

1 **AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,**
2 **RELATING TO THE CITIZENS' POLICE REVIEW**
3 **BOARD; AMENDING CHAPTER 48, ARTICLE V, SECTION**
4 **48.15 OF THE CODE OF THE CITY OF ORLANDO,**
5 **FLORIDA; REPEALING CHAPTER 48, ARTICLE V,**
6 **SECTION 48.16 OF THE CODE OF THE CITY OF**
7 **ORLANDO, FLORIDA; REPEALING CHAPTER 48,**
8 **ARTICLE V, SECTION 48.17 OF THE CODE OF THE CITY**
9 **OF ORLANDO, FLORIDA; PROVIDING FOR**
10 **SEVERABILITY, CODIFICATION, CORRECTION OF**
11 **SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

12
13 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO,**
14 **FLORIDA:**

15
16 **WHEREAS,** On April 12, 2024, House Bill 601 was signed by the Governor, creating
17 section 30.61, Florida Statutes, effective July 1, 2024. Section 30.61, Florida Statutes, preempts
18 any municipality from adopting or enforcing any ordinance relating to the receipt, processing, or
19 investigation of complaints of misconduct by law enforcement or correctional officers, except as
20 expressly provided in that section, and preempts civilian oversight of law enforcement agencies'
21 investigations of complaints of misconduct by law enforcement or correctional officers; and
22

23 **WHEREAS,** Article V of Chapter 48 established a Citizens' Police Review Board for the
24 express purpose of reviewing citizen complaints, and departmental investigations conducted
25 thereof relating to potential misconduct by law enforcement officers; and
26

27 **WHEREAS,** House Bill 601 expressly permits the Chief of Police to establish a civilian
28 oversight board to review the policies and procedures of his or her department and its subdivisions;
29 and
30

31 **WHEREAS,** Article V of Chapter 48 of the Code of the City of Orlando must be amended
32 to comply with Florida law.
33

34 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**
35 **CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**

36
37 **SECTION ONE: AMENDING CHAPTER 48, ARTICLE V, SECTION 48.15.**
38 Section 48.15, Code of the City of Orlando, Florida, is hereby repealed and reserved for future
39 use:
40

41 **Sec. 48.15. - Established; Composition.**
42

43 The Chief of Police may establish a civilian oversight board to review the policies and
44 procedures of his or her department and its subdivisions. The board must be composed of at least
45 three and up to seven members appointed by the Chief of Police, one of which shall be a retired
46 law enforcement officer. Consistent with this section and Florida law, the Chief of Police shall

47 establish membership requirements and restrictions, the conditions of appointment to or removal
48 from the board, and the terms of office. The board shall hold such meetings as is necessary to
49 carry out its purpose and duties as called by the Chief of Police. There is hereby established a
50 Citizens' Police Review Board. It shall consist of nine (9) members, serving without pay, appointed
51 by the Mayor upon recommendation of the nominating board, and subject to confirmation by the
52 City Council. To the extent possible, the membership of the Board shall reflect the racial, ethnic,
53 and cultural diverseness of the City of Orlando.

54 **SECTION TWO: REPEALING CHAPTER 48, ARTICLE V, SECTION 48.16.**

55 Section 48.16, Code of the City of Orlando, Florida, is hereby repealed and reserved for future
56 use:

57
58 **Sec. 48.16. -- General Provisions.**

- 59
60 (1) ~~Each member shall be a resident of the City of Orlando and shall serve a term of two~~
61 ~~(2) years. Members shall not serve more than three (3) consecutive terms.~~
62 (2) ~~The Board shall meet at least quarterly. Members of the Board shall be subject to the~~
63 ~~attendance requirements set forth in Section 2.121 of this Code.~~
64 (3) ~~The Board shall elect its chairman from among its members and in accordance with~~
65 ~~Section 2.122 of this Code.~~
66 (4) ~~A member of the Board shall resign from the Board upon qualification as a candidate~~
67 ~~for an elective City of Orlando office.~~
68

