

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

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 visa status. Such proof shall include a  
101 copy of the application, including, but not limited to, a copy  
102 of a green card, visa, or determination of citizenship, and  
103 shall also include proof of submission of the application to the  
104 United States Department of Homeland Security by mail or  
105 electronic submission. This subparagraph is subject to a  
106 determination of the proposed immigrant entrepreneur's or STEM  
107 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

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, except that a driver license  
116 issued under subparagraph 9. may be reissued upon expiration of  
117 each 1-year validity period while the determination of the  
118 applicant's visa status by the United States Department of  
119 Homeland Security remains pending.

120 Section 3. Section 288.1259, Florida Statutes, is created  
121 to read:

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

129 (1) INVESTMENT REQUIREMENTS.—

130 (a) Proof that a qualified venture capitalist, qualified  
131 super angel investor, or government entity has invested at least  
132 \$100,000 on behalf of the applicant.

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

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

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

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

139 (2) VISA STATUS AND EDUCATION REQUIREMENTS.—

140 (a) Proof that the applicant holds an unexpired work visa

141 or student visa; or

142 (b) Proof that the applicant has completed a graduate-  
143 level degree in science, technology, engineering, math, computer  
144 science, or other relevant academic discipline from an  
145 accredited United States college, university, or other  
146 institution of higher education.

147 (3) PERSONAL FINANCIAL REQUIREMENTS.-

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

150 (b)1. Proof of possession of assets equivalent to at least  
151 2 years of income at 250 percent of the federal poverty level;  
152 and

153 2. Proof that a qualified venture capitalist, qualified  
154 super angel investor, or government entity has invested at least  
155 \$20,000 on behalf of the applicant; or

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

159 Section 4. Section 1002.3106, Florida Statutes, is created  
160 to read:

161 1002.3106 Temporary driver license for foreign students in  
162 fields within science, technology, engineering, and mathematics  
163 (STEM).-

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

167 (a) Possess a doctorate degree, a master's degree of at  
168 least 2 years, or a 5-year combined baccalaureate-master's

169 degree in computer science, engineering, mathematics, or the  
170 physical sciences, other than biological sciences, from an  
171 eligible United States university as defined in subsection (2).

172 (b) Possess an undergraduate degree in a STEM field listed  
173 in paragraph (a).

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

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

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

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

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

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

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

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