

House Bill No. 285

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 shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.

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

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

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

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

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

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

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

377.703 Additional functions of the Department of Environmental Protection; energy emergency contingency plan; federal and state conservation programs.—

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

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

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

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.