Memorandum

MIAMI-DADE COUNTY

Date: (Second Reading 6-2-09)
April 21, 2009

Agenda Item No. 7(D)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Relating to Non-emergency Medical Transportation

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RECOMMENDATION
It is recommended that the Board approve the attached ordinance amending Chapter 4-44 (D) of the Code of Miami-Dade County (Code) in order to provide that one resolution authorize multiple certificates for non-emergency service. Currently, the Code provides that each resolution may only authorize one non-emergency vehicle.

SCOPE
This ordinance amends Code provisions that apply countywide.

FISCAL IMPACT/FUNDING SOURCE
There is no fiscal impact to the County.

TRACK RECORD/MONITOR
The Consumer Services Department (CSD) is responsible for administering the regulations relating to non-emergency medical transportation.

BACKGROUND
Non-emergency medical transportation is governed under Chapter 4 Article III of the Code. This section of the Code relates to the transportation of persons while on stretchers or wheelchairs where the person's incapacity makes it impractical to be transported by a regular common carrier, and the individual is not in need of medical attention. Entities seeking certificates to provide this service file an application with the CSD, and the certificates are subsequently approved by Board resolution. Each certificate authorizes a single non-emergency vehicle. The Code provides that each resolution may only authorize one non-emergency vehicle.

On occasion, an applicant may file for more than one non-emergency certificate at a given time, necessitating the preparation of multiple agenda items. Each item is identical, except for a CSD control number used to differentiate the items. This could be done more efficiently, and reduce the administrative effort required to prepare each item. The proposed amendment simplifies this procedure by allowing more than one non-emergency certificate to be approved in a single resolution. The resolution will state the number of certificates being approved with each certificate representing a single vehicle.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 7(D)

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 Mayor'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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
6-2-09

ORDINANCE NO. _____

ORDINANCE RELATING TO NONEMERGENCY MEDICAL TRANSPORTATION; AMENDING SECTION 4-44 (D) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING THAT EACH RESOLUTION APPROVING AN APPLICATION SHALL SPECIFY THE NUMBER OF CERTIFICATES AUTHORIZED THEREBY AND THAT EACH CERTIFICATE SHALL AUTHORIZE A SINGLE NONEMERGENCY VEHICLE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 4, Article III of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

CHAPTER 4
AMBULANCES AND MEDICAL TRANSPORTATION VEHICLES

* * *

Art. III. Nonemergency Medical Transportation

* * *

Sec. 4-44. Obtaining a certificate of public convenience and necessity.

* * *

(d) *Commission determination.* The Commission shall hold at

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

least two (2) public hearings each year if required to consider and take action upon pending certificate applications and transfer applications. The Commission, after such public hearing, by resolution may issue or refuse to issue the certificate as applied for, or may issue a certificate with such modifications or upon such terms and conditions as in its judgment the public convenience and necessity may require. In reaching its determination, the Commission 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 services.

(2) The adequacy of the management plan of the applicant.

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

Each resolution approving an application shall specify [[~~that a~~]] >>the number of certificates<< [[~~certificate to operate a single nonemergency vehicle~~]] >>that have<< [[~~has~~]] been authorized thereby. >>Each certificate shall authorize a single nonemergency vehicle.<<

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision,

shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency: APW for RAC

Prepared by: GKS

Gerald K. Sanchez