

CS/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 for  
6           taxicabs or a taxicab permit issued by the  
7           Hillsborough County Public Transportation Commission,  
8           pursuant to chapter 2001-299, Laws of Florida, has  
9           property rights in the certificate or permit;  
10          providing for the transfer of such certificate or  
11          permit; providing for the creation of the Driver  
12          Ownership Program to assist taxicab drivers in  
13          acquiring certificates and permits; providing for the  
14          adoption of rules; providing definitions; providing an  
15          effective date.

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

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

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

27           (3) The holder of a certificate of public convenience and  
28 necessity for taxicabs or a taxicab permit issued by the

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

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

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

58        (a) "Eligible taxicab driver" means a taxicab driver who  
59 is eligible to be issued a certificate and permit under the  
60 Driver Ownership Program, who holds a valid driver's license  
61 issued by the commission, who has continuously operated as a  
62 full-time taxicab driver in Hillsborough County for a minimum of  
63 3 years immediately preceding the date of the transfer, and who  
64 has not been found by the commission or the director of the  
65 commission to have violated the requirements of chapter 2001-  
66 299, Laws of Florida, as amended, or rules of the commission. In  
67 order to qualify as a full-time driver, a person must drive a  
68 taxicab for at least 40 hours per week, for a minimum of 48  
69 weeks per year.

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

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