

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA**

**CASE NO.: 2008-CA-26865
WRIT NO.: 08-61**

CAROLINE DICKINSON BRYAN,
Petitioner,

vs.

**STATE OF FLORIDA,
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES,**
Respondent.

**FINAL ORDER GRANTING RESPONDENT’S MOTION FOR REHEARING AND
DENYING PETITIONER’S PETITION FOR WRIT OF CERTIORARI**

THIS MATTER came before the Court for consideration of Respondent’s “Motion for Rehearing and/or Rehearing En Banc,” filed on August 26, 2010. This Court having reviewed the motion, the response, the Final Order Granting Petition for Writ of Certiorari, entered on August 17, 2010, the court file, and being otherwise fully advised in the premises, finds as follows:

In her response, Petitioner did not deny Respondent’s assertions in its verified motion that only the motorist’s copy of the citation was required to contain the statutorily required options and that this Court’s review of the Department’s decision to suspend a license based on its own records was limited to whether the pattern of convictions met the statutory requirement for suspension, not whether the convictions were valid. See *Dept. of Highway Safety and Motor Vehicles v. Bell*, 50 So. 2d 472 (Fla. 5th DCA 1987).

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. Respondent's Motion for Rehearing is **DENIED IN PART** as to its request for rehearing en banc and **GRANTED** as to all other aspects;
2. This Court's Final Order Granting Petition for Writ of Certiorari, entered on August 17, 2010, is **VACATED** and this decision is substituted in its place; and
3. Petitioner's Petition for Writ of Certiorari is **DENIED**.

DONE AND ORDERED at Orlando, Florida this 26 day October ,
2010.

_____/S/_____
ROM W. POWELL
Senior Judge

_____/S/_____
REGINALD WHITEHEAD
Circuit Judge

_____/S/_____
JANET C. THORPE
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order was furnished via U.S. mail on this 26 day of October , 2010, to the following: **Gerald S. Rutberg, Esquire**, 377 Maitland Avenue, Suite 1001, Altamonte Springs, Florida 32701 and **Jason Helfant, Assistant General Counsel**, DHSMV-Legal Office, Post Office Box 540609, Lake Worth, Florida 33454-0609.

_____/S/_____
Judicial Assistant