



THE GOVERNOR OF THE STATE OF FLORIDA

LAWTON CHILES

April 10, 1992

Office of the Clerk
APR 16 11 53 AM '92

The Honorable T. K. Wetherell
Speaker of the House
Suite 420, The Capitol
Tallahassee, Florida 32399-1300

Dear Mr. Speaker:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit my objections to Committee Substitute for House Bill 1753, enacted by the 94th Session of the Legislature since Statehood in 1845, during the Regular Session of 1992, and entitled:

An act relating to employment; providing that it is unlawful to discriminate through any employment action because an individual is a user of legal agricultural products; providing an exception; providing an effective date.

Committee Substitute for House Bill 1753 purports to make it unlawful for an employer to discriminate against an individual who is a user of "legal agricultural products." Yet, there is not a scintilla of evidence that such "discrimination" even remotely exists in the State of Florida. To my knowledge, there is not one documented case in Florida that shows an employee was terminated because he used "legal agricultural products" while "off the premises of the workplace during nonworking hours."

Committee Substitute for House Bill 1753 is vague and imprecise. It fails to provide any definition for "agricultural products." This could lead to the protection of abusers of alcohol--a "legal agricultural product"--who excessively drink off the job. And the Florida Statutes contain numerous and inconsistent definitions for "agricultural products," which surely do not demand the protection of antidiscrimination laws. For example, Florida's general agricultural laws define "agricultural products" to mean "the natural products of the farm, nursery, grove, orchard, vineyard, garden and apiary (raw or manufactured); livestock;

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milk and milk products; poultry and poultry products; and limes (meaning the fruit Citrus aurantifolia, variety Persian, Tahiti, Bearss, or Florida Key limes) produced in the state except tobacco, tropical foliage, sugarcane, and citrus other than limes." Such vagueness will lead to significant employment litigation that is wholly unnecessary.

Committee Substitute for House Bill 1753 raises the use of "legal agricultural products" to the status of a protected civil right. Smokers and other such users of these products would have the same or more rights than those individuals who already confront invidious discrimination. Florida's laws protect people from discrimination because of their race, age, handicap or national origin--qualities that cannot be changed. Our laws deter discrimination based on religion which go to the profoundly held beliefs of our citizens. These antidiscrimination laws are rooted in the very foundation of our society and are values deeply imbedded in the constitutions of the United States and Florida. Committee Substitute for House Bill 1753 protects a class of people based solely on what they consume--cigarettes. We should not trivialize people's fundamental civil rights with an unnecessary new class of "smokers." Quoting Montesquieu: "useless laws weaken necessary ones."

I am quite mindful of an individual's right to privacy. My veto of this bill, of course, does not affect existing laws that already prevent intrusion into one's personal life. And I do not intend to tolerate the invasion of our sacred right to privacy. But simply put, Committee Substitute for House Bill 1753 is not needed as a protection of this right.

For these reasons, I am withholding my approval of Committee Substitute for House Bill 1753 and do hereby veto it.

With kind regards, I am

Sincerely,



LAWTON CHILES

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