

1. If a voter designates a vote for a named candidate on the ballot and writes-in the same candidate in the write-in area, the vote shall count for that candidate.

2. If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race, it shall be considered an overvote with neither candidate receiving credit for the vote.

3. If a voter designated a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered an over vote with no candidate receiving credit for the vote.

(g) If a voter does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.

(5) A mark for a candidate, issue choice, or judicial retention choice at issue in the recount shall not count unless determined to be a valid vote pursuant to this rule.

Specific Authority 102.166(5)(b) FS. Law Implemented 102.166(5)(b) FS. History—New _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

RULE TITLE:

1S-2.031

Recount Procedures

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.031, published in the Florida Administrative Weekly, Pages 4619-4621, Vol. 27, No. 40, on October 5, 2001, has been changed to reflect comments received from the public as well as the Joint Administrative Procedures Committee. Changes were made to section 1S-2.031 so that it now reads:

(SUBSTANTIAL REWORDING)

1S-2.031 Recount Procedures.

(1) The following procedures apply to manual recounts of optical scan ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

(a) All procedures related to the manual recount shall be open to the public.

(b) At least two members of the county canvassing board shall be present during all times the recount is in process.

(c) The county canvassing board shall supervise the procedure used to identify and sort overvotes and undervotes in the affected race or issue. If the manual recount is being conducted at a location different from the location of the sorting process or is not being started immediately after the sorting, the sorted ballots shall be placed in a sealed container or containers until the manual recount is started. Seal numbers shall be recorded and announced at the time they are placed on the containers and the seal number shall be announced when the seal is broken and the ballots are removed from the container for the recount.

(d) Ballots with overvotes and undervotes shall be transported to the location of the recount by two members of the county canvassing board and a sworn law enforcement officer. From the time the recount is started until completion of the recount, including times of recess, the ballots shall be guarded by a sworn law enforcement officer.

(e) If the recount is ordered by the Elections Canvassing Commission, the Commission shall notify the candidates and chairmen of the state executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of an issue, that a recount has been ordered. The candidates or chairmen are responsible for contacting the supervisor of elections in each county involved in the recount to find out when and where the recount will be conducted and the number of representatives such candidate or committee is entitled to.

(f) If the recount is ordered by the county canvassing board, the supervisor of elections shall notify the candidates and chairmen of the county executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of an issue, that a recount has been ordered and shall provide information regarding the time and the place of the recount and the number of representatives such candidate or committee is entitled to.

(g) In addition, each county canvassing board shall provide public notice of the time and place of the recount immediately after determining the need for a manual recount pursuant to section 102.166, F.S. The notice shall be in either a newspaper of general circulation in the county or posted in at least four conspicuous locations in the county. Because of the time constraints in conducting the recount, the canvassing board shall also contact media outlets in the community so that the public is made aware of the recount as soon as possible. The recount shall begin as soon as practicable in order for the recount to be concluded in time for the certification of results to be submitted pursuant to s. 102.112, F.S.

(h) The recount shall be conducted in a room large enough to accommodate the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee entitled to have representatives. Members of the public and the press (observers) shall be allowed to observe the recount from a separate area designated by the county canvassing board, which area may be outside of the actual recount area but which will allow the observers to view the activities. In addition to the sworn law enforcement officer guarding the ballots, there shall be a sworn law enforcement officer to keep order in and around the recount area.

(i) The canvassing board shall determine the number of overvotes and undervotes to be manually recounted. If the recount involves candidates or issues on a statewide or multicounty basis, each county canvassing board shall notify

the Elections Canvassing Commission of the number of overvotes and undervotes in the county for the affected race. In a first primary election, any candidate who could move into first or second place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first or second place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount. In a second primary or general election or if there is only one primary, any candidate who could move into first place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount.

(j) Each candidate entitled to representatives as outlined in (i) is entitled to a number of representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If the race being recounted is a partisan race, each political party with candidates entitled to representatives is entitled to one representative. Each candidate or political party entitled to representatives must provide a list of the names of each representative designated.

(k) In order to be entitled to representatives at the recount, a political committee supporting or opposing an issue which is being recounted must have provided in its statement of organization, on file before the election, that the committee is specifically supporting or opposing the issue in question. If more than one committee is registered as supporting or opposing the issue, each side shall be entitled to one representative per counting team plus one for the canvassing board. The canvassing board shall notify each committee chairman of the number of representatives it is entitled to based on the number of committees involved. The committee chairman must provide a list of the names of each representative designated.

