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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2015

Agenda Item No. 8(M)(5)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: TMX Serv, Inc. Application for One Non-Emergency Vehicle

Resolution No. R-411-15

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the application of TMX Serv, Inc. for one (1) Certificate of Public Convenience and Necessity to operate one (1) non-emergency vehicle.

Scope

This Certificate of Public Convenience and Necessity 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 $625.00 per certificate that will yield $625.00 in revenue annually for the new certificate. The County also collects $38.00 per vehicle inspection with inspection frequency varying with the vehicle age from one (1) to four (4) per year.

Track Record/Monitor

The applicant is a new permit holder and is in compliance with all requirements of the Code of Miami-Dade County. Joe Mora, Division Director within the Department of Regulatory and Economic Resources, will be responsible for monitoring this company.

Background

On December 18, 1980, the Board adopted Ordinance 80-145, later codified in Chapter 4, Article III of the Code of Miami-Dade County, providing for the regulation of non-emergency medical transportation. Section 4-44 of the Code provides the procedures to be followed by the County in processing certificate applications. Based upon those requirements, 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 Board shall consider the application, the Mayor's recommendation, all matters presented during 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.

TMX Serv, Inc., located at 14923 NW 89 Place, Miami, Florida 33018, seeks to obtain one (1) Certificate of Public Convenience and Necessity to provide wheelchair non-emergency medical transportation service to individuals requiring this type of transportation.

The applicant seeks to transport patients to and from various medical facilities throughout Miami-Dade County seven (7) days a week, 24 hours a day. Non-emergency transportation rates are not regulated by Miami-Dade County. However, under the Code the Certificate Holder must file their rates with the Department of Regulatory and Economic Resources and post them within the passenger compartment section of each vehicle. The proposed rates for both wheelchair and stretcher service are $50.00 per pick up, one way, and $3.00 per mile. The vehicle operated under this certificate will be required to meet the requirements of Section 4-49 of the Code establishing vehicle inspection frequencies.

The management plan submitted by Ms. Nora Napoles, President of TMX Serv, Inc., includes maintenance, communication, and recordkeeping 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 (5) years for the officer(s) of the corporation.

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

Jack Osterholt, Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

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

SUBJECT: Agenda Item No. 8(M)(5)

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 Mayor'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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M)(5)
5-5-15

RESOLUTION NO. R-411-15

RESOLUTION APPROVING APPLICATION FOR ONE (1) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO TMX SERV, INC. TO PROVIDE WHEELCHAIR NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES

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 TMX Serv, Inc. for one (1) Certificate of Public Convenience and Necessity to operate one (1) non-emergency vehicle to provide wheelchair non-emergency medical transportation services in Miami-Dade County.

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

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**aye**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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

By: Christopher Agrippa
Deputy Clerk

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

Gerald K. Sanchez