

Mr. Danny Espino, Board Member

**SUBJECT: IMPLEMENTATION OF STATUTORY REVISIONS TO BUS INFRACTION SYSTEM**

**COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

**LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

In August 2023, the School Board of Miami-Dade County, Florida, unanimously approved Item H-4, sponsored by School Board Member Danny Espino, authorizing the Superintendent to explore and if feasible, procure a school bus infraction detection system, in compliance with Senate Bill 766, to deter motorists from illegally passing stopped school buses. Using School Board policies, the District implemented the framework necessary to authorize and operate the bus infraction detection system, ensuring compliance with state law and alignment with local governance standards.

Since the program was implemented, Miami-Dade County Public Schools (M-DCPS) has taken steps to improve student safety. However, ongoing issues in Miami-Dade County traffic courts regarding contestation hearings have posed operational challenges and affected motorists' access to due process.

In 2025, the Florida Legislature addressed this concern and unanimously enacted Senate Bill 462, significantly revising §316.173, Florida Statutes, to:

- Authorize school districts and counties to appoint or contract with local hearing officers to conduct administrative hearings for contested violations;
- Authorizes pending hearings for contested notices of violation to be conducted by July 1, 2025;
- Extend the timeframe for motorists to contest violations to 60 days and require notices to include video access and hearing instructions;
- Require that penalties and administrative costs collected be remitted to school districts for school transportation safety initiatives.

In Hillsborough County, the School Board took proactive steps to ensure that its school bus infraction program complied with state law and preserved public trust. To accomplish this, Hillsborough entered into a formal Memorandum of Understanding with the Division of Administrative Hearings (DOAH) to create a clear and transparent process for drivers contesting school bus passing violations.

Under this framework, hearings are conducted by experienced Administrative Law Judges and held virtually, making the process accessible to the public. Motorists receive notice at least 30 days in advance, with clear instructions for submitting evidence, options for ADA accommodations, and the ability to reschedule when necessary. Hearings are recorded, evidence is uploaded into an online system for review, and final administrative orders include appeal rights under §162.11, F.S. The School Board maintains custody of all records to ensure compliance with Florida's public records laws and handles post-hearing enforcement and collections.

This model has given Hillsborough a well-defined, legally sound process that balances student safety with motorists' due-process rights — an approach that Miami-Dade can now replicate to strengthen its own program in light of the statutory changes made by SB 462.

The use of DOAH as an adjudicative forum is not new to M-DCPS; rather, it is an integral and trusted aspect of the district's governance and compliance infrastructure. MDCPS has a longstanding history of engagement with DOAH across a variety of administrative proceedings. Routinely, MDCPS utilizes DOAH administrative law judges to conduct impartial hearings in matters involving student discipline, personnel actions, exceptional student education, and other statutorily governed disputes. The established partnership with DOAH ensures that hearings are conducted with the highest standards of procedural fairness, accessibility, and transparency, consistent with Florida law. Through this ongoing collaboration, MDCPS staff and legal counsel are well-versed in DOAH's virtual hearing protocols, evidence submission procedures, and public records requirements. This operational familiarity streamlines the hearing process for all parties, promotes equitable access to adjudication, and upholds the integrity of the district's administrative actions.

This item asks the Superintendent to explore the feasibility of developing and implementing a local administrative hearing process, consistent with §316.173, F.S., utilizing DOAH administrative law judges to adjudicate contested school bus infraction detection system violations; if deemed feasible and appropriate, enter into necessary interlocal agreements or MOUs with DOAH, Miami-Dade County, and/or local law enforcement to ensure that hearing scheduling, case preparation, and enforcement are properly coordinated, which will also include the adoption of a standardized Notice of Hearing process that complies with state law, provides motorists access to evidence at least three (3) days before hearings, and includes ADA and interpreter accommodations; and also includes the establishment of a dedicated fund and reporting mechanism to ensure that penalties and administrative costs collected are remitted monthly and used solely for school transportation safety programs and which will be auditable; and report back to the Personnel, Student, School, and Community Support Committee within 30 days on implementation progress, with recommendations for further improvements in public communication, driver education, and program transparency.

This item has been reviewed and approved by the Office of the General Counsel as to form and legal sufficiency.

**ACTION PROPOSED BY  
MR. DANNY ESPINO:**

That the School Board of Miami-Dade County, Florida, requests that the Superintendent of Schools:

1. Explore the feasibility of Developing and implementing a local administrative hearing process, consistent with §316.173, F.S., utilizing DOAH administrative law judges to adjudicate contested school bus infraction detection system violations;
2. If deemed feasible and appropriate amend the existing interlocal agreement with the Miami-Dade County Sheriff's Office, and enter into an MOU between MDCPS and DOAH, to ensure that hearing scheduling, case preparation, and enforcement are properly coordinated, and which will include:
  - the adoption of a standardized Notice of Hearing process that complies with state law, provides motorists access to evidence at least three (3) days before hearings, and includes ADA and interpreter accommodations
  - and also include the establishment of a dedicated fund and reporting mechanism to ensure that penalties and administrative costs collected are remitted and used solely for school transportation safety programs and which will be auditable; and;
3. Report back to the Fiscal Accountability and Government Relations Committee within 30 days on the feasibility, implementation progress, with recommendations, if any, for further improvements in public communication, driver education, and program transparency.