69 **SECTION THREE: REPEALING CHAPTER 48, ARTICLE V, SECTION 48.17.**

70 Section 48.17, Code of the City of Orlando, Florida, is hereby repealed and reserved for future
71 use:

72
73 **Sec. 48.17. -- Powers and Duties.**

- 74
75 (1) ~~The Citizens' Police Review Board shall be advisory to the Chief of Police who shall~~
76 ~~at all times be and remain in command of the Orlando Police Department pursuant to~~
77 ~~the provisions of the Civil Service Act of 1935, as amended.~~
78 (2) ~~The Board shall review citizen complaints, and departmental investigations conducted~~
79 ~~thereof, in the following instances:~~
80 ~~(a) Use of deadly force.~~
81 ~~(b) Alleged use of excessive force.~~
82 ~~(c) Any instance wherein police action results in death or serious bodily injury.~~
83 ~~(d) Any complaint referred to it by the Mayor, a City Commissioner, Chief~~
84 ~~Administrative Officer, Chief of Police or the Civil Service Board.~~
85 ~~(e) Any complaint selected by majority vote of the Board for review.~~
86 (3) ~~The Board shall review policies, procedures, rules, regulations, general or special~~
87 ~~orders pertaining to the use of force and police conduct toward the citizenry.~~
88 (4) ~~Following the review process as set forth in subsections (2) or (3) above, the Board~~
89 ~~shall submit a written report to the Chief of Police. Said written report may contain~~
90 ~~any or all of the following:~~
91 ~~(a) a recommendation for approval.~~
92 ~~(b) a recommendation for disapproval.~~

93 ~~(e) a recommendation for modification or amendment.~~

94 ~~(d) a recommendation for additional information, additional investigation, or re-~~
95 ~~investigation.~~

96 ~~The report shall state with specificity the grounds for such recommendation. The~~
97 ~~report shall be signed by the chair and be reflective of the majority of the Board;~~
98 ~~written dissenting opinions/recommendations shall be signed and forwarded with~~
99 ~~the majority report.~~

100 ~~(5) All actions of the Board shall be in accordance with applicable law to include, but not~~
101 ~~be limited to, the Florida Public Records Law (Florida Statutes ch. 119), Florida~~
102 ~~Government in the Sunshine Law (Florida Statutes ch. 286), and the Law~~
103 ~~Enforcement Officers Bill of Rights (Florida Statutes ch. 112).~~

104
105 **SECTION FOUR: SEVERABILITY.** If any provision of this ordinance or its
106 application to any person or circumstance is held invalid, the invalidity does not affect other
107 provisions or applications of this ordinance which can be given effect without the invalid provision
108 or application, and to this end the provisions of this ordinance are severable.

109
110 **SECTION FIVE: CODIFICATION.** The City Clerk and the City Attorney shall cause
111 the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may
112 renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the
113 finding of the law.

114
115 **SECTION SIX: SCRIVENER'S ERRORS.** The City Attorney may correct scrivener's
116 errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

117
118 **SECTION SEVEN. EFFECTIVE DATE.** This ordinance takes effect immediately upon
119 final passage.

120
121 **DONE, THE FIRST READING**, by the City Council of the City of Orlando, Florida, at a regular meeting,
122 the ____ day of _____, 2024.

123
124 **DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City of Orlando,
125 Florida, by the City Clerk of the City of Orlando, Florida, the ____ day of _____,
126 2024.

127
128 **DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE**,
129 by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando,
130 Florida, at a regular meeting, the ____ day of _____, 2024.

131
132 BY THE MAYOR OR MAYOR PRO TEMPORE OF THE
133 CITY OF ORLANDO, FLORIDA:

134
135 _____
136 Mayor / Mayor Pro Tempore

137 ATTEST, BY THE CLERK OF THE

138 CITY COUNCIL OF THE CITY OF
139 ORLANDO, FLORIDA:

140
141
142
143

Stephanie Herdocia

145
146
147
148
149
150
151
152
153

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney/Assistant City Attorney