

FLORIDA THIRD DISTRICT COURT OF APPEAL

Tania Almagro, et al. v. School Board of Miami-Dade County

No. 3D24-1463 · No. No. 3D24-1463 · Decided July 23, 2025

SUMMARY

The Third District Court of Appeal affirmed summary judgment for the School Board of Miami-Dade County in an action by twenty-seven teachers seeking damages and mandamus relief concerning a grandfathered salary schedule allegedly required by section 1012.22(1)(c)4., Florida Statutes. The court held that the statute creates neither an express nor an implied private right of action. In a special concurrence, Judge Gooden also addressed sovereign immunity and questioned the judicially created contractual waiver recognized in *Pan-Am Tobacco Corp. v. Department of Corrections*.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, C.J.; EMAS, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	No. 3D24-1463
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final summary judgment entered in favor of the School Board in an action seeking damages and mandamus relief.
STANDARD OF REVIEW	De novo review of summary judgment and the legal question whether a statute creates a private right of action.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Tania Almagro, et al., Twenty-seven Miami-Dade County school teachers v. School Board of Miami-Dade County

TOPICS

- employment law
- statutory interpretation
- appellate procedure
- constitutional law

PRACTICE AREAS

- employment law
- education law
- constitutional law

QUESTIONS PRESENTED

1. Whether section 1012.22, Florida Statutes, expressly or impliedly creates a private right of action allowing teachers to sue a school board for allegedly violating the statute.
2. Whether the trial court properly entered summary judgment for the School Board based on the teachers' lack of standing.

HOLDINGS

1. Section 1012.22 does not expressly authorize teachers to bring a private lawsuit to enforce the statute.
2. Section 1012.22 does not create an implied private right of action for teachers seeking relief concerning annual compensation.

KEY QUOTATIONS

“We agree with the trial court that, without specific statutory authorization to pursue a private cause of action for violation of the statute, Appellants lacked the requisite standing to enforce the statute via a lawsuit against the School Board.” (at 2)

“In other words, no express language in section 1012.22 confers upon teachers a private right of action.” (at 2)

“Nor do we discern from the legislative intent of section 1012.22 that a private right of action may be judicially implied.” (at 2)

“Because section 1012.22 does not supplant collective bargaining between a school board and a teachers union, we cannot infer that it provides teachers a private cause of action related to their annual compensation.” (at 3)

FACTUAL BACKGROUND

Twenty-seven Miami-Dade County school teachers sought damages and mandamus relief based on the School Board's failure to adopt a grandfathered salary schedule before July 1, 2014. They relied on section 1012.22(1)(c)4., Florida Statutes, which required adoption of the schedule. The teachers also had individual annual contracts incorporating applicable laws, but the court treated the lawsuit as one based on an alleged breach of the statute.

PROCEDURAL HISTORY

Appellants sued after the School Board allegedly failed to adopt a grandfathered salary schedule for teachers before July 1, 2014, as required by section 1012.22(1)(c)4., Florida Statutes. On July 24, 2024, the Circuit Court for Miami-Dade County granted summary judgment for the School Board on several grounds, including lack of standing. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Moon-Vileno v. Fla. Ass’n of Court Clerks, Inc., 383 So. 3d 128, 131 (Fla. 1st DCA 2024)
- Am. Towing of Miami, LLC v. Espinal, 318 So. 3d 598, 601 (Fla. 3d DCA 2021)
- QBE Ins. Corp. v. Chalfonte Condo. Apartment Ass’n, 94 So. 3d 541, 550-51 (Fla. 2012)
- Va. Office for Prot. & Advoc. v. Stewart, 563 U.S. 247, 253 (2011)
- Kawanakoa v. Polyblank, 205 U.S. 349, 353 (1907)
- Fed. Mar. Comm’n v. S.C. State Ports Auth., 535 U.S. 743, 760 (2002)
- Am. Home Assurance Co. v. Nat’l R.R. Passenger Corp., 908 So. 2d 459, 471 (Fla. 2005)
- United States v. Lee, 106 U.S. 196, 205 (1882)
- Mowrer v. U.S. Dep’t of Transp., 14 F.4th 723, 741 (D.C. Cir. 2021) (Katsas, J., concurring)
- Fitch v. Brainerd, 2 Day 163 (Conn. 1805)
- Pan-Am Tobacco Corp. v. Dep’t of Corrections, 471 So. 2d 4 (Fla. 1984)
- Univ. of Fla. Bd. of Trs. v. Rojas, 351 So. 3d 1167, 1170 (Fla. 1st DCA 2022), quashed, No. SC2023-0126, 2025 WL 1969959 (Fla. July 17, 2025)
- City of Fort Lauderdale v. Israel, 178 So. 3d 444, 446 (Fla. 4th DCA 2015)
- Planned Parenthood of Sw. & Cent. Fla. v. State, 384 So. 3d 67, 77 (Fla. 2024)
- Gray v. Bryant, 125 So. 2d 846, 852 (Fla. 1960)
- Gessa v. Manor Care of Fla., Inc., 86 So. 3d 484, 499 (Fla. 2011) (Polston, J., dissenting)
- McWhorter v. Pensacola & A.R. Co., 5 So. 129, 131, 133 (Fla. 1888)
- Bloxham v. Fla. Cent. & Peninsular R.R. Co., 17 So. 902, 919 (Fla. 1895)
- Hampton v. State Bd. of Educ., 105 So. 323, 327 (Fla. 1925)
- S. Drainage Dist. v. State, 112 So. 561, 563 (Fla. 1927)
- State ex rel. Davis v. Love, 126 So. 374, 375 (Fla. 1930)
- Gay v. S. Builders, Inc., 66 So. 2d 499, 501 (Fla. 1953)
- In re Advisory Op. to the Governor, 112 So. 2d 843, 847 (Fla. 1959)
- Barndollar v. Sunset Realty Corp., 379 So. 2d 1278, 1280 n.1 (Fla. 1979)
- State v. Miami Beach Redevelopment Agency, 392 So. 2d 875, 885 (Fla. 1980)
- Israel v. DeSantis, 269 So. 3d 491, 495 (Fla. 2019)
- Ex parte Young, 209 U.S. 123, 182-83 (1908) (Harlan, J., dissenting)
- Marbury v. Madison, 5 U.S. 137, 174 (1803)