Memorandum

MIAMI-DADE COUNTY

Date: July 24, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 14(A)(6)

From: George M. Burgess
County Manager

Subject: Florida Transportation Care, Inc., application for one combination wheelchair and stretcher vehicle (NE Control No. 144d)

RECOMMENDATION

It is recommended that the Board approve the application of Florida Transportation Care, Inc. for one Certificate of Public Convenience and Necessity to operate one combination wheelchair and stretcher vehicle.

SCOPE

This Certificate of Public Convenience and Necessity is countywide, allowing the license holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new service provider. There is no enforcement history. The Consumer Services Department will be responsible for monitoring this company.

BACKGROUND

On December 18, 1980, the Board of County Commissioners adopted Ordinance 80-145, later codified in Chapter 4, Article III of the Code of Miami-Dade County, providing for the regulation of nonemergency medical transportation.

Section 4-44 of the County Code provides the procedures to be followed by the County in processing certificate applications. Based upon those requirements, a public hearing was scheduled before the Economic Development and Human Services Committee of the Board of County Commissioners. The Board may issue or refuse to issue the certificate as applied for, or may issue the certificate with modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching a determination, the Committee and Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

(1) The ability of the applicant to provide the proposed service;
(2) The adequacy of the management plan of the applicant; and

(3) The benefits that will accrue to the public interest from the proposed service.

Each resolution approving an application shall specify that a certificate to operate a single nonemergency vehicle has been authorized thereby.

Florida Transportation Care, Inc., located at 11852 SW 210 Terrace, Miami, Florida, 33177, seeks to obtain a Certificate of Public Convenience and Necessity to provide combination wheelchair and stretcher nonemergency medical transportation service. (This is one of four certificates requested by the applicant). Florida Transportation Care, Inc. seeks to provide nonemergency combination wheelchair and stretcher service to individuals requiring this type of transportation. The applicant, a new service provider, seeks to transport patients to and from various medical facilities throughout Miami-Dade County. The vehicle operated under this certificate will be required to meet the requirements of Section 4-49 of the Code establishing vehicle inspection frequencies. Service will be provided to and from various medical facilities throughout Miami-Dade County, seven (7) days a week, 24 hours a day. The proposed rates are $75.00 per person for stretcher service and $45.00 per person for wheelchair service, one-way.

The management plan submitted by Mr. Joaquin Gonzalez, President of Florida Transportation Care, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted. The proposed service standards meet all requirements of the Code and adequately meet transportation and comfort needs. A background investigation reveals no criminal record within the last five years for the officer(s) of the corporation.

The proposed services to be provided under this certificate will increase the availability of licensed nonemergency medical transportation in Miami-Dade County thus providing increased competition and high service standards to the public.

Attachments

Roger M. Carlton
Assistant County Manager

ARTICLE III. NONEMERGENCY MEDICAL TRANSPORTATION*

Sec. 4-41. Short title.

This article shall be known as the "Nonemergency Medical Transportation Ordinance."
(Ord. No. 80-145, § 1, 12-18-80)

Sec. 4-42. Legislative findings and intent.

(a) During the 1979 State legislative session, authority for regulation of nonemergency medical transportation was transferred from the Public Service Commission to the Department of Health and Rehabilitative Services (Chapter 401, Florida Statutes). It mandated the elimination of economic regulations at the State level and required each County to establish local control of the industry. A prior condition for obtaining a State license and permit is a County certificate of public convenience and necessity.

(b) The purpose of this article is to ensure the health and safety of those citizens who must use nonemergency transportation. Regulation of the nonemergency medical transportation industry is susceptible to and can most effectively be carried out under a uniform plan of regulation to [of] the County as a whole.

(c) Artificial restrictions upon the nonemergency medical transportation industry based solely upon economic regulations, that limit competition and impose unreasonable standards on the industry, are not in the best interest of the health, welfare, safety and convenience of the handicapped and disabled residents of the County who rely on this form of transportation. The riding public should not be required to bear the effects of governmentally imposed restrictions upon the industry which are artificial or unnecessary.
(Ord. No. 80-145, § 2, 12-18-80)

Sec. 4-43. Definitions.

For the purposes of this article, the following definitions shall apply:

(a) *Chauffeur* means a driver registered with and authorized by the Consumer Services Department to operate a nonemergency medical vehicle.

(b) *Commission* means the Board of County Commissioners of Dade County, Florida.

(c) *Applicant* or *person* means any natural person(s), firm, partnership, association, corporation, or other business or governmental entity.

(d) *Director* means the Dade County Consumer Services Department Director.

(e) *CSD* means the Dade County Consumer Services Department.

(f) *Fares* or *rates* means the charges established pursuant to this article to be paid for the transportation services provided by an operator.

(g) *Trade name* means the name under which any person(s), firm, partnership, association or corporation operates its business.

(h) *Operate* means provide transportation services utilizing a nonemergency vehicle.

(i) *Operator* means any person who has been issued a certificate in accordance with the provisions of this article.

(j) *Certificate* means a certificate of public convenience and necessity authorizing the holder thereof to engage in providing the transportation services described thereon.

(k) *Nonemergency medical transportation service or nonemergency service* means the transportation of persons while on stretchers or wheelchairs, or whose handicap, illness, injury or other incapacitation makes it impractical to be transported by a regular common carrier such as bus or taxicab service, and neither need nor expect to need medical attention enroute. The definition of nonemergency medical transportation service or nonemergency service shall also include service provided by any vehicle operating under a Dade County certificate of public convenience and necessity received under this article which is designed to accommodate no more than eight (8) passengers, exclusive of the driver and which is equipped to transport passengers confined to a wheelchair, where such vehicle is provided by Dade County to an oper-

*Editor's note—Pursuant to § 15 of Ord. No. 80-145, directing its inclusion in the Code, the editor has designated §§ 1—13 of said ordinance as Art. III, §§ 4-41—4-53.

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MIAMI-DADE COUNTY

PUBLIC NOTICE

THE ECONOMIC DEVELOPMENT AND HUMAN SERVICES COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Wednesday, July 18, 2007, at 9:30 a.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving application for one Certificate of Public Convenience and Necessity to Florida Transportation Care, Inc. to provide combination wheelchair and stretcher nonemergency transportation service (NE Control No. 144d).

A person who decides to appeal any decision made by the Economic Development and Human Services Committee of the Board of County Commissioners, with respect to any matter considered at this hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 24, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 14(A)(6)

Please note any items checked.

✓ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(6)

07-24-07

RESOLUTION NO. _____

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FLORIDA TRANSPORTATION CARE, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICE (NE CONTROL NO. 144d)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the application by Florida Transportation Care, Inc., for one (1) Certificate of Public Convenience and Necessity to operate a single nonemergency vehicle to provide combination wheelchair and stretcher nonemergency medical transportation service in Miami-Dade County.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez