

HB 891

2012

1 A bill to be entitled
 2 An act relating to Hillsborough County; providing that
 3 the act supersedes inconsistent provisions of chapter
 4 2001-299, Laws of Florida; providing that a holder of
 5 a certificate of public convenience and necessity or a
 6 permit issued by the Hillsborough County Public
 7 Transportation Commission, pursuant to chapter 2001-
 8 299, Laws of Florida, has property rights in the
 9 certificate or permit; providing for the transfer of
 10 such certificate or permit; providing for the creation
 11 of the Driver Ownership Program to assist taxicab
 12 drivers in acquiring certificates and permits;
 13 providing for the adoption of rules; providing
 14 definitions; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. (1) This act supersedes any provisions of
 19 chapter 2001-299, Laws of Florida, and acts amendatory thereto,
 20 to the extent such provisions are inconsistent with this act.

21 (2) Any certificate of public convenience and necessity or
 22 any permit previously or hereafter issued by the Hillsborough
 23 County Public Transportation Commission, created by chapter 83-
 24 423, Laws of Florida, is the private property of the holder of
 25 such certificate or permit.

26 (3) The holder of a certificate of public convenience and
 27 necessity or a permit issued by the commission may transfer the
 28 certificate or permit by pledge, sale, assignment, sublease,

29 devise, or other means of transfer to another person. The
 30 commission may by rule specify the procedure by which the
 31 transfer may occur. Except for a transfer by devise or intestate
 32 succession, the transfer must be approved, in advance, by the
 33 commission, and the proposed transferee must first qualify to be
 34 a certificateholder or permit holder under commission rules. The
 35 proposed transferee of a transfer by devise or intestate
 36 succession must conditionally qualify as a certificateholder or
 37 permit holder under commission rules within 120 days after the
 38 transfer, unless otherwise extended by the commission. The
 39 conditional nature of the qualification shall be removed upon
 40 the probate court's final adjudication that the proposed
 41 transferee is actually entitled to the ownership of the
 42 transferred certificate or permit.

43 (4) The Hillsborough County Public Transportation
 44 Commission, or any successor entity thereof, shall create by
 45 rule the Driver Ownership Program to assist eligible taxicab
 46 drivers in acquiring a certificate and one or more permits,
 47 within the existing and authorized population cap and limits for
 48 taxicab permits, which existing population cap and limits are
 49 incorporated into this act. Any certificate or permit issued
 50 under the Driver Ownership Program is nontransferable, except to
 51 other eligible taxicab drivers as authorized by commission rules
 52 and after the certificate or permit has been actively and
 53 continuously used by the eligible taxicab driver for at least 5
 54 years following the date of issuance.

55 (5) As used in this act, the term:

56 (a) "Eligible taxicab driver" means a taxicab driver who

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57 is eligible to be issued a certificate and permit under the
58 Driver Ownership Program, who holds a valid driver's license
59 issued by the commission, who has continuously operated as a
60 full-time taxicab driver in Hillsborough County for a minimum of
61 3 years immediately preceding the date of the transfer, and who
62 has not been found by the commission or the director of the
63 commission to have violated the requirements of this act or
64 rules of the commission. In order to qualify as a full-time
65 driver, a person must drive a taxicab for at least 40 hours per
66 week, for a minimum of 48 weeks per year.

67 (b) "Driver Ownership Program" means the program created
68 pursuant to commission rules to promote taxicab ownership by
69 eligible taxicab drivers. The program may reserve up to one-
70 third of the additional permits authorized due to an increase in
71 the population cap for 7 years after the effective date of this
72 act for distribution to eligible taxicab drivers under
73 commission rules, which rules must specify the procedure by
74 which the certificates and permits may be acquired.

75 Section 2. This act shall take effect upon becoming a law.