

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1373 Immigrant Entrepreneur & STEM Student Recruitment & Retention Act

**SPONSOR(S):** Education Committee, Grant

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	12 Y, 0 N	Kiner	Miller
2) Education Committee	16 Y, 0 N, As CS	Brink	Mizereck
3) Transportation & Economic Development Appropriations Subcommittee			
4) Economic Affairs Committee			

### SUMMARY ANALYSIS

House Bill 1373, cited as the Immigrant Entrepreneur and STEM Student Recruitment and Retention Act, authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to accept additional identity documentation in order to issue a temporary driver license to a person who is waiting for a visa and meets the requirements for classification as an immigrant entrepreneur or STEM student.

The bill's legislative intent recognizes the benefit of attracting immigrant entrepreneurs and students with degrees in science, technology, engineering, or mathematics (STEM), as well their contribution to the promotion of business development within the state. By providing qualifying immigrant entrepreneurs and STEM students the ability to obtain a temporary driver license, the legislative intent further provides that the state will optimize the chances these individuals will decide to permanently reside and situate their businesses in Florida.

The bill provides eligibility requirements for receiving immigrant entrepreneur and STEM student classification, and provides criteria for DHSMV to consider when reviewing identity documentation presented by an individual applying for a temporary driver license according to either status. Because the criteria mirrors DHSMV's current policy for issuing a temporary driver license to a person qualifying for non-immigrant classification, DHSMV's policy will be unaffected by the bill's proposed changes.

As with all temporary driver licenses issued to persons qualifying for non-immigrant classification, the maximum term a temporary driver license issued to a qualified immigrant entrepreneur or STEM student will be valid is one year. However, the bill provides that a temporary license issued to an immigrant entrepreneur or a STEM student may be reissued yearly while the determination of the license holder's visa status remains pending.

The bill has no fiscal impact on state or local governments. A person that qualifies for a temporary driver license under the bill's provisions will be required to pay the regular \$48 driver license fee, which is deposited into the General Revenue Fund.

The bill is effective on July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Section 322.08, F.S., provides requirements that applicants must meet in order to be issued a driver license. Among the requirements, is that the applicant provide proof of identity. Currently, an applicant must provide one of the following to meet the proof of identity requirement:

1. a driver license record or identification card record issued by another jurisdiction that required the applicant to submit identity documentation which is substantially similar to any of the documents listed in 2.-8.;
2. a certified copy of a United States (U.S.) birth certificate;
3. a valid U.S. passport;
4. a naturalization certificate issued by the U.S. Department of Homeland Security (DHS);
5. a valid alien registration receipt card (green card);
6. a Consular Report of Birth Abroad from the U.S. Department of State;
7. an unexpired employment authorization card issued by the U.S. DHS; or
8. proof of nonimmigrant classification provided by the U.S. DHS in the form of at least one of the following:
  - a. notice of hearing from an immigration court scheduling a hearing on any proceeding;
  - b. a notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
  - c. a notice issued by the U.S. Bureau of Citizenship and Immigration Status approving an application for adjustment of status;
  - d. an official document issued by the U.S. Bureau of Citizenship and Immigration Status confirming a petition for asylum or refugee status;
  - e. a notice of action issued by the U.S. Bureau of Citizenship and Immigration Status transferring any pending matter to the state;
  - f. an order of an immigration judge or officer authorizing the person to live and work in the U.S. (e.g., asylum);
  - g. evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the U.S., if a visa number is available having a current priority date for processing by the U.S. Bureau of Citizenship and Immigration Services; or
  - h. an unexpired foreign passport with an unexpired U.S. Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the U.S.

If the applicant relies on any of the documentation listed in 7. or 8., his or her temporary driver license will expire on the date listed on the document or one year after issuance, whichever occurs first.

##### Effect of Proposed Change

The bill authorizes DHSMV to accept additional identity documentation in order to issue a temporary driver license to a person who is waiting for a visa and meets the requirements for classification as an immigrant entrepreneur or STEM student.

The bill provides eligibility requirements for receiving immigrant entrepreneur and STEM student classification, and provides criteria for DHSMV to consider when reviewing identity documentation presented by an individual applying for a temporary driver license according to either status.