(l) In the case of a recount regarding the retention of a judicial candidate, the judicial candidate is entitled to representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If there are political committees organized to oppose the retention of such judicial candidate, those committees are entitled to representatives pursuant to (k).

(m) Representatives and observers must not interfere or disturb the recount in any way. If the conduct of the representatives or observers impedes the recount process, the recount will stop until the situation is corrected. If the disturbance continues, upon majority vote of the canvassing board, the persons causing the disturbance shall be removed from the premises by the law enforcement officer charged with maintaining order at the recount.

(n) Prior to the beginning of the recount, the canvassing board shall review the rules and statutes governing recount procedures and voter intent with the members of the counting teams and with the representatives entitled to be present.

(o) Each counting team shall review the ballots before them to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. If the counting team is unable to make the determination, or if there is an objection to the decision of the counting team by a designated representative, the ballot shall be set aside for the county canvassing board's determination.

(p) Each counting team shall place the ballots in stacks indicating:

1. Votes for each candidate or issue choice;

2. Ballots which the counting team has determined there is no clear indication that the voter made a definite choice for an office or ballot question; and

3. Ballots to be set aside for the canvassing board's determination.

(q) The counting team shall count the number of votes for each candidate or issue choice, the number of ballots which the counting team has determined there is not clear indication that the voter made a definite choice, and the number of ballots which are to be given to the canvassing board for its determination and shall submit those totals to the county canvassing board.

(r) Each ballot set aside because the counting team was unable to make a determination must be placed in a separate envelope with a notation of the precinct number, why the team was unable to make the determination, and the names of the members of the counting team. If a ballot was set aside because of an objection to the decision of the counting team by a representative, the envelope must contain the precinct number, the names of the members of the counting team, the counting team's initial determination, the reasoning behind the challenge and the person bringing the challenge.

(s) The county canvassing board shall review each ballot set aside to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. All three members of the county canvassing board must be present for this determination and the determination must be by majority vote.

(t) The records of the recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice. The canvassing board shall then certify the number of votes for each candidate or issue choice.

(u) The activities of the canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, minutes of the manual recount shall be made and approved by the canvassing

board. All tapes and minutes shall be made available to the public within 2 weeks of the time the canvassing board certifies the results of the election.

(2) Following a manual recount, the county canvassing board shall examine the ballots that were not allocated to any candidate or issue choice to determine if revisions to the voter intent rule are necessary and shall so notify the Division of Elections.

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History—New _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.033
RULE TITLE: Standards for Nonpartisan Voter Education

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.033, published in the Florida Administrative Weekly, Pages 926-927, Vol. 28, No. 9, on March 1, 2002, has been changed to reflect comments received from the public. Changes were made to section 1S-2.033 so that it now reads:

(SUBSTANTIAL REWORDING)

1S-2.033 Standards for Nonpartisan Voter Education.

(1) County supervisors of elections shall create a Voter Guide.

(a) The Voter Guide shall include the following information:

1. How to register to vote;
2. Where voter registration applications are available;
3. How to register by mail;
4. Dates for upcoming elections;
5. Registration deadlines for the next primary and general election;
6. How voters should update their voter registration information such as changes in name, address or party affiliation;
7. Information on how to obtain, vote and return an absentee ballot;
8. Voters' rights and responsibilities pursuant to Section 101.031, Florida Statutes;
9. Polling information including what times the polls are open, what to bring to the polls, list of acceptable IDs, what to expect at the polls;
10. Instructions on the county's particular voting system;
11. Supervisor contact information; and
12. Any other information the supervisor deems important.

(b) The supervisor of elections shall provide the Voter Guide at as many places as possible within the county including:

1. Agencies designated as voter registration sites pursuant to the National Voter Registration Act;

2. The supervisor's office;

3. Public libraries;

4. Community centers;

5. Post offices;

6. Centers for Independent Living;

7. County governmental offices; and

8. At all registration drives conducted by the supervisor of elections.

(2) If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot.

(3) At least once a year in each public high school in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students.

(4) At least once a year on each college campus in the county, the supervisor shall provide a college voter registration/education program. This program must be designed for maximum effectiveness in reaching and educating college students.

(5) County supervisors of elections shall post the listing of the voters' rights and responsibilities pursuant to section 101.031, Florida Statutes, at the supervisor's office.

(6) County supervisors of elections shall provide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives.

(7) County supervisors of elections shall conduct demonstrations of the county's voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups.

(8) County supervisors of elections shall participate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.

