

HB 1373

2013

1 A bill to be entitled

2 An act relating to the Immigrant Entrepreneur and STEM
3 Student Recruitment and Retention Act; creating such
4 act and providing a short title; amending s. 322.08,
5 F.S.; providing for issuance of a temporary driver
6 license to specified immigrant entrepreneurs and
7 certain foreign students in specified fields within
8 science, technology, engineering, and mathematics
9 (STEM); creating ss. 288.1259 and 1002.3106, F.S.;
10 providing eligibility requirements for issuance of
11 temporary driver licenses to immigrant entrepreneurs
12 and STEM students, respectively; providing
13 definitions; providing an effective date.

14
15 WHEREAS, as an important aspect of the promotion of
16 business development in the State of Florida and the general
17 health of the state economy, the Legislature recognizes the
18 benefit of attracting immigrant entrepreneurs and students with
19 degrees in STEM subjects to the state, and

20 WHEREAS, the Legislature also recognizes the value of
21 enabling these individuals to remain in the state temporarily
22 while waiting for a visa, and the value of enabling such
23 entrepreneurs to remain in the state permanently after receiving
24 a visa, and

25 WHEREAS, by providing immigrant entrepreneurs and STEM
26 students with the ability to obtain a temporary driver license
27 while waiting for a visa, the state optimizes the chances that
28 the entrepreneur will decide to establish his or her permanent

29 residence in the state and permanently situate his or her
 30 business in the state after receiving a visa, NOW, THEREFORE,
 31

32 Be It Enacted by the Legislature of the State of Florida:
 33

34 Section 1. This act may be cited as the "Immigrant
 35 Entrepreneur and STEM Student Recruitment and Retention Act."

36 Section 2. Paragraph (c) of subsection (2) of section
 37 322.08, Florida Statutes, is amended to read:

38 322.08 Application for license; requirements for license
 39 and identification card forms.—

40 (2) Each such application shall include the following
 41 information regarding the applicant:

42 (c) Proof of identity satisfactory to the department. Such
 43 proof must include one of the following documents issued to the
 44 applicant:

45 1. A driver license record or identification card record
 46 from another jurisdiction that required the applicant to submit
 47 a document for identification which is substantially similar to
 48 a document required under subparagraph 2., subparagraph 3.,
 49 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 50 7., or subparagraph 8.;

51 2. A certified copy of a United States birth certificate;

52 3. A valid, unexpired United States passport;

53 4. A naturalization certificate issued by the United
 54 States Department of Homeland Security;

55 5. A valid, unexpired alien registration receipt card
 56 (green card);

- 57 | 6. A Consular Report of Birth Abroad provided by the
 58 | United States Department of State;
- 59 | 7. An unexpired employment authorization card issued by
 60 | the United States Department of Homeland Security; ~~or~~
- 61 | 8. Proof of nonimmigrant classification provided by the
 62 | United States Department of Homeland Security, for an original
 63 | driver license. In order to prove nonimmigrant classification,
 64 | an applicant must provide at least one of the following
 65 | documents. In addition, the department may require applicants to
 66 | produce United States Department of Homeland Security documents
 67 | for the sole purpose of establishing the maintenance of, or
 68 | efforts to maintain, continuous lawful presence:
- 69 | a. A notice of hearing from an immigration court
 70 | scheduling a hearing on any proceeding.
- 71 | b. A notice from the Board of Immigration Appeals
 72 | acknowledging pendency of an appeal.
- 73 | c. A notice of the approval of an application for
 74 | adjustment of status issued by the United States Bureau of
 75 | Citizenship and Immigration Services.
- 76 | d. An official documentation confirming the filing of a
 77 | petition for asylum or refugee status or any other relief issued
 78 | by the United States Bureau of Citizenship and Immigration
 79 | Services.
- 80 | e. A notice of action transferring any pending matter from
 81 | another jurisdiction to this state issued by the United States
 82 | Bureau of Citizenship and Immigration Services.
- 83 | f. An order of an immigration judge or immigration officer
 84 | granting relief that authorizes the alien to live and work in

HB 1373

2013

85 the United States, including, but not limited to, asylum.

86 g. Evidence that an application is pending for adjustment
87 of status to that of an alien lawfully admitted for permanent
88 residence in the United States or conditional permanent resident
89 status in the United States, if a visa number is available
90 having a current priority date for processing by the United
91 States Bureau of Citizenship and Immigration Services.

