

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

GILBERTO NAVARRO,

Appellant,

v.

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

CASE NO. 1D11-6601

FLORIDA AGENCY FOR
PERSONS WITH DISABILITIES,

Appellee.

Opinion filed May 4, 2012.

An appeal from an order of the Agency for Persons with Disabilities.
Mac McCoy, Deputy Director.

Bryan S. Funk, Tallahassee, for Appellant.

Michael Palecki, General Counsel, and Jonathan Grabb, Senior Attorney, Agency for
Persons with Disabilities, Tallahassee, for Appellee.

PER CURIAM.

Gilberto Navarro appeals an order of the Agency for Persons with Disabilities, contending that the agency erred in assigning him to Tier III for services under the Medicaid Developmental Disabilities Waiver Program. Appellee moves to relinquish jurisdiction for entry of an amended order. We treat this motion as a concession of error. Stacey v. Department of Professional Regulation, Board of Nursing Home Administrators, 547 So. 2d 241 (Fla. 1st DCA 1989). The order on appeal is reversed and remanded for further proceedings consistent with Newsome v. Agency for Persons with Disabilities, 76 So. 3d 972 (Fla. 1st DCA 2011).

DAVIS, WETHERELL, and ROWE, JJ., CONCUR.