By the Committee on Criminal Justice; and Senators Baker, Posey, Haridopolos, Wise and Alexander

591-1968-06

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

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CODING: Words stricken are deletions; words underlined are additions.

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read:

252.31-252.90 shall be construed to authorize the seizure, 2 taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a 3 4 criminal act. 5 Section 2. Section 870.044, Florida Statutes, is 6 amended to read: 7 870.044 Automatic emergency measures.--Whenever the 8 public official declares that a state of emergency exists, pursuant to s. 870.043, the following acts shall be prohibited 9 10 during the period of said emergency throughout the jurisdiction: 11 12 (1) The sale of, or offer to sell, with or without 13 consideration, any ammunition or gun or other firearm of any 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 17 or other firearm of any size or description. 18 (3) The intentional possession in a public place of a firearm by any person, except a duly authorized law 19 enforcement official or person in military service acting in 20 21 the official performance of her or his duty. 22 23 Nothing contained in this chapter shall be construed to authorize the seizure, taking, or confiscation of firearms 2.4 that are lawfully possessed, unless a person is engaged in a 2.5 criminal act. 26 27 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 29

(3) of section 377.703, Florida Statutes, is reenacted to

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	DUTIESThe 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.
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25	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 568</u>
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28	The CS clarifies that under circumstances where a person is in
29	possession of a firearm and is committing a criminal act, the provisions of the bill do not apply.
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