

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Certification Requirements for Supervisors of Elections for Special Qualification Salary
 RULE NO.: 1S-2.0115
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.0115, F.A.C., published in the Florida Administrative Weekly, Page 3496, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005, and from the Joint Administrative Procedures Committee. The summary of the substantive changes made to the proposed rule text and Form DS-DE #69 incorporated by reference is as follows:

(1) Revise subsection (1) to exclude extraneous purpose statement.

(2) Revise subsection (2) to require a passing grade on the open book test on the Florida Election Code, to clarify that the Florida State Association of Supervisors of Elections shall draft and administer the open book test, and to relocate provisions relating to credits that may be earned under Areas I through 5 to a separate subsection (4), entitled "Credits."

(3) Revise subsection (3) to clarify that credits equivalent to twenty-four hours of attendance is required for annual recertification and to relocate provisions relating to continuing education activities into Area V under the separate subsection (4), entitled "Credits."

(4) Add a new subsection (4) entitled "Credits" to include all provisions relating to credits that may be earned under Areas I-V, to impose standards of approval for credits pre-approved by certain entities such as The Election Assistance Commission, The Election Center, etc., to require the submission of documentation in support of receiving credit for attendance conducted or sponsored by other non-specified entities, to add specificity as to what constitutes election and election-related topics for purposes of credit, to add that credit may be earned under Area II for the equivalent of a high school degree, to revise the basis under which credit may be earned for a post-secondary degree under Area II, to replace universally the term "participation" with the term "attendance," and to clarify that credit may be earned for listening to audio or visual recordings and the process for receiving such credit.

(5) Renumber the old subsection (4) as subsection (5) and revise the subsection to require the submission of a certification application 30 days prior to the anniversary date of taking office, to require and allow for the periodic submission of supporting documentation, to allow credit for

listening to audio or visual recordings, to allow for submission of supporting documentation periodically or at the time of the application, to require the Division of Elections to notify a supervisor of elections if there are insufficient credits within 5 calendar days of receipt of the application, to require the Division of Elections to issue a formal letter of certification upon approval of satisfactory credits for the supervisor of elections, and to change the webpage link to <http://election.dos.state.fl.us/index>

(6) To conform Form DS-DE #69 entitled "Certification Application for Supervisor of Elections for Special Qualification Salary" with changes in the proposed rule, and to include an effective date, to replace a reference to Section 893.13, Florida Statutes with a cite to Section 837.06, Florida Statutes, relating to false official statements.

(7) To make other nonsubstantive changes to the proposed rule and form relating to the organization of the rule. The text of the substantially revised proposed rule shall now read as follows:

1S-2.0115 Certification Requirements for Supervisors of Elections for Special Qualification Salary.

(1) GENERAL. This rule provides requirements for initial and annual certification of supervisors of elections for the special qualification salary.

(2) INITIAL CERTIFICATION. In order to receive initial certification for the special qualification salary, a supervisor of elections must:

(a) Take and receive a passing grade of ninety percent (90%) or higher on a uniform statewide open book examination developed and revised annually by the Florida State Association of Supervisors of Elections. This test is for the purpose of testing the supervisor of election's knowledge and familiarity with Chapters 97 through 106 of the Florida Election Code and applicable election-related provisions of the Florida Constitution, as most recently amended. This examination shall be administered by the Florida State Association of Supervisors of Elections;

(b) Conduct a primary election and a gubernatorial or presidential general election; and

(c) Earn fifteen (15) credits in Areas I – V as provided in subsection (4) of which credits must include at a minimum:

1. Attendance at a mandatory orientation workshop as provided in Area I.

2. A minimum of two years of service as a supervisor of elections as provided in Area III.

3. Five credits earned for attendance at a training conference, program, seminar or workshop as provided in Area IV.

(3) ANNUAL RECERTIFICATION. In order to remain certified annually for the special qualification salary, a supervisor of elections must earn annually credit equivalent to

a minimum of twenty-four hours of attendance at continuing education activities as provided in Area V under subparagraph (4)(a)5.

(4) CREDITS.

(a) Credits for initial and annual certification may be earned in Areas I through V as follows:

1. AREA I – MANDATORY ORIENTATION. Within two years after taking office, each newly elected or appointed Supervisor of Elections shall attend a mandatory orientation workshop conducted by the Florida State Association of Supervisor of Elections after each general election. The mandatory orientation workshop must consist of a minimum of twelve (12) hours of training in election topics including but not limited to voter eligibility and registration, the Florida Voter Registration System, voter registration agencies and third-party voter registration groups, registered voter list maintenance activities, candidate qualifying procedures, initiative and candidate petitions, conduct of elections, voting methods and procedures, polling place procedures, solicitation restrictions, handling and canvassing ballots, voting machines and systems, political parties and committees, election code violations, public records, and campaign financing. A maximum of one credit may be earned in this area.

