



**King and Spanish Mackerel
Tournament Donation Permit**
Consent Agenda Item #5 - Draft Rule
June 24, 2015
Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries Management



This document summarizes the Florida Fish and Wildlife Conservation Commission's (FWC) proposed draft rule to create a mackerel tournament donation permit. This permit would continue to allow tournament-caught king and Spanish mackerel to be donated to a wholesale dealer and then sold, with the proceeds going to charity. The proposed draft rule was developed in response to recent federal rule changes that require tournaments to obtain a state permit for such activity when the donated king and Spanish mackerel are harvested from federal waters.

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Background and Need for Rulemaking

- King and Spanish mackerel harvested in tournaments are sometimes given to wholesale dealers, who then sell the fish and donate proceeds to charity
 - Minimizes waste while supporting worthy causes
- New federal rules require tournaments to obtain a state permit to continue this practice
 - Addresses concern about tracking recreational and commercial harvest
- Proposed FWC permit would allow mackerel tournaments to continue to raise funds for charity by donating fish to dealers



It is traditional practice for king and Spanish mackerel tournaments held in Florida to not only provide competitive fishing experiences, but to also raise money for charity. One of the ways these tournaments raise funds for charity is by donating tournament-caught king and Spanish mackerel to wholesale dealers, who then sell the fish and give the proceeds to a charity on the tournament's behalf. This practice has the added benefit of minimizing waste of mackerel, which are not always kept by tournament anglers for consumption.

Recent changes to federal rules only allow this practice for king and Spanish mackerel caught in federal waters if the tournament has a permit from the state where the tournament is held. These federal rules are intended to address concerns that tournament-caught fish sold by wholesale dealers are "double counted" toward both recreational and commercial quotas, even though they are recreationally-caught. This potential double counting could incorrectly contribute to early closures for commercial king and Spanish mackerel fishermen, who must stop harvesting when their respective quota is met. A state permit would help identify tournaments that donate their king and Spanish mackerel to wholesale dealers in exchange for a donation to charity and help ensure tournament catch is not attributed to the commercial quota when it is recorded and sold by the wholesale dealer.

Today, the Commission will consider a proposed draft rule to create an FWC permit that would allow mackerel tournaments to continue donating their fish to wholesale dealers who sell the fish, and in turn, donate the proceeds to charity on behalf of the tournament.

Proposed Mackerel Tournament Donation Permit

Would allow tournaments to donate tournament-caught king and Spanish mackerel to a licensed wholesale dealer in exchange for a donation to charity

- Issued to tournament director
- No cost
- Simple, online application
- Tournaments could continue to minimize waste of fish while benefiting charities



The proposed mackerel tournament donation permit would allow tournaments to donate king and Spanish mackerel to a licensed wholesale dealer in exchange for donation to charity. The wholesale dealer would sell the fish and give the proceeds from the sale to a charity of the tournament's choosing. Such permits would be issued to tournament directors at no cost. The application process would be as simple as possible and could be completed online. Tournament organizers applying for a permit would provide basic information about their tournament (such as the event name, location, contact info, dates, times), the wholesale dealer accepting the fish, and the benefitting charity.

Creation of this permit would help minimize waste of tournament-caught king and Spanish mackerel that otherwise would not be consumed, while continuing to allow charities to receive proceeds from the sale of tournament-caught fish. Although this permit is being proposed in response to rule changes for king and Spanish mackerel caught in federal waters, in order to minimize confusion for tournaments and dealers, the permit would apply to tournaments operating in both state and federal waters off Florida that wish to donate their king and Spanish mackerel to a wholesale dealer to raise funds for charity.

Details of the proposed permit requirements, including wholesale dealer requirements, are provided on the next slide.

Proposed Rules



68B-2.010 Tournament Permits (NEW)

- Create a permit to allow sale and donation of proceeds of tournament-caught king and Spanish mackerel
- Require donated fish to be handled and iced in accordance with seafood safety standards
- Require wholesale dealers accepting donated fish to:
 - Be onsite at tournament weigh-in
 - Identify fish as tournament catch on trip tickets
 - Donate proceeds directly to charity
- Specify that the tournament organizer cannot also be the wholesale dealer accepting donated fish

68B-2.001

- Create definitions for tournament permit rule language

68B-12.006, 68B-23.006, 68B-30.006

- Add references to the mackerel tournament donation permit in existing rules for king and Spanish mackerel




The proposed rule would create a new rule, 68B-2.010, Florida Administrative Code (FAC)(Tournament Permits), which would outline the conditions for issuance of a new mackerel tournament donation permit. This permit would be issued to tournament directors to allow tournament-caught king and Spanish mackerel to be donated to a licensed wholesale dealer in exchange for a donation to charity. Donated fish would have to be handled and iced in accordance with seafood safety standards outlined in current FWC rules (68E-5.002, FAC). Wholesale dealers that accept tournament-caught fish would have to be onsite at the tournament weigh-in to obtain donated fish, identify the donated catch as tournament catch on their trip tickets, and donate the proceeds from sale of the fish directly to the tournament's specified charity. Proceeds from the sale of the tournament-caught fish would not be allowed to be donated to the tournament or used to pay for tournament expenses or prizes. If a tournament violates the terms of the permit, their permit could be revoked and they may be denied future permits. Failure to obtain a permit when required would automatically be considered a Level Two violation under 379.401, Florida Statutes. Additionally, the proposed rule would state that the tournament organizer cannot also be the wholesale dealer accepting the donated tournament fish. This would help ensure seafood safety and reporting regulations are followed.

Definitions relevant to the proposed rule 68B-2.010 would be added to 68B-2.001, FAC (General Definitions). The proposed tournament permit rule would also be

referenced in existing king mackerel and Spanish mackerel rules (68B-12.006, 68B-23.006, and 68B-30.006 FAC).

Staff Recommendation

Approve the proposed draft rules to continue allowing tournament-caught mackerel to be donated to a wholesale dealer in exchange for a donation to charity by:

- Creating a mackerel tournament donation permit to meet federal requirements
- Creating definitions related to the permit in the General Definitions rule
- Referencing permit in relevant species' rules



Courtesy NOAA Fall Watch

If approved by the Commission, the rules will be noticed and filed without further hearing



Staff recommends approving the proposed rules to create a mackerel tournament donation permit to allow tournaments to donate king and Spanish mackerel to a licensed wholesale dealer in exchange for a donation to charity, as described on the previous slides. Staff's recommendation is based on the fact that changes to federal regulations now prohibit this activity from occurring without a state permit. The proposed rules would also reference this permit in FWC's existing king and Spanish mackerel regulations. If approved by the Commission, the rules will be noticed and filed without further hearing.

Staff has evaluated the rules under the standards of 68-1.004, FAC, and found them to be in compliance.