92 h. On or after January 1, 2010, an unexpired foreign
93 passport with an unexpired United States Visa affixed,
94 accompanied by an approved I-94, documenting the most recent
95 admittance into the United States; or

96 9. Proof of classification as an immigrant entrepreneur
97 under s. 288.1259 or a STEM student under s. 1002.3106 and proof
98 of application to the United States Department of Homeland
99 Security for permission to remain in the United States while
100 awaiting resolution of residency status. Such proof shall
101 include a copy of the application, including, but not limited
102 to, a copy of a green card, visa, or determination of
103 citizenship, and shall also include proof of submission of the
104 application to the United States Department of Homeland Security
105 by mail or electronic submission. This subparagraph is subject
106 to a determination of the proposed immigrant entrepreneur's or
107 STEM student's visa status by the United States Department of
108 Homeland Security. If the United States Department of Homeland
109 Security determines that a visa should not be renewed or
110 extended, the driver license must be revoked.

111
112 A driver license or temporary permit issued based on documents

HB 1373

2013

113 required in subparagraph 7., ~~or~~ subparagraph 8., or subparagraph
114 9. is valid for a period not to exceed the expiration date of
115 the document presented or 1 year.

116 Section 3. Section 288.1259, Florida Statutes, is created
117 to read:

118 288.1259 Immigrant entrepreneurs.—To qualify as an
119 immigrant entrepreneur for purposes of eligibility for a
120 temporary driver license under s. 322.08(2)(c)9., an applicant
121 must provide to the Department of Economic Opportunity, on a
122 form provided by the department, information required by the
123 department accompanied by proof that he or she meets the
124 following requirements:

125 (1) INVESTMENT REQUIREMENTS.—

126 (a) Proof that a qualified venture capitalist, qualified
127 super angel investor, or government entity has invested at least
128 \$100,000 on behalf of the applicant.

129 (b) Proof of the existence of commercial activities that:

130 1. Create at least five new full-time jobs employing
131 people other than the applicant's spouse or children;

132 2. Raise at least \$500,000 in capital investment for a
133 commercial entity based in the United States; or

134 3. Generate at least \$500,000 in revenue.

135 (2) VISA STATUS AND EDUCATION REQUIREMENTS.—

136 (a) Proof that the applicant holds an unexpired work visa
137 or student visa; or

138 (b) Proof that the applicant has completed a graduate-
139 level degree in science, technology, engineering, math, computer
140 science, or other relevant academic discipline from an

HB 1373

2013

141 accredited United States college, university, or other
142 institution of higher education.

143 (3) PERSONAL FINANCIAL REQUIREMENTS.—

144 (a) Proof of annual income of at least 250 percent of the
145 federal poverty level;

146 (b)1. Proof of possession of assets equivalent to at least
147 2 years of income at 250 percent of the federal poverty level;
148 and

149 2. Proof that a qualified venture capitalist, qualified
150 super angel investor, or government entity has invested at least
151 \$20,000 on behalf of the applicant; or

152 (c) Proof of a controlling interest in a foreign company
153 that has generated at least \$100,000 in revenue from sales in
154 the United States in the most recent 12-month period.

155 Section 4. Section 1002.3106, Florida Statutes, is created
156 to read:

157 1002.3106 Temporary driver license for foreign students in
158 fields within science, technology, engineering, and mathematics
159 (STEM).—

160 (1) For purposes of eligibility for a temporary driver
161 license under s. 322.08(2)(c)9., the term "STEM student" means a
162 foreign student that meets the following requirements:

163 (a) Possess a doctorate degree, a master's degree of at
164 least 2 years, or a 5-year combined baccalaureate-master's
165 degree in computer science, engineering, mathematics, or the
166 physical sciences, other than biological sciences, from an
167 eligible United States university as defined in subsection (2).

168 (b) Possess an undergraduate degree in a STEM field listed

HB 1373

2013

169 in paragraph (a).

170 (c) Has completed all doctoral degree or master's degree
171 coursework, including online coursework, while physically
172 present in the United States.

173 (2) For purposes of this section, the term "eligible
174 United States university" means a university that:

175 (a) Meets the standards of a United States university as
176 defined in the Higher Education Act of 1965.

177 (b)1. Is classified as of July 1, 2013, by the Carnegie
178 Foundation for the Advancement of Teaching as a doctorate-
179 granting university with a level of research activity that is
180 rated as high or very high; or

181 2. Is classified as of July 1, 2013, by the National
182 Science Foundation as having research activity equivalent to an
183 institution described in subparagraph 1.

184 (c) Has been in existence for at least 10 years.

185 (d) Is accredited by an accrediting body that is
186 recognized by the United States Department of Education or the
187 Council for Higher Education Accreditation.

188 Section 5. This act shall take effect July 1, 2013.