2. AREA II – FORMAL EDUCATION. A maximum of five credits may be earned as follows:

a. One credit for the award of a high school diploma or its equivalent.

b. Two credits for the award of an associate degree or four credits for a baccalaureate degree but not to exceed a total of four credits for both an associate degree and a baccalaureate degree.

3. AREA III – EXPERIENCE. A maximum of five credits may be earned as follows:

a. One credit for each year served as a Supervisor of Elections.

b. One credit for each year of experience as a Deputy Supervisor of Elections.

4. AREA IV – ATTENDANCE AT TRAINING CONFERENCES, PROGRAMS, SEMINARS AND WORKSHOPS. One credit may be earned for each twelve (12) hours of attendance at training conferences, programs, seminars and workshops approved by the Division of Elections and conducted by the Division of Elections or the Florida State Association of Supervisors of Elections. The training conferences, programs, seminars or workshops must cover any one or more of the following election or election-related topics:

a. Duties and role of supervisor of elections.

b. State or federal election law.

c. Conduct of elections.

d. State or federal ethics law.

e. Management or technology information systems.

f. Public records.

g. Office management and personnel training.

h. Voting machines, systems, and software.

i. Public administration.

j. Public relations.

k. Stress management.

5. AREA V – ATTENDANCE AT CONTINUING EDUCATION ACTIVITIES.

a. Credit may be earned for attendance at educational conferences, programs, seminars and workshops conducted by the Florida State Association of Supervisors of Elections, the Elections Assistance Commission (EAC), the Federal Election Commission (FEC), the International Association of Clerks, Recorders, Elections Officials and Treasurers (IACREOT), the Election Center, the Florida Elections Commission, or the Florida Commission on Ethics. The Division shall accept for certification the equivalent of the number of credits pre-approved by any of these entities for the conference, program, seminar or workshop.

b. Credit may also be earned for attendance at educational conferences, programs, seminars and workshops conducted or sponsored by a community college, college or state university as defined in Section 1000.21, F.S., a voting or elections system or software vendor, or any entity not otherwise listed in subparagraph a. The Division may accept for certification the equivalent of the number of credits pre-approved by any of these entities for conference, program, seminar or workshop. In order to receive approval for credit from the Division of Elections for attendance, a supervisor must:

i. Submit an outline, agenda, brochure or itinerary;

ii. Identify the entity that conducted or sponsored the conference, program, seminar or workshop and any national or international accreditation of such entity;

iii. Describe the title, content, subject matter and learning objectives;

iv. Set forth for the length of time (hours) in attendance or the number of continuing education credits that the entity pre-approved or that is being requested; and

v. Identify the names and qualifications of all instructors or presenters.

c. The educational conferences, programs, seminars, or workshops under this subsection must cover one or more of the following election or election-related topics:

i. Duties and role of supervisor of elections.

ii. State or federal elections law.

iii. Conduct of elections.

iv. State or federal ethics law.

v. Management or technology information systems.

vi. Public records.

vii. Office management and personnel training.

viii. Voting machines, systems, and software.

ix. Public administration.

x. Public relations.

xi. Stress management.

6. Each hour contemplated towards one credit for attendance at a conference, program, seminar or workshop under Areas I, IV and V must consist of a minimum of fifty (50) minutes of time. If credit has not been pre-approved specifically by a conference, program, seminar or workshop for attendance, the Division shall assign and approve one credit for each twelve (12) hours of attendance at any one or more conferences, programs, seminars or workshops.

(5) CERTIFICATION.

(a) APPLICATION. In order to receive the special qualifications salary, the supervisor of elections must submit a completed certification application requesting initial or annual certification by the Division of Elections. For purposes of receiving timely initial or annual certification, the supervisor of elections must submit a completed certification application to the Division of Elections no later than thirty (30) days prior the supervisor of elections' anniversary date of taking office. The supervisor of elections shall use form DS-DE #69, entitled "Certification Application for Supervisor of Elections for Special Qualification Salary," which is incorporated by reference, to submit his or her request for initial or annual certification. This application is available by request from the Division of Elections at Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250 or by contacting the Division of Elections at (850)245-6200, or by download from the Division of Elections' website at: <http://election.dos.state.fl.us>.