(9) Supervisors of elections shall provide notice of changes of polling places and precincts to all affected registered voters. This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor's office to obtain polling place information.

Specific Authority 98.255 FS. Law Implemented 98.255 FS. History—New _____.

DEPARTMENT OF STATE**Division of Elections**

RULE NO.: RULE TITLE:
1S-5.001 Voting System Equipment
 Regulations

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-5.001, published in the Florida Administrative Weekly, Pages 6086-6087, Vol. 27, No. 52, on December 28, 2001, has been changed to reflect comments received from the public as well as the Joint Administrative Procedures Committee. Changes were made to section 1S-5.001 so that it now reads:

THE FULL TEXT OF THE PROPOSED RULE IS:**1S-5.001 Voting System Equipment Regulations.**

The Department of State, Division of Elections, is required to establish minimum standards for certification and provisional approval of hardware and software for electronic and electromechanical voting systems. The Division shall establish minimum levels of voting systems capability and certify voting system equipment in accordance with the requirements contained in Florida Voting Systems Standards, Form DS-DE-101, eff. 4/02 7/98, which is hereby incorporated by reference and available from the Division upon request. The publication contains the minimum standards, procedures for testing to determine if those standards have been met, and procedures for certifying and provisionally certifying compliance with the minimum standards. Where initiated by a county Supervisor of Elections or the Department of State, modifications to previously certified systems which are designed to remedy system anomalies, which do not introduce new functions and do not introduce additional hardware components into the system configuration, may be certified under the Florida Voting Systems Standards, Form DS-DE-101, eff 7/98.

Specific Authority 101.015, 101.294 FS. Law Implemented 101.141-.161, 101.5605, 101.5606, 101.5607, 101.5609, 102.166(9)(a) FS. History--New 3-28-90, Amended 7-28-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paul Craft

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: L. Clayton Roberts, Division
Director, Florida Department of State, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**Division of Animal Industry**

RULE NO.: RULE TITLE:
5C-13.004 Schedule of Fees

NOTICE OF CHANGE

Notice is hereby given that Rule 5C-13.004, F.A.C., published in the Florida Administrative Weekly, Vol. 28, No. 4, on January 25, 2002, has been changed to reflect comments received from the Joint Administrative Procedures Commission.

(3) Clinical Pathology:

Pre/post bile acid test \$16.00/test has been deleted

Babesia titer \$16.00/test has been changed to \$15.00/test

Clinical Path Sample Preparation Fee \$12.00/sample has been added

Babesia titer canine \$26.00/test has been changed to \$15.00/test

Under section (4) Toxicology:

Mycotoxin Screen \$60/sample has been changed to \$10.00/
mycotoxin tested/sample [for individual mycotoxins tested see
Aflatoxin, Deoxynivalenol (Vomitoxin), Fumonisin,
Ochratoxin, T-2, and Searalenone]

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:
6A-1.099 Cooperative Projects and Activities

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 9, February 22, 2002, issue of the Florida Administrative Weekly:

Paragraph (2)(c) was amended to read:

(c) Consortium board of directors. The superintendent of schools of cooperating districts or his/her designee shall constitute the consortium board of directors. The consortium board of directors shall determine the products and services to be provided by the consortium; however, in all contractual matters the school board of the district of record must act on proposed actions of the consortium. The board of directors shall establish a uniform method for participating districts to evaluate services.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
14-114 FDOT Prepaid Escrow Accounts
RULE NO.: RULE TITLE:
14-114.0011 Prepaid Escrow Accounts

CHANGE NOTICE

SUMMARY OF CHANGES: The following changes are being made in response to a Joint Administrative Procedures Committee review of the proposed amendment to Rule 14-114.0011 and the associated form incorporated by reference by the rule:

1. The opening sentence in Section 14-114.0011(6) is replaced by the following two sentences: "The Department will terminate accounts if the prepaid escrow account program is no longer deemed necessary, and will terminate individual accounts if this or other accounts of the account holder with the Department are delinquent. The account holder may terminate its account at any time."
 2. Prepaid Escrow Account Application (First Page), incorporated by reference under Rule Section 14-114.0011(7): The line referring to Social Security Number for individual accounts is deleted from the form.
 3. Prepaid Escrow Account Application (Paragraph 6, Page 2), incorporated by reference under Rule Section 14-114.0011(7): The wording in the form regarding Termination is revised to read the same as the revised language in Rule Section 14-114.0011(6), above.
 4. Prepaid Escrow Account Application (Paragraph 13, Page 3), incorporated by reference under Rule Section 14-114.0011(7): The last sentence in venue section of the form is revised to read as follows: "Venue for any legal proceeding related to this agreement shall be in Leon County, Florida."
- Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 28, No. 7, February 15, 2002. There were no requests for a hearing and no hearing was requested.

