Memorandum

MIAMI-DADE COUNTY

Date: September 6, 2012

Substitute
Agenda Item No. 5(K)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Falck Southeast II, Corp. d/b/a AMC Medical Transportation Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30065

This substitute differs from the original in that it changes the effective date of the item. Due to the scheduled closing associated with this transfer, the company has requested that this resolution be effective upon signature by the Mayor or his designee.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30065 from Medical Transportation Management, Corp. to Falck Southeast II, Corp. d/b/a AMC Medical Transportation.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle that will yield $1,250 in revenue annually if the company operates only one (1) vehicle. Passenger Motor Carrier certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are $38 per vehicle.

TRACK RECORD/MONITOR

Falck Southeast II, Corp. is the sole shareholder of Medical Transportation Management, Corp. The applicant is in compliance with all Miami-Dade County Code (Code) requirements. Joe Mora, Division Director within the Department of Regulatory and Economic Resources, will be responsible for monitoring this company.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the public hearing. The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Medical Transportation Management, Corp. has filed an application to transfer Passenger Motor Carrier Certificate of Transportation No. 30065 to Falck Southeast II, Corp. d/b/a AMC Medical Transportation. Transferred on April 17, 2012, via Resolution R-337-12 (Attachment A), PMC No. 30065 authorizes contract carrier service. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contracts with one or more persons.

The company is required to adhere to the terms of the resolution, which approved the certificate. Falck Southeast II, Corp. d/b/a AMC Medical Transportation, located at 6605 NW 74 Ave, Miami, Florida 33166, seeks to continue providing this class of service by transporting resident groups to and from various locations throughout Miami-Dade County 24-hours a day, seven days a week. Transportation is required to be pre-arranged at least 24-hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule (Attachment B).

The management plan submitted by Mr. Robert F. Heffner, President of Falck Southeast II, Corp. d/b/a AMC Medical Transportation, includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Transfer Agreement (Attachment C) between Falck Southeast II, Corp. d/b/a AMC Medical Transportation and Medical Transportation Management, Corp. establishes the acquisition by Falck Southeast II, Corp. d/b/a AMC Medical Transportation of Passenger Motor Carrier Certificate of Transportation No. 30065 for a total price of $10.00.

Jack Osterholt
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: September 6, 2012

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

SUBJECT: Substitute Agenda Item No. 5(K)

Please note any items checked.

_____ **"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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Substitute
Agenda Item No. 5(K)
9-6-12

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30065 FROM MEDICAL TRANSPORTATION MANAGEMENT, CORP. TO FALCK SOUTHEAST II, CORP. D/B/A AMC MEDICAL TRANSPORTATION TO PROVIDE CONTRACT CARRIER SERVICE AS A PASSENGER MOTOR CARRIER

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 in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 30065 from Medical Transportation Management, Corp. to Falck Southeast II, Corp. d/b/a AMC Medical Transportation to provide contract carrier service is approved. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under a written contract with one (1) or more persons.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of September, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

By:_____
Deputy Clerk

ATTACHMENT A

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: April 17, 2012

Agenda Item No. 8(N)(1)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Medical Transportation Management, Corp. Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30085 Resolution No. R-337-12

RECOMMENDATION
It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30085 from American Medical Transportation, Inc. to Medical Transportation Management, Corp.

SCOPE
This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE
Licensing, operating permit and inspection fees are collected by the Sustainability, Planning and Economic Enhancement Department to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle that will yield $1,250 in revenue annually if the company operates only one (1) vehicle. Passenger Motor Carrier certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are $30 per vehicle.

TRACK RECORD/MONITOR
Applicant is an existing service provider with forty-one (41) Nonemergency Certificates. The applicant is in compliance with all Miami-Dade County Code (Code) requirements. The Sustainability, Planning and Economic Enhancement Department will be responsible for monitoring this company.

BACKGROUND
On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the public hearing. The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

American Medical Transportation, Inc. has filed an application to transfer Passenger Motor Carrier Certificate of Transportation No. 30085 to Medical Transportation Management, Corp. Originally issued on July 25, 1989, via Resolution R-842-89 (Attachment A), PMC No. 30085 authorizes contract carrier service. This class of service is defined as any passenger motor carrier who is not a common carrier

and who repeatedly or continuously transports persons for compensation under written contracts with one or more persons.

The company is required to adhere to the terms of the resolution, which approved the certificate. Medical Transportation Management, Corp., located at 6605 NW 74 Ave, Miami, Florida 33166, seeks to continue providing this class of service by transporting resident groups to and from various locations throughout Miami-Dade County 24 hours a day, seven days a week. Transportation is required to be pre-arranged at least 24 hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule (Attachment B).