(b) SUPPORTING DOCUMENTATION. A supervisor of elections shall submit to the Division of Elections copies of all documentation in support of his or her compliance with requirements for initial or annual certification. Such documentation may be submitted periodically throughout the year prior to the filing of the application for initial or annual certification. Documentation in support of credits that may be submitted for approval of attendance at a conference, program, seminar or workshop include, if available, an agenda, itinerary, outline or brochure that details the title, content, and subject matter, the name of the entity that conducted or sponsored the activity, the dates and hours, the names and qualifications of the instructors or presenters, and the length of attendance (hours) or maximum credits awarded. Additionally, a supervisor must submit for each conference, program, seminar or workshop, a registration receipt, written confirmation of attendance, certificate of completion, or letter from the sponsoring entity, or alternatively, if a supervisor of elections is unable to attend a conference, program, seminar or workshop, a written attestation which may be indicated on the application that he or she listened to an audio or video recording and read the materials offered or presented by the entity that conducted or sponsored the conference, program, seminar or workshop.

(c) ISSUANCE OF CERTIFICATION. If the supervisor of elections has not met the requirements for initial or annual certification, the Division of Elections shall notify the

supervisor of elections no later than 5 calendar days from the date of receipt of the certification application. If the supervisor of elections has met the requirements for initial or annual certification, the Division of Elections shall issue a letter of initial or annual certification, whichever is applicable.

Specific Authority 20.10, 145.09 FS. Law Implemented 145.09 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

RULE TITLE::

1S-2.034

Polling Place Procedures Manual

NOTICE OF CHANGES

Notice is hereby given that proposed Rule 1S-2.034, F.A.C., published in the FAW, Page 3710, Vol. 31, No. 42, on October 21, 2005, has been changed to reflect comments received from the public before and during the hearing held on November 14, 2005. The summary of the substantive changes made to the proposed rule text and the Form DS-DE 11, entitled "Polling Place Procedures Manual" (incorporated by reference) is as follows:

(1) The web hyperlink cited in the rule for downloading Form DS-DE 11 is changed to the Division of Elections' homepage at: <http://election.dos.state.fl.us>.

(2) The rule is changed to cite Section 20.10, Florida Statutes, as an additional source for specific authority for rulemaking by the Department of State.

(3) Form DS-DE 11 is changed throughout to reflect that names of voters may appear on a precinct register or an electronic device if the polling place is using an electronic database.

(4) Form DS-DE 11 is changed to clarify that poll watchers may inspect precinct registers or observe the voter check-in process in the case of electronic devices of voter lists.

(5) Form DS-DE 11 is revised throughout to reflect that a voter may sign in by signing a precinct register or a signature pad depending on the technology available at the polling place.

(6) Page 3 of Form DS-DE 11 is revised to remove explicit reference to public access to the polling room prior to opening.

(7) Form DS-DE 11 is revised to add a limited number of statutory citations relating to key provisions such as solicitation on page 4, provisional ballots on page 8, and identification requirements on page 8.

(8) Page 6 of Form DS-DE 11 is revised to change the use of the term "verifies" with "confirm" to be consistent with terminology used in s. 101.69, Florida Statutes, relating to absentee ballots that are not returned.

(9) Page 8 of Form DS-DE 11 is revised to clarify the instructions in text box #2 that a voter who moves from one county to another and was registered by book closing can execute one of two forms, a voter registration application or an affidavit/affirmation, whichever is made available at the polls, and that a cross-check confirmation against the master voter list must be made to determine the registration date, party affiliation, eligibility, and any outstanding voter challenges.

(10) Page 9 of Form DS-DE 11 is revised to add two scenarios under which a person may be given a provisional ballot: when the person does not produce an identification with a signature, and when the person's driver's license number, state identification card number or social security number have not yet been verified by the Florida Department of State and Department of Highway Safety and Motor Vehicles.

(11) Page 9 of Form DS-DE 11 is revised to clarify that the provisional ballot certificate and affirmation may be printed on a form other than the back of the envelope.

(12) Form DS-DE 11 is revised to allow flexibility in the reconciliation process by recognizing that reconciliation of ballots and signatures can occur from the precinct register or from voter authority slips.

(13) Page 16 of Form DS-DE 11, relating to ballot accounting is revised to reflect that an electronic database can provide a printed tally for the election board in lieu of having to count the number of signatures.

(14) Form DS-DE 11 is changed to correct grammatical errors and oversights, all of which do not affect the substance of the rule or the form.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-98
RULE NOS.: 14-98.005
14-98.008
RULE CHAPTER TITLE: Highway Traffic Safety Program
RULE TITLES: Application and Award Procedures
Forms

NOTICE OF CHANGE

SUMMARY OF CHANGES: The following changes are being made in response to a review by the Joint Administrative Procedures Committee: Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 09/05: In the form itself, delete the "incorporation by reference" statements for external documents referred to within the form. The notice of rulemaking was published in Vol. 31, No. 36, Florida Administrative Weekly, dated September 9, 2005.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.013
RULE TITLE: Temporary License
NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-17.001
RULE TITLE: On-Site Control
NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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