

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, 2026;
- 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.

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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.

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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. M-DCPS has a longstanding history of engagement with DOAH across a variety of administrative proceedings. Routinely, M-DCPS 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, M-DCPS 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, or other lawful means, to adjudicate outstanding and contested school bus infraction detection system violations, inclusive of all violations through April 17, 2025, ensuring past citations can be adjudicated before July 1, 2026. Furthermore, explore the feasibility of establishing a procedural mechanism to confirm and report the funds due to the District, based on the number of verified adjudicated school bus infraction violations and the corresponding percentage owed to the District, inclusive, without limitations, of the fees imposed on petitioners to cover hearing costs pursuant to §316.173(6), F.S. If deemed feasible and appropriate, return to the Board, within 60 days, with a report including drafts of the necessary interlocal agreements or MOUs with DOAH, amendments to the MOU with the Miami-Dade County Sheriff's Office, and any amendments to the agreement with Bus Patrol. These agreements and/or amendments to contracts shall, in part, ensure that program protocols and procedures, including, but not limited to, contestation hearings, case preparation, and enforcement, are properly coordinated to adjudicate outstanding and contested school bus infraction detection system violations, which shall be included 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.

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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, or other lawful means, to adjudicate outstanding and contested school bus infraction detection system violations, inclusive of all violations through April 17, 2025, ensuring past citations can be adjudicated before July 1, 2026;

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2. Explore the feasibility of establishing a procedural mechanism to confirm and report the funds due to the District, based on the number of verified adjudicated school bus infraction violations and the corresponding percentage owed to the District, inclusive, without limitations, of the fees imposed on petitioners to cover hearing costs pursuant to §316.173(6), F.S.;
3. If deemed feasible and appropriate, return to the Board, within 60 days, with a report including drafts of the necessary interlocal agreements or MOUs with DOAH, amendments to the MOU with the Miami-Dade County Sheriff's Office, and any amendments to the agreement with Bus Patrol. These agreements and/or amendments to contracts shall, in part, ensure that program protocols and procedures, including, but not limited to, contestation hearings, case preparation, and enforcement, are properly coordinated to adjudicate outstanding and contested school bus infraction detection system violations. Additionally, the following conditions shall be included:

- 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;

4. Report back to the Fiscal Accountability and Government Relations Committee within 60 days on the feasibility and implementation of a process for addressing outstanding and contested school bus infraction detection system violations as of April 17, 2025, with recommendations, if any, for further improvements in public communication, driver education, and program transparency.

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