

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:

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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38 Section 48.15, Code of the City of Orlando, Florida, is hereby repealed and reserved for future  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:  
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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 carry  
49 out its purpose and duties as called by the Chief of Police. There is hereby established a Citizens'  
50 Police Review Board. It shall consist of nine (9) members, serving without pay, appointed by the  
51 Mayor upon recommendation of the nominating board, and subject to confirmation by the City  
52 Council. To the extent possible, the membership of the Board shall reflect the racial, ethnic, and  
53 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 **Sec. 48.16. — General Provisions.**

- 58  
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.~~

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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.~~

- ~~(c) a recommendation for modification or amendment.~~
- ~~(d) a recommendation for additional information, additional investigation, or re-investigation.~~

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

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

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

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

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

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

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, the \_\_\_\_ day of \_\_\_\_\_, 2024.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the \_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE

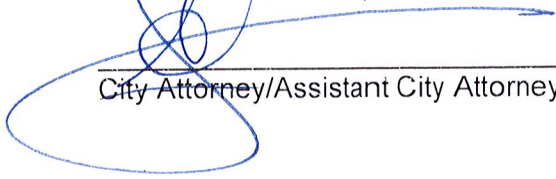
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CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

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Stephanie Herdocia

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



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City Attorney/Assistant City Attorney