



National Rifle Association Unified Sportsmen of Florida



110-A South Monroe Street
Post Office Box 1387, Tallahassee, Florida 32302

To: Doris Maloy, Leon County Tax Collector
Vincent S. Long, Leon County Administrator
From: Marion P. Hammer
Date: May 22, 2020
RE: Concealed Weapon or Firearm License Application Policy

VIA ELECTRONIC MAIL

maloyd@leoncountyfl.gov
longv@leoncountyfl.gov

Dear Ms. Maloy and Mr. Long,

The Florida Constitution provides that "[t]he right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law." Fla. Const. art. I, § 8.

We have reviewed Ms. Maloy's email regarding the re-opening of Leon County Service Centers on June 1, 2020. While this email details procedures her office is putting in place for the restoration and delivery of services, it also indicates that she will be refusing to provide the essential constitutional service of processing original applications for Concealed Weapon or Firearm Licenses.

The proposed action is prohibited by state law and conflicts with Executive Orders issued by Florida Governor Ron DeSantis, which clearly extend "essential service" designation to firearm-related activities. The processing of new applications for Concealed Weapon or Firearm Licenses is one such essential service.

The Legislature made it possible for county Tax Collectors to become local agents of the Department of Agriculture and Consumer Services in order to accept Concealed Weapon or Firearm License applications, thereby providing convenient access to citizens. The intent was to promote such rights, not stifle them as you propose. Your email suggests you have the discretion to "pick and choose" which services to provide, but the Legislature has made it clear that as an agent of the state, in your capacity as Leon County Tax Collector, you do not have discretion over whether or not to accept these applications (Section 790.0625).

Thus, your office must adhere to the directive contained in Section 790.06(15) which clearly prohibits a county Tax Collector from arbitrarily refusing to process original

applications:

(15) ... The Department of Agriculture and Consumer Services shall implement and administer the provisions of this section. The Legislature does not delegate to the Department of Agriculture and Consumer Services the authority to regulate or restrict the issuing of licenses provided for in this section, beyond those provisions contained in this section. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this section or which create restrictions beyond those specified in this section are in conflict with the intent of this section and are prohibited. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense. This section is supplemental and additional to existing rights to bear arms, and nothing in this section shall impair or diminish such rights.

Moreover, the Legislature has prohibited your proposed action by preempting local officials from engaging in such conduct. Section 790.33 (1) specifically prohibits any regulation of firearms by a local government official:

Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

To ensure compliance, the Legislature established sanctions when local officials engage in prohibited conduct. Section 790.33(3) provides several penalties against offending officials, including monetary fines, damages and attorney fees for plaintiffs, and even removal from office when warranted.

On behalf of our members in Leon County, and to avoid further action, I respectfully request that you reverse your refusal to process original Concealed Weapon or Firearm License applications when you "reopen" on June 1, 2020.

Sincerely,

A handwritten signature in black ink that reads "Marion P. Hammer". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Marion P. Hammer
National Rifle Association
Unified Sportsmen of Florida