



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Government Operations
Committee

December 08, 2009
9:30 A.M.
Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Legislative Notes
Government Operations Committee
Meeting Agenda**

December 08, 2009

Written analyses and notes for the below listed items are attached for your consideration:

Item Number(s)

2(A)
3(A)

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
Michael Amador-Gil, Legislative Analyst

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 2(A)
File Number: 092509
Committee(s) of Reference: Government Operations Committee
Date of Analysis: December 8, 2009
Type of Item: Ordinance
District: Countywide
Prime Sponsor: Commissioner Bruno A. Barreiro
Co-Sponsor: Commissioner Rebecca Sosa

Summary

The proposed ordinance amends Section 8-10 of the Code of Miami-Dade County directed towards townhouses or individual units by (1) requiring proof of notice has been sent to the homeowners association for certain permits; and (2) Amends Section 33-8.1 requiring proof of notice to homeowners association for zoning improvement permits.

On November 09, 2009, the proposed ordinance was deferred by the Government Operations committee members.

If the ordinance is approved, the Building Department would enforce the legislation by submitting an affidavit to the permittee consisting of the following two (2) parts:

- One to attest whether there is a homeowners association; and
- If so, whether the association has been notified.

According to Building staff, to process the affidavit, the department would charge a non-refundable \$50.00 processing fee.

- Question: Is this fee commensurate with the cost of receiving and filing the affidavit?

Background and Relevant Information

The proposed ordinance requires the applicant for a building or zoning improvement permit performing work on the exterior of his/her living unit in developments controlled by a Homeowners' Association (HOA) to submit proof to the Building Official that he/she has notified the HOA of the filing of the permit application and the nature of the work to be performed.

Certain buildings, structures, improvements and installations are exempted by the Florida Building Code from building permit issuance, but must otherwise comply with the minimum requirements under the Zoning Improvement Permit (ZIP) requirements. The ZIP was adopted by the Board of County Commissioners on June 3, 2003. The provisions of the code can be found under Section 33-8.1 of the Code of Miami-Dade County.

- These provisions were established to ensure that certain land uses now exempt from the Florida Building Code remain in compliance with the zoning code, Chapter 33. All ZIP applications are reviewed by Zoning Plans Processing Section.

According to Building staff:

1. This requirement should be moved into the Zoning Code instead of Section 8-10 for the following reasons:
 - Staff in the Department of Planning and Zoning (DP&Z) already enforces the ZIP requirement for townhouses and cluster developments.
 - Clerical support staff at the permit counter and technical plan processors in the Building Department has no experience with property tax records or real estate records which may need to be reviewed to make such determinations.
2. If the requirement remains in Section 8-10 as proposed, the required screening of the permit applications may be performed by DP&Z as is currently done in other instances.

Prepared by: Michael Amador-Gil

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 3(A)
File Number: 092628
Committee(s) of Reference: Government Operations Committee
Date of Analysis: December 8, 2009
Type of Item: Ordinance
District: Countywide
Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

Summary

This ordinance authorizes municipalities in Miami-Dade County to establish Municipal Ground Ambulance Rates (MGAR) within their service areas. If the proposed ordinance is approved, the MGARs will not be subject to approval by the Board of County Commissioners (BCC).

Furthermore, the rate changes will become effective once they are filed with the Consumer Services Department.

Background and Relevant Information

Currently, Chapter 4, Article I of the Code of Miami-Dade, relating to air and ground ambulances and emergency medical transport vehicles requires all owners and operators to file with the County Manager a schedule of the rates which will be charged for the transportation of persons in these units.

- Pursuant to Section 4-7 all rates are established by the BCC after public hearing. No other rates may be charged except as provided in Section 4-7(a), which includes rates as may be determined by Federal law.

In 1997, Congress passed the Balanced Budget Act of 1997. A section of the Act mandated a change in the method that Medicare payments for ambulance transports are made, changing from a reasonable charge methodology to a fee schedule. The final regulation was published in the Federal Register on February 27, 2002.

Under the new Medicare Ambulance Fee Schedule, ambulance/emergency medical services providers are paid at a pre-established fee for each different service provided. The fee schedule was implemented on April 1, 2002 and was phased-in over a five-year period which ended in April, 2006.

Concurrent with the publication of the final rule and fee schedule implementation, Fire Rescue departments and ambulance service providers conducted reviews of their emergency medical services

rate schedules establishing revised rate structures. These are aligned in many cases with the transportation categories established under the Medicare Ambulance Fee Schedule for various levels of service: Advanced Life Support 1; Advanced Life Support 2; and Basic Life Support.

- In 2003, the BCC approved requests by the City of Miami, the City of Miami Beach and Miami-Dade to increase their fire rescue department’s emergency medical services rate schedule.
- In October 2006, the BCC approved a request by the Village of Key Biscayne fire rescue department to increase its emergency medical services rate schedule.
- Similarly, on July 24, 2007, the BCC approved a request by the City of Hialeah to establish the City’s rates mirroring the Miami-Dade Fire Rescue rate schedule.¹

**Fire Rescue Department-Miami-Dade County
Rate Schedule**

Fire Rescue Department	Basic Life Support Rates	Advanced Life Support Rates	Advanced Life Support 1 Rates	Advanced Life Support 2 Rates	Specialty Care Transport Rates
City of Miami (Approved by BCC on 07/22/03)	\$330	N/A	\$390	\$550	\$650
City of Miami Beach Fire Rescue (Approved by the BCC on 10/07/03)	\$330	N/A	\$380	\$490	N/A
City of Coral Gables	\$150	\$250	N/A	N/A	N/A
City of Hialeah (Approved by the BCC on 07/24/07)	\$358.67	N/A	\$425.93	\$616.47	\$600
MDFR (Approved by the BCC on 12/02/08. Resolution aligns rates to the Medicare allowable rates. Rates are adjusted every year in January)	\$358.67	N/A	\$425.93	\$616.47	\$600
Village of Key	\$330	N/A	\$390	\$550	\$650

¹ See Resolution 921-07

Biscayne (Approved by the BCC on 10/10/06)					
---	--	--	--	--	--

Source: Consumer Services Department

Prepared by: Michael Amador-Gil