

Thin skinned Big Sugar can dish it out, but can't take it.

U.S. Sugar threatens suit over campaign ad

By Aaron Deslatte

Florida Capital Bureau

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TALLAHASSEE – U.S. Sugar Corp. isn't taking kindly to an environmental group's new television spot accusing Democratic gubernatorial candidate Rod Smith of being in Big Sugar's pocket.

Robert Coker, vice president of public affairs for the Clewiston-based agricultural giant, said today the company would file state and federal electioneering complaints over the ad that began airing Thursday in media markets around the state.

Save Our Everglades Trust filed its paperwork to become a soft-money political committee with the IRS on Monday, and its incorporation documents with the Florida Department of State on Tuesday.

But such groups are also required to file in Florida as electioneering communications organizations, or ECOs, with the Division of Elections, which didn't happen until Thursday, after the ads had been ordered.

Additionally, elections lawyer Ron Meyer, who is representing Smith, has notified TV stations across the state that the disclaimer on the ad is too small to meet Federal Communications Commission requirements.

Thom Rumberger, a lawyer for Save Our Everglades, said at least two TV stations had decided not to air the ads, and that his group was also considering suing U.S. Sugar next week for "interfering with our contractual relationship with the stations."

He also argued that Florida elections law doesn't prevent his group from ordering the ads so long as they aren't paid for until the group is a registered ECO. He said payment for the spots was made Thursday, the same day the group filed its electioneering paperwork.

Mary Barley, a wealthy Florida Keys environmentalist heading up the group, said her supporters were motivated to rush the \$1 million ad buy on-air after watching U.S. Sugar and other agricultural interests that support Smith invest at least \$1 million of its own money in ads attacking his primary opponent, Jim Davis.

"The same big sugar companies that pleaded guilty to dumping cancer-causing chemicals into the Everglades now are spending a million dollars to elect Rod Smith governor," the ad says, accusing Smith of delaying Everglades cleanup by voting for a 2003 bill to delay pollution reductions on the industry.

"Don't let sugar money pollute this election. Tell Rod Smith dirty politics won't clean up the Everglades."

Coker said this morning his company "was just not going to stand for that."

Coker said his attorney, Tallahassee elections lawyer John French, would draft the complaints probably next week. By then, it will be too late to get the ads off the air before Tuesday's primary.

"Mary Barley is going to be found to have violated the law, I can assure you of that," Coker said. "But it's going to be post-facto. And she's going to get away with it. She's probably built in the fact that she's going to pay a fine."

He also wouldn't rule out sinking more money into the race.

"I'm tempted myself to just go ahead and form a committee this afternoon, buy another \$1 million in ads, and disappear next week."

Barley, who lost a 2002 run for agriculture commissioner at the hands of Big Sugar attack ads, called the comments sour grapes.

"That's how sugar does business," she said. "We filed our papers in a timely manner and we are legal."