

ENROLLED

HB 285, Engrossed 1

2006 Legislature

1 A bill to be entitled
 2 An act relating to emergency management; amending s.
 3 252.36, F.S.; providing construction with respect to the
 4 authority of the Governor to seize, take, or confiscate
 5 firearms in the event of an emergency beyond local
 6 control; amending s. 870.044, F.S.; providing construction
 7 with respect to the seizure, taking, or confiscation of
 8 firearms during a state of emergency; reenacting s.
 9 377.703(3)(a), F.S., relating to the authority of the
 10 Governor to utilize specified emergency management powers
 11 to carry out emergency actions required by a serious
 12 shortage of energy sources under the energy emergency
 13 contingency plan of the Department of Environmental
 14 Protection, for the purpose of incorporating the amendment
 15 to s. 252.36, F.S., in a reference thereto; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraph (h) of subsection (5) of section
 21 252.36, Florida Statutes, is amended to read:

22 252.36 Emergency management powers of the Governor.--

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

25 (h) Suspend or limit the sale, dispensing, or
 26 transportation of alcoholic beverages, firearms, explosives, and
 27 combustibles. However, nothing contained in ss. 252.31-252.90
 28 shall be construed to authorize the seizure, taking, or

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29 confiscation of firearms that are lawfully possessed, unless a
 30 person is engaged in the commission of a criminal act.

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

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

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

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

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

47
 48 Nothing contained in this chapter shall be construed to
 49 authorize the seizure, taking, or confiscation of firearms that
 50 are lawfully possessed, unless a person is engaged in a criminal
 51 act.

52 Section 3. For the purpose of incorporating the amendment
 53 made by this act to section 252.36, Florida Statutes, in a
 54 reference thereto, paragraph (a) of subsection (3) of section
 55 377.703, Florida Statutes, is reenacted to read:

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

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

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

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