REGIONAL PLANNING COUNCILS**North Central Florida Regional Planning Council**

RULE NO.: **RULE TITLE:**
29C-9.001 Strategic Regional Policy Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule development, as noticed in Vol. 28, No. 13, March 29, 2002, Florida Administrative Weekly has been withdrawn.

REGIONAL PLANNING COUNCILS**North Central Florida Regional Planning Council**

RULE NO.: **RULE TITLE:**
29C-9.001 Strategic Regional Policy Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 11, March 15, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF THE LOTTERY

RULE CHAPTER NO.: **RULE CHAPTER TITLE:**
53-28 Florida Lotto
RULE NO.: **RULE TITLE:**
53-28.0035 Determination of Prize Winners

NOTICE OF CORRECTION

Notice is hereby given that the rule number for the above proposed rule which was published in the Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly has been corrected as follows:

53-28.0035 ~~53-28.035~~ Determination of Prize Winners.

DEPARTMENT OF THE LOTTERY

RULE CHAPTER NO.: **RULE CHAPTER TITLE:**
53-29 FANTASY 5
RULE NO.: **RULE TITLE:**
53-29.0035 Determination of Prize Winners

NOTICE OF CORRECTION

Notice is hereby given that the rule number for the above proposed rule which was published in the Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly has been corrected as follows:

53-29.0035 ~~53-29.035~~ Determination of Prize Winners.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Professional Engineers**

RULE NO.: **RULE TITLE:**
61G15-20.007 Foreign Degrees

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly. The changes are in response to the regularly scheduled Board meeting held on February 21, 2002.

Rule 61G15-20.007, subsection (5) shall now read:

(5) The applicant must request an evaluation of substantial equivalency of his or her credentials to ABET standards through either Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, MD 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NOS.:	RULE TITLES:
64B5-12.019	Courses Required for Initial Licensure, Renewal, or Reactivation
64B5-12.020	Courses Required of Licensees for Renewal and Reactivation

NOTICE OF PUBLIC HEARING

The Board of Dentistry hereby gives notice of an additional public hearing on the above-referenced rules to be held on May 3, 2002, at 9:00 a.m., or shortly thereafter, at The Crowne Plaza, 5555 Hazeltine National Drive, Orlando, Florida. The rules were originally published in Vol. 28, No. 6, of the February 8, 2002, Florida Administrative Weekly. The hearing is being held in response to comments provided the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-13.001	Continuing Education for Biennial Renewal

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 8, February 22, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (4) shall now read as follows:

(4) The following courses are approved by the Board:

(a) Organized courses of post graduate study offered by or approved by the American Osteopathic Association or the American Medical Association or any of their divisional societies;

(b) Organized courses of post graduate study sponsored by a medical school recognized and approved by the American Osteopathic Association or the American Medical Association;

(c) Organized courses of post graduate study sponsored by a specialty college of the American Osteopathic Association or the American Medical Association;

(d) Organized courses of post graduate study sponsored by the Public Health Service, state or territorial health services, or a branch of the United States Armed services;

(e) Fellowships approved by the American Osteopathic Association or the American Medical Association; Internship or residency approved by the American Osteopathic Association or the American Medical Association; each fellow, intern and/or resident shall be responsible for obtaining the continuing medical education required under this rule. For fellows, interns, and/or residents in approved AOA or AMA education training programs, ten (10) continuing medical education credit hours shall be awarded for successful completion of each 6 month training program period;

(f) Teacher hours, lecture hours or scientific papers read and published which are approved for credit by the American Osteopathic Association;

(g) Annual convention and mid-year seminars sponsored by the Florida Osteopathic Medical Association;

(h) Internship or residency approved by the American Osteopathic Association or the American Medical Association;

(i) Routine hospital programs, including clinical and pathological conferences, mortality review, medical audit committees, tumor board, peer review or utilization review; that are approved by the American Osteopathic Association (AOA), the American Medical Association (AMA), or by the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE NOS.:	RULE TITLES:
64B15-13.004	Application for Board Approved Provider Status
64B15-13.0045	Standards for Board Approved Providers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 49, December 7, 2001, Florida Administrative Weekly have been withdrawn.