##### *Immigrant Entrepreneur*

To qualify as an 'immigrant entrepreneur,' the bill requires a person to meet specified investment, visa status, education, and personal financial requirements and provide proof to the Department of Economic Opportunity. These requirements are as follows:

- Investment requirements:

- Proof that a qualified venture capitalist, qualified super angel investor, or government entity has invested at least \$100,000 on behalf of the applicant.
- Proof of the existence of commercial activities that:
  - create at least five new full-time jobs employing people other than the applicant's spouse or children.
  - raise at least \$500,000 in capital investment for a commercial entity based in the United States; or
  - generate at least \$500,000 in revenue.
- Visa status and education requirements:
  - Proof that the applicant holds an unexpired work visa or student visa; or
  - Proof that the applicant has completed a graduate-level degree in science, technology, engineering, math, computer science, or other relevant academic discipline from an accredited United States college, university, or other institution of higher education.
- Personal Financial Requirements:
  - Proof of annual income of at least 250 percent of the federal poverty level;
  - Proof of possession of assets equivalent to at least 2 years of income at 250 percent of the federal poverty level; and proof that a qualified venture capitalist, qualified super angel investor, or government entity has invested at least \$20,000 on behalf of the applicant; or
  - Proof of a controlling interest in a foreign company that has generated at least \$100,000 in revenue from sales in the United States in the most recent 12-month period.

### *STEM Student*

To qualify as a 'STEM student,' a foreign student must meet the following requirements:

- Possess a doctorate degree, a master's degree of at least 2 years, or a 5-year combined baccalaureate-master's degree in computer science, engineering, mathematics, or the physical sciences, other than biological sciences, from an eligible United States university;
- Possess an undergraduate degree in a STEM field listed above; and
- Has completed all doctoral degree or master's degree coursework, including online coursework, while physically present in the United States.

The bill defines 'eligible United States University' as a university that:

- meets the standards of a United States university as defined in the Higher Education Act of 1965;
- is classified as of July 1, 2013, by the Carnegie Foundation for the Advancement of Teaching as a doctorate-granting university with a level of research activity that is rated as high or very high; or is classified as of July 1, 2013, by the National Science Foundation as having research activity equivalent to an institution with a level of research activity that is rated as high or very high by the Carnegie Foundation for the Advancement of Teaching as a doctorate-granting university;
- has been in existence for at least 10 years;
- is accredited by an accrediting body that is recognized by the United States Department of Education or the Council for Higher Education Accreditation.

### *Issuance of Temporary Driver License*

The bill requires a person who wishes to obtain a temporary driver license based on his or her classification as an immigrant entrepreneur or STEM student to present proof of that status to the DHSMV. The person must also present proof of application to the United States Department of Homeland Security (DHS) for permission to remain in the United States while awaiting resolution of visa status.

Because the criteria mirrors DHSMV's current policy for issuing a temporary driver license to a person qualifying for non-immigrant classification, DHSMV's policy will be unaffected by the bill's proposed changes.

As with all temporary driver licenses issued to persons qualifying for non-immigrant classification, the maximum term a temporary driver license issued to a qualified immigrant entrepreneur or STEM student will be valid is one year. However, the license may be reissued yearly while determination of the license holder's visa status by the United States Department of Homeland Security remains pending. The bill also specifies that if DHS determines that a visa should not be renewed or extended, DHSMV must revoke the immigrant entrepreneur or STEM student's temporary driver license.

The bill has no fiscal impact on state or local governments. A person that qualifies for a temporary driver license under the bill's provisions, will be required to pay the regular \$48 driver license fee, which is deposited into the General Revenue Fund.

The bill is effective on July 1, 2013.

#### B. SECTION DIRECTORY:

- Section 1: creates the Immigrant Entrepreneur and STEM Student Recruitment and Retention Act;
- Section 2: provides criteria for DHSMV to consider when reviewing identity documentation presented by an individual applying for a temporary driver license according to immigrant entrepreneur or STEM student status;
- Section 3: sets eligibility criteria for achieving 'immigrant entrepreneur' status;
- Section 4: sets eligibility criteria for achieving 'STEM student' status;
- Section 5: provides an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:  
See Fiscal Comments.
- 2. Expenditures:  
See Fiscal Comments.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:  
None.
- 2. Expenditures:  
None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

#### D. FISCAL COMMENTS:

The number of persons that may qualify to receive a temporary driver license based solely on their status as an immigrant entrepreneur or STEM student is unknown. However, each temporary driver

license issued under the bill's provisions will cost the licensee \$48, which will be deposited into the General Revenue Fund.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill requires the Department of Economic Opportunity to provide a form to a person wishing to receive immigrant entrepreneur status.

The effect of the proposed changes will require DHSMV to update its Driver License Operations Manual to include standards for issuing a temporary driver license to a person that presents identity documentation in connection with immigrant entrepreneur or STEM student status.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill allows for eligible foreign persons to be classified as a "STEM student." However, the eligibility criteria pertain to individuals who already possess a degree. It may be more accurate to provide for a designation of "STEM graduate" instead of "STEM student" to reflect the status of the individuals who will be affected by the bill.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 4, 2013, the Education Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides that a temporary license issued to an immigrant entrepreneur or a STEM student may be reissued yearly while the determination of the license holder's visa status by the United States Department of Homeland Security remains pending.

This analysis is drafted to the committee substitute.