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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2011

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

From: George M. Burgess
County Manager

Agenda Item No. 5(A)

Resolution No. R-03-11

Subject: Creative Makeover, Inc. d/b/a One Choice Transport application for one wheelchair vehicle

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RECOMMENDATION

It is recommended that the Board approve the application of Creative Makeover, Inc. d/b/a One Choice Transport for one (1) Certificate of Public Convenience and Necessity to operate one (1) wheelchair 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

There is minimal fiscal impact to the County. Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities. There is an annual regulatory fee of $625 per certificate. Vehicle inspections are $38 per vehicle.

TRACK RECORD/MONITOR

Applicant is a new permit holder. There is no enforcement history. The Consumer Services Department (CSD) 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, 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 County Manager'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.

Creative Makeover, Inc. d/b/a One Choice Transport, located at 931 Opa Locka Boulevard, Miami, Florida 33168, seeks to obtain one (1) Certificate of Public Convenience and Necessity to provide wheelchair nonemergency 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. Nonemergency Transportation rates are not regulated by Miami-Dade County; however, under the Code the Certificate Holder must file their rates with CSD and post them within the passenger compartment section of each vehicle. The proposed rates are listed on the attached rate schedule. 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 Mr. Walter Hing, President of Creative Makeover, Inc. d/b/a One Choice Transport, 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.

Assistant County Manager

ONE CHOICE TRANSPORT
Non-Emergency Medical Transportation

PH: (954)200-2116
Email: OneChoiceTransport@gmail.com

CURRENT RATES

As of September 24, 2010

BASE RATES:

IN COUNTY

ONEWAY:

- Wheelchair: $35.00
- Mileage (per mile): $2.00
  - First 5 miles FREE -

ROUNDTRIP:

- Wheelchair: $70.00
- Mileage (per mile): $2.00
  - First 10 miles FREE -

OUT OF COUNTY

ONEWAY:

- Wheelchair: $70.00
- Mileage (per mile): $1.00
  - First 5 miles FREE -

ROUNDTRIP:

- Wheelchair: $140.00
- Mileage (per mile): $1.00
  - First 10 miles FREE -

***All rates are subject to change.

RATES: (Added to overall cost)

- (M-F) Before 8:00am: $10.00 added
- (M-F) After 4:00pm: $15.00 added
- Saturday: $10.00 added
- Sunday: $15.00 added

ADDITIONAL FEES:

- Scooter/Power Chair: $10.00 added
- Waiting: $0.25 (per minute)
  (If applicable)
- Cancellations: $15.00 charge
  (Driver reaches facility with No courtesy call)
- Billing/Late Fee: $15.00 added
  (After Due Date)

ACCOMMODATIONS:

- Family member/Staff: No charge
  (Must walk without assistance)
- Patients w/oxygen: No charge

must be made available for inspection and copying within one (1) business day of such request by the CSD 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. 01-178, § 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.

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*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.

MEMORANDUM

(Revised)

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

DATE: January 20, 2011

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

SUBJECT: Agenda Item No. 5(A)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(A)
1-20-11

RESOLUTION NO. R-03-11

RESOLUTION APPROVING APPLICATION FOR ONE (1) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CREATIVE MAKEOVER, INC. D/B/A ONE CHOICE TRANSPORT TO PROVIDE WHEELCHAIR NONEMERGENCY 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 Creative Makeover, Inc. d/b/a One Choice Transport for one (1) Certificate of Public Convenience and Necessity to operate one (1) nonemergency vehicle to provide wheelchair medical nonemergency transportation in Miami-Dade County.

The foregoing resolution was offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. 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
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	absent	Barbara J. Jordan	absent
Jean Monestime	aye	Dennis C. Moss	aye
Natacha Seijas	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

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The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2011. 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: **DIANE COLLINS**
Deputy Clerk

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

Gerald K. Sanchez