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A bill to be entitled  
 An act relating to emergency management; amending s.  
 252.36, F.S.; providing construction with respect to the  
 authority of the Governor to seize, take, or confiscate  
 firearms in the event of an emergency beyond local  
 control; amending s. 870.044, F.S.; providing construction  
 with respect to the seizure, taking, or confiscation of  
 firearms during a state of emergency; reenacting s.  
 377.703(3)(a), F.S., relating to the authority of the  
 Governor to utilize specified emergency management powers  
 to carry out emergency actions required by a serious  
 shortage of energy sources under the energy emergency  
 contingency plan of the Department of Environmental  
 Protection, for the purpose of incorporating the amendment  
 to s. 252.36, F.S., in a reference thereto; providing an  
 effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (h) of subsection (5) of section  
 252.36, Florida Statutes, is amended to read:

252.36 Emergency management powers of the Governor.--

(5) In addition to any other powers conferred upon the  
 Governor by law, she or he may:

(h) Suspend or limit the sale, dispensing, or  
 transportation of alcoholic beverages, firearms, explosives, and  
 combustibles. However, nothing contained in ss. 252.31-252.90

28 shall be construed to authorize the seizure, taking, or  
 29 confiscation of firearms that are lawfully possessed.

30 Section 2. Section 870.044, Florida Statutes, is amended  
 31 to read:

32 870.044 Automatic emergency measures.--Whenever the public  
 33 official declares that a state of emergency exists, pursuant to  
 34 s. 870.043, the following acts shall be prohibited during the  
 35 period of said emergency throughout the jurisdiction:

36 (1) The sale of, or offer to sell, with or without  
 37 consideration, any ammunition or gun or other firearm of any  
 38 size or description.

39 (2) The intentional display, after the emergency is  
 40 declared, by or in any store or shop of any ammunition or gun or  
 41 other firearm of any size or description.

42 (3) The intentional possession in a public place of a  
 43 firearm by any person, except a duly authorized law enforcement  
 44 official or person in military service acting in the official  
 45 performance of her or his duty.

46  
 47 Nothing contained in this chapter shall be construed to  
 48 authorize the seizure, taking, or confiscation of firearms that  
 49 are lawfully possessed.

50 Section 3. For the purpose of incorporating the amendment  
 51 made by this act to section 252.36, Florida Statutes, in a  
 52 reference thereto, paragraph (a) of subsection (3) of section  
 53 377.703, Florida Statutes, is reenacted to read:

54           377.703 Additional functions of the Department of  
55 Environmental Protection; energy emergency contingency plan;  
56 federal and state conservation programs.--

57           (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The  
58 Department of Environmental Protection shall, in addition to  
59 assuming the duties and responsibilities provided by ss. 20.255  
60 and 377.701, perform the following functions consistent with the  
61 development of a state energy policy:

62           (a) The department shall assume the responsibility for  
63 development of an energy emergency contingency plan to respond  
64 to serious shortages of primary and secondary energy sources.  
65 Upon a finding by the Governor, implementation of any emergency  
66 program shall be upon order of the Governor that a particular  
67 kind or type of fuel is, or that the occurrence of an event  
68 which is reasonably expected within 30 days will make the fuel,  
69 in short supply. The department shall then respond by  
70 instituting the appropriate measures of the contingency plan to  
71 meet the given emergency or energy shortage. The Governor may  
72 utilize the provisions of s. 252.36(5) to carry out any  
73 emergency actions required by a serious shortage of energy  
74 sources.

75           Section 4. This act shall take effect upon becoming a law.