per Florida State Statue 767.11(B), if another incident involving "Baxter" results in the severe injury or killing of another domestic animal while off the owner property, a dangerous dog investigation will ensue.

BWC Recording Uploaded To Evidence.com

A copy of this report will be sent to the Volusia County Health Department.

Follow up to be conducted at the end of the quarantine period, 6.11.2025.

ADMIN INFO

☐ Victim Advocate ☐ Triad ☐ SA Referral	☐ DCF Hotline ☐ CAC	Spoke With	Date/Time Spoke With
☐ FCIC/NCIC Entry ☐ FCIC/NCIC Cancel ☐ T.T. BOLO	Date	By	Connecting Report Number	Agency
Copies To	Additional Forms Attached	If Other Attachment Selected, Describe	

OFFICER

Officer No. 1

Officer Name	Involvement Type	Unit	Signature Date
Wulf, Dylan NS2043	Reporting	9X92	06/04/2025 13:09:00

Officer Signature: D. Wulf 2043