

CHAPTER 2012-247

Committee Substitute for House Bill No. 891

An act relating to Hillsborough County; providing that the act supersedes inconsistent provisions of chapter 2001-299, Laws of Florida; providing that a holder of a certificate of public convenience and necessity for taxicabs or a taxicab permit issued by the Hillsborough County Public Transportation Commission, pursuant to chapter 2001-299, Laws of Florida, has property rights in the certificate or permit; providing for the transfer of such certificate or permit; providing for the creation of the Driver Ownership Program to assist taxicab drivers in acquiring certificates and permits; providing for the adoption of rules; providing definitions; providing an effective date.

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

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

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

(3) The holder of a certificate of public convenience and necessity for taxicabs or a taxicab permit issued by the commission may transfer the certificate or permit by pledge, sale, assignment, sublease, devise, or other means of transfer to another person. The commission may by rule specify the procedure by which the transfer may occur. Except for a transfer by devise or intestate succession, the transfer must be approved, in advance, by the commission, and the proposed transferee must first qualify to be a taxicab certificateholder or permitholder under commission rules. The proposed transferee of a transfer by devise or intestate succession must conditionally qualify as a taxicab certificateholder or permitholder under commission rules within 120 days after the transfer, unless otherwise extended by the commission. The conditional nature of the qualification shall be removed upon the probate court's final adjudication that the proposed transferee is actually entitled to the ownership of the transferred certificate or permit.

(4) The Hillsborough County Public Transportation Commission shall create by rule the Driver Ownership Program to assist eligible taxicab drivers in acquiring a certificate and one or more permits, within the existing and authorized population cap and limits for taxicab permits, which existing population cap and limits are incorporated into this act. Any certificate or permit issued under the Driver Ownership Program is nontransferable, except to other eligible taxicab drivers as authorized by commission rules

and after the certificate or permit has been actively and continuously used by the eligible taxicab driver for at least 5 years following the date of issuance.

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

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

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

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

Became a law without the Governor’s approval April 14, 2012.

Filed in Office Secretary of State April 13, 2012.