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## COURTS

# Ruling could limit Calif. fruit in Florida

**California citrus interests lost their first round in a bid to overturn new rules on fresh citrus shipped to Florida.**

**By Phil Long**

[plong@MiamiHerald.com](mailto:plong@MiamiHerald.com)

TALLAHASSEE --

Florida consumers may see less California fresh citrus on supermarket shelves.

A Tallahassee circuit court judge Wednesday refused to give California growers and shippers a temporary injunction against enforcing new Florida regulations on fresh citrus fruit coming from the Golden State.

The new rules require California growers to add inspections, fungus treatment and paperwork certifying their fruit is free of *septoria citri*, a tree disease that blemishes fruit and one that Florida growers don't want spread to the Sunshine State.

"Clearly the actions of the [state] are in keeping with the regulatory duties," Circuit Judge William Gary wrote Wednesday in a two-page ruling that followed a daylong hearing on Tuesday.

"When one seeks a temporary injunction it must be demonstrated that there is a likelihood of irreparable harm, no adequate remedy at law, a substantial likelihood of success on the merits, and that it is in the public interest," the judge wrote. "Plaintiffs made no such showing."

To get a temporary injunction to overturn the Florida Department of Agriculture and Consumer Service's new regulations, the judge said, a "showing of fraud or gross abuse of discretion must be demonstrated."

The state, "pursuant to its regulatory duties . . . acted to protect Florida fruit from such a fungal pathogen."

Gary said California citrus interests should seek changes under the state's Administrative Procedures Act. The Department of Agriculture and Consumer Services is in the process of writing new rules to cover the *septoria citri* question.

Joel Nelson, executive director of California Citrus Mutual, one of the groups suing the Florida Department of Agriculture and Consumer Services, said he was disappointed "that department has chosen to elevate a minor pest into something that is major."

Florida Agriculture Commissioner Charles Bronson said he was "extremely pleased" with the decision, adding, "I am constitutionally required to protect Florida agriculture and I believe the court saw that we are trying to work out the issues."

The immediate effects of the ruling are unknown because some California shippers are already following the new restrictions.

So far, Publix, the state's largest grocery chain has California navels and lemons and supplies from Sunkist and three or four other California growers so there is no reason to believe that will stop, spokesman Shannon Patton said.

But California has stopped shipping specialty fruit -- niche-market citrus items like Mandarin oranges and blood oranges that are sold in some but not all Publix supermarkets.

*Septoria citri* stains fruit but is harmless to humans.

Though California has been shipping fresh fruit for at least 50 years, there are no recorded cases of *septoria citri* being spread from the peeling of fresh fruit shipped to Florida.

"We do not need another citrus pathogen introduced into this state that's going to be a citrus peel blemishing disease that will further complicate and increase the fruit that will have to be culled," and not be suitable for shipping, said Richard Gaskalla, head of the state office that regulates agricultural pest and disease policies.

Some California citrus leaders have suggested the regulations are in retaliation for California's opposition to allowing Florida fresh fruit into California because of fear that the fruit peelings might harbor citrus canker. Canker, also harmless to humans, is widespread in Florida but isn't present in California.

Florida officials have denied that suggestion.

California already has similar, but not as stringent, protocols for shipping fruit to Korea, a country that has restrictions to prevent the introduction of *septoria citri*.

California ships about 4.5 million, 38.5-pound cartons of fresh fruit to Florida each year, valued at about \$75 million, the suit says.



GARY KAZANJIAN/AP

Theresa Medina sorts through oranges at LoBue Bros. packing house in Lindsay, Calif. New Florida regulations make it harder for California growers to ship fruit to the state.