The management plan submitted by Mr. Robert F. Heffner, President of Medical Transportation Management, Corp., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Transfer Agreement (Attachment C) between Medical Transportation Management, Corp. and American Medical Transportation, Inc., establishes the acquisition by Medical Transportation Management, Corp. of Passenger Motor Carrier Certificate of Transportation No. 00085 for a total price of $10.00.

Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: April 17, 2012

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

SUBJECT: Agenda Item No. 8(N)(1)

Please note any items checked.

_____ "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

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

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(1)
4-17-12

RESOLUTION NO. R-337-12

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30065 FROM AMERICAN MEDICAL TRANSPORTATION, INC. TO MEDICAL TRANSPORTATION MANAGEMENT, CORP. TO PROVIDE CONTRACT CARRIER SERVICE AS A PASSENGER MOTOR CARRIER

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 in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 30065 from American Medical Transportation, Inc. to Medical Transportation Management, Corp. to provide contract carrier service is approved. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under a written contract with one (1) or more persons.

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

	Joe A. Martinez, Chairman		aye
	Audrey M. Edmonson, Vice Chairwoman		aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	absent
Sally A. Heyman	aye	Barbara J. Jordan	absent
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	absent		

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The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of April, 2012. 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

Christopher Agrippa
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency: GHS

Gerald K. Sanchez thereupon

AMC MEDICAL TRANSPORTATION

NON-EMERGENCY
WHEELCHAIR • STRETCHER • AMBULATORY

ATTACHMENT B

Transportation Rates	
AMBULATORY RESPONSE	$30.00
AMBULATORY RATE PER MILE	$2.75
WHEELCHAIR RESPONSE	$65.00
WHEELCHAIR RATE PER MILE	$2.75
STRETCHER RESPONSE	100.00
STRETCHER RATE PER MILE	$4.25
WAITING TIME (EVERY ½ HOUR)	$30.00
SPECIAL HANDLING	$20.00

Signature
Robert Heffner

State of Florida
County of Dade

The foregoing was acknowledged before me this 6th day of August, 2012 by Robert Heffer who is personally known to me.

NOTARY PUBLIC-STATE OF FLORIDA
Michael Arguelles
Commission #DD833601
Expires: DEC. 10, 2012
BONDED THRU ATLANTIC BONDING CO, INC.

Notary Seal:

Notary Public, State of Florida
Michael Arguelles

CORPORATE OFFICE: 6605 NW 74 Avenue • Miami, • Phone: (305) 888-4100 • FAX: (305) 888-0052

ATTACHMENT C

I

AGREEMENT TO TRANSFER PASSENGER MOTOR CARRIER CERTIFICATION

MIAMI-DADE COUNTY

THIS AGREEMENT TO TRANSFER PASSENGER MOTOR CARRIER CERTIFICATION (the "Agreement") is made and entered into as of the _____ day of August, 2012 ("Execution Date") by and between Medical Transportation Management Corporation (d/b/a AMC Medical Transportation) (the "Transferor") and Falck Southeast II, Corp., (d/b/a AMC Medical Transportation) (the "Transferee") (collectively, the "Corporations").

RECITALS

WHEREAS, the Transferor is duly incorporated in the State of Florida;

WHEREAS, the Transferee is duly incorporated in the State of Delaware, and is authorized to transact business in the State of Florida;

WHEREAS, the Transferor holds a Passenger Motor Carrier Certification ("Certification") in Miami-Dade County and has agreed to transfer the Certification to the Transferee;

IN CONSIDERATION OF the Transferor transferring the Certification to Transferee, the Corporations agree to keep, perform and fulfill the promises, conditions and agreements below:

Payment

Upon transfer of the Certification from the Transferor to the Transferee, the Transferee shall pay Transferor $10.00 in consideration of said transfer, the adequacy of which is without dispute.

IN WITNESS WHEREOF, the parties, signing for the Corporation, have duly affixed their signatures on this _____ day of August, 2012.

Medical Transportation Management Corp.
(d/b/a AMC Medical Transportation)

Raul Medina

Witness

Falck Southeast II, Corp.
(d/b/a AMC Medical Transportation)

Robert "Bob" Heffner

Witness

must be made available for inspection and copying within one (1) business day of such request by the CED or any police agency during regular business hours and shall be retained for one (1) year;

(5) Shall maintain a log of all customer complaints;

(6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and

(9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(l) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-176, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

(1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.

(2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Achievement of County, national and State energy conservation goals.

(5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.

(7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

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