

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

C.C.,

Appellant,

v.

DEPARTMENT OF HEALTH,

Appellee.

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

CASE NO. 1D02-5291

Opinion filed August 12, 2003.

An appeal from an order of the Department of Health.

William H. Fraser and Jenny Lancaster of Legal Aid Society of Palm Beach County, West Palm Beach; Cindy Huddleston, of Florida Legal Services, Inc., Tallahassee, for appellant.

William Large, General Counsel, and Michael A. Grief, Senior Attorney, Department of Health, Tallahassee, for appellee.

PER CURIAM.

Appellant seeks review of the Department of Health's denial of his petition for declaratory statement. The Department concedes that it erred in denying the petition. We accept the Department's concession of error and vacate the Department's amended final order. In accordance with the settlement agreement filed with the Court on June 30, 2003, we grant appellant's motion for setting new deadlines and remand this case to the

Department for entry of a declaratory statement on appellant's petition within ninety days of issuance of the mandate in this cause.

KAHN, VAN NORTWICK, and BROWNING, JJ., concur.