

ENROLLED
CS/HB 891

2012 Legislature

1
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.

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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

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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.