

By Senator Posey

24-598-06

See HB 285

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

21
 22 Be It Enacted by the Legislature of the State of Florida:
 23

24 Section 1. Paragraph (h) of subsection (5) of section
 25 252.36, Florida Statutes, is amended to read:

26 252.36 Emergency management powers of the Governor.--

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

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

1 252.31-252.90 shall be construed to authorize the seizure,
2 taking, or confiscation of firearms that are lawfully
3 possessed.

4 Section 2. Section 870.044, Florida Statutes, is
5 amended to read:

6 870.044 Automatic emergency measures.--Whenever the
7 public official declares that a state of emergency exists,
8 pursuant to s. 870.043, the following acts shall be prohibited
9 during the period of said emergency throughout the
10 jurisdiction:

11 (1) The sale of, or offer to sell, with or without
12 consideration, any ammunition or gun or other firearm of any
13 size or description.

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

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

21
22 Nothing contained in this chapter shall be construed to
23 authorize the seizure, taking, or confiscation of firearms
24 that are lawfully possessed.

25 Section 3. For the purpose of incorporating the
26 amendment made by this act to section 252.36, Florida
27 Statutes, in a reference thereto, paragraph (a) of subsection
28 (3) of section 377.703, Florida Statutes, is reenacted to
29 read:

30
31

1 377.703 Additional functions of the Department of
2 Environmental Protection; energy emergency contingency plan;
3 federal and state conservation programs.--

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

9 (a) The department shall assume the responsibility for
10 development of an energy emergency contingency plan to respond
11 to serious shortages of primary and secondary energy sources.
12 Upon a finding by the Governor, implementation of any
13 emergency program shall be upon order of the Governor that a
14 particular kind or type of fuel is, or that the occurrence of
15 an event which is reasonably expected within 30 days will make
16 the fuel, in short supply. The department shall then respond
17 by instituting the appropriate measures of the contingency
18 plan to meet the given emergency or energy shortage. The
19 Governor may utilize the provisions of s. 252.36(5) to carry
20 out any emergency actions required by a serious shortage of
21 energy sources.

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