

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NATIONAL ASSOCIATION OF
OPTOMETRISTS AND OPTICIANS,

Appellants,

v.

THE FLORIDA DEPARTMENT OF
HEALTH, FLORIDA BOARD OF
OPTOMETRY,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D04-0274

Opinion filed February 2, 2005.

An appeal from an order of the Department of Health.

Ronald A. Labasky and John T. LaVia, III, of Landers & Parsons, P. A.,
Tallahassee, for Appellants.

Charlie Crist, Attorney General; M. Catherine Lannon, Senior Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The order denying appellant's motion to intervene is reversed, the final order
granting declaratory statement is vacated, and the case is remanded with instructions
to allow appellant to intervene and for further proceedings to readdress the declaratory

statement. See NAACP, Inc. v. Florida Bd. of Regents, 863 So. 2d 294 (Fla. 2003); Florida Optometric Ass'n v. Dep't of Prof'l Regulation, Bd. of Opticianry, 567 So. 2d 928 (Fla. 1st DCA 1990).

WOLF, C. J., KAHN AND POLSTON, JJ., CONCUR.