

claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this claim resolution process or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(11) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee and mediator's fee paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer's account with the Administrator.

(12) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department's duties under this rule.

(13) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(14) The applicable provisions of Rule 69B-166.031, Florida Administrative Code, shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, Florida Administrative Code.

(15) This mediation program will expire on December 31, 2005.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1),(2),(4),(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), 626.9541(1)(e), 626.9541(1)(i), 626.9541(1)(u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.002
RULE TITLE: Institutional Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly has been withdrawn.

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 BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.0025
RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 27, July 2, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee.

The rule now reads as follows:

61-20.0025 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of the absence and the spouse's military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.508
 RULE TITLE: Continuing Education Renewal Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 45, November 5, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee.

Subparagraph (1) of the rule now reads as follows:

(1) All community association manager licensees must satisfactorily complete a minimum of 20 ~~classroom~~ hours of continuing education instruction. Each hour shall consist of 50 minutes of student involvement in approved classroom, correspondence, interactive, distance education or internet courses each during each license renewal period; which ~~courses~~ shall include the required hours at an approved update seminar. ~~Effective October 1, 2004, a maximum of 8 hours may be completed by correspondence, interactive, distance education and/or internet courses. The remaining 12 hours must be completed by classroom instruction.~~ No license shall be renewed unless the licensee has completed the required continuing education ~~contact~~ hours during the preceding licensing period.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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 Chiropractic Medicine

RULE NO.: 64B2-13.004
 RULE TITLE: Continuing Education

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 44, of the October 29, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative

Procedures Committee. The Board, at its meeting held on February 18, 2005, voted to add new language to subsection (3) of the rule.

The change is as follows:

1. Subsection (3) shall now read:

(3) Continuing education providers, including providers of continuing education in AIDS and risk management, seeking initial approval of continuing education courses by the Board shall pay a fee of \$250. Continuing education providers seeking renewal for the providership of approved courses shall also pay a \$250 fee each biennium. The initial fee and renewal fee shall be assessed per provider and not per course. To receive Board approval, a continuing education course:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.003
 RULE TITLE: Examination of Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 43, of the October 22, 2004 issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on January 27, 2005, voted to make changes to the language of the rule and add new language.

The changes and additions are as follows:

1. Subsections (3)(b)2. and 3. shall now read:
2. An applicant for licensure as a mental health counselor is not required to take the National Clinical Mental Health Counseling Examination (NCMHCE) at the time of application if the following conditions are met:
 - a. The applicant has taken the NCMHCE within the last five years; and
 - b. The applicant earned the national passing score on the NCMHCE.
3. An applicant for licensure as a mental health counselor is also not required to take the NCMHCE at the time of application if the following conditions are met:
 - a. The applicant has taken the National Counselor Examination (NCE) developed by the National Board of Certified Counselors prior to January 1, 2001; and
 - b. The applicant earned the national passing score of the NCE within five years of application for licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-17.001	Statement of Intent of Purpose
64B9-17.002	Definitions
64B9-17.003	Competency and Knowledge Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 30, No. 48, November 24, 2004 issue, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:	RULE TITLE:
64B13-18.002	Formulary of Topical Ocular Pharmaceutical Agents

THIRD NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 21, of the May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to a public hearing held on this rule on February 9, 2005, in Orlando, Florida. This Notice of Change incorporates the previous Notice of Change which published in Vol. 30, No. 53, of the December 30, 2004, Florida Administrative Weekly with the following changes:

- Subsection (1)(c) shall read: Cyclopentolate HCl – 0.1%, 0.5%
- Subsection (1)(d) shall read: Scopolamine HBr – 0.25%
- Subsection (1)(f) shall read: Tropicamide – 0.5%, 1.0%
- Subsection (4)(j) shall read: Ofloxacin – 0.3%
- Subsection (6)(b) shall read: Levocabastine hydrochloride – 0.05%
- Subsection (6)(c) shall read: Lodoxamide tromethamine – 0.1%
- Subsection (6)(f) shall read: Ketotifen – 0.025% (Zaditor)
- Subsection (9)(b) shall read: Dapiprozole

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**Section IV
Emergency Rules**

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.”

**Section V
Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice of the issuance of an Order regarding the Petition for Variance for Florida Auctioneer Academy, Inc., License #667. The Notice of Petition for Variance was published in Vol. 30, No. 14, of the April 2, 2004, Florida Administrative Weekly. The Commission considered the instant Petition at a duly-noticed public meeting held on May 21, 2004.

The Commission’s Order, filed on June 22, 2004, denies the Petition, finding that Petitioner has not established that the purpose of the underlying statute, Section 120.542(2), would be met by granting a variance or waiver from subsection 6E-2.004(6), Florida Administrative Code. The Commission further finds that Petitioner has failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness or impose substantial hardship.

A copy of the Commission’s Order may be obtained by contacting: Samuel L. Ferguson, Executive Director, Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301