



# David Smith

House of Representatives District HD-038

Republican

Contact: (850) 717-5038

#266, Suite 2001, 1511 East State Road 434, Winter Springs, FL 32708-5646,



View Online

This legislator voted constitutionally on **83%** of the votes shown below.

★ Pro-liberty      ✗ Anti-liberty      ? Did not Vote      **Vote**

**1. SB214 Second Amendment Financial Privacy Act** (passed 83 to 32 on 5/2/2023). Forbids financial institutions from using an identifying code for purchases from firearm or ammunition retailers. **Yes**

**2. HB1543 Reducing the Minimum Age to Purchase Firearms** (passed 69 to 36 on 4/28/2023). Would reduce the minimum age requirement to buy, sell, or transfer a firearm from 21 to 18. **Yes**

**3. SB300 Heartbeat Protection Act** (passed 70 to 40 on 4/14/2023). Prohibits abortion after six weeks of gestation, rather than 15 weeks, with exceptions for rape, incest, and human trafficking, subject to certain conditions. **Yes**

**4. SB450 Death Penalty** (passed 80 to 30 on 4/13/2023). Amends state law by requiring a recommendation of at least eight jurors, instead of a unanimous jury, for the imposition of the death penalty, while providing for the sentence of life imprisonment without the possibility of parole if fewer than eight jurors recommend the death penalty. **Yes**

**5. HB3 Combating ESG Activism** (passed 80 to 31 on 3/24/2023). Bans the financial sector from considering "social credit scores" based on a person's political or religious beliefs, and blocks state and local governments from using ESG factors in all investment, procurement, and contracting decisions. **Yes**

**6. HB1 Expanding Refundable Tax-Credit "Scholarships"** (passed 83 to 27 on 3/17/2023). Expands eligibility for the Florida Tax Credit Scholarship and the Family Empowerment Scholarship for K-12 students, which includes homeschoolers by establishing the Personal Education Program. **Yes**



**Rep. David Smith**  
Lifetime Score: 75%

**FL Scorecard 2023**  
2023 Regular Session Score

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

**Please share this Scorecard in your district to inform people about your legislator's record on key votes.**

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the Florida Legislature in 2023 and ranks state representatives and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

This is our third state-level Scorecard; the selected votes may not be reflective of legislators' overall records. Their cumulative scores will change as we add more votes. Please check regularly for updates.



### Get Alerts

Scan to view and subscribe to legislative action alerts.

### The Constitution

Learn more about the U.S. Constitution and our founding principles.



# Bill Descriptions for the Votes that Affect You

---

## 1. Second Amendment Financial Privacy Act

SB214 forbids financial institutions from using an identifying code for purchases from firearm or ammunition retailers.

This bill prevents the unlawful use of credit card payment information to track firearms purchases. Recent adoption of a new merchant category code for “gun and ammunition shops” by the International Organization for Standardization (ISO)—a globalist collaborative linked to the United Nations—aids unconstitutional efforts by the federal government to conduct mass surveillance, which, in part, is intended to create a national gun-owner database and confiscate firearms from law-abiding citizens. States should nullify any such actions taken by private or public entities, that frustrate, if not blatantly violate, the Second and Fourth Amendment rights of the American people.

## 2. Reducing the Minimum Age to Purchase Firearms

HB1543 would reduce the minimum age requirement to buy, sell, or transfer a firearm from 21 to 18.

This bill would remove the state’s minimum age requirement that prevents a person younger than 21 from purchasing a firearm, which is both unconstitutional and more restrictive than current federal law. The Second Amendment to the U.S. Constitution assures that the right of the American people “to keep and bear Arms, shall not be infringed.”

## 3. Heartbeat Protection Act

SB300 prohibits abortion after six weeks of gestation, rather than 15 weeks, with exceptions for rape, incest, and human trafficking, subject to certain conditions.

Florida should act to prohibit the practice of abortion entirely and secure the right to life for all persons. The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and guaranteed by the 5th and 14th Amendments to the U.S. Constitution.

## 4. Death Penalty

SB450 amends state law by requiring a recommendation of at least eight jurors, instead of a unanimous jury, for the imposition of the death penalty.

Allowing two-thirds of jurors in the State of Florida to recommend the death penalty prevents miscarriages of justice caused by one or more rogue jurors who expressly defy the law during the sentencing process—despite the jury unanimously finding a defendant guilty of a capital felony. According to the Sixth Amendment to the U.S. Constitution, “all criminal prosecutions” shall be tried by an “impartial jury of the State,” but there is no provision for a requisite of unanimity. Under the 10th Amendment, the power to compose this jury, and to prescribe the exact proportion of jurors that must concur in its decisions, is “reserved to the States respectively, or to the people.”

## 5. Combating ESG Activism

HB3 bans the financial sector from considering “social credit scores” based on a person’s political or religious beliefs, and blocks state and local governments from using ESG factors in all investment, procurement, and contracting decisions.

The government has a duty to protect Floridians’ individual liberties from the all-encompassing ‘woke’ environmental, social, and corporate governance (ESG) movement. As a political scam that seeks to proliferate worldwide and implement the United Nations’ Agenda 2030, ESG denies the property rights of American citizens by restricting their access to financial services, among others, preventing both companies and individuals from entering into contracts voluntarily based on their own interests with freedom of association. The Bill of Rights and 14th Amendment were written to protect against undue deprivations or disparagements of a person’s “property.”

## 6. Expanding Refundable Tax-Credit “Scholarships”

HB1 expands eligibility for the Florida Tax Credit Scholarship and the Family Empowerment Scholarship for K-12 students, which includes homeschoolers by establishing the Personal Education Program.

Education is not the role of government. A child's education is the responsibility of—and a fundamental right of choice retained by—his or her parents. Moreover, aside from entangling homeschool families with further government regulations, these refundable tax-credit “scholarships” mean that “eligible” families in Florida with little or no tax liability are given government funds to pay for their child’s education. Educational freedom cannot be achieved by forcing other citizens to furnish their hard-earned taxpayer dollars for a compulsory, failing, and government-run K-12 school system.