

LEGISLATIVE ACTION

Senate Comm: RCS 03/27/2023 House

The Committee on Commerce and Tourism (Hooper) recommended the following:

Senate Amendment (with title amendment)

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Delete lines 172 - 687 and insert: comparable communities. <u>Eligible uses of funds include</u>, and improving access to and the availability of broadband Internet service; however, the funds may not be used to serve any retail end user that already has access to broadband Internet service.

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10 Eligible uses of funds also shall include improvements to public 11 infrastructure for industrial or commercial sites, upgrades to or development of public tourism infrastructure, and 12 13 improvements to broadband Internet service and access in unserved or underserved rural communities; however, the funds 14 15 may not be used to serve any retail end user that already has 16 access to broadband Internet service. Improvements to broadband 17 Internet service and access must be conducted through a 18 partnership or partnerships with one or more dealers, as defined 19 in s. 202.11(2), and the partnership or partnerships must be 20 established through a competitive selection process that is 21 publicly noticed. Authorized infrastructure may include the 22 following public or public-private partnership facilities: storm 23 water systems; telecommunications facilities; broadband 24 facilities; roads or other remedies to transportation 25 impediments; nature-based tourism facilities; or other physical 26 requirements necessary to facilitate tourism, trade, and 27 economic development activities in the community. Authorized 28 infrastructure may also include publicly or privately owned 29 self-powered nature-based tourism facilities, publicly owned 30 telecommunications facilities, and broadband facilities, and 31 additions to the distribution facilities of the existing natural 32 gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or 33 34 wastewater utility as defined in s. 367.021(12), or any other 35 existing water or wastewater facility, which owns a gas or 36 electric distribution system or a water or wastewater system in 37 this state where:

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1. A contribution-in-aid of construction is required to

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39 serve public or public-private partnership facilities under the 40 tariffs of any natural gas, electric, water, or wastewater 41 utility as defined herein; and

42 2. Such utilities as defined herein are willing and able to43 provide such service.

44 (c) To facilitate timely response and induce the location 45 or expansion of specific job creating opportunities, The department may award grants of up to \$300,000 for infrastructure 46 feasibility studies, design and engineering activities, or other 47 48 infrastructure planning and preparation activities. Authorized 49 grants shall be up to \$50,000 for an employment project with a 50 business committed to create at least 100 jobs; up to \$150,000 51 for an employment project with a business committed to create at 52 least 300 jobs; and up to \$300,000 for a project in a rural area 53 of opportunity. Grants awarded under this paragraph may be used 54 in conjunction with grants awarded under paragraph (b), provided 55 that the total amount of both grants does not exceed 30 percent 56 of the total project cost. In evaluating applications under this 57 paragraph, the department shall consider the extent to which the 58 application seeks to minimize administrative and consultant 59 expenses.

60 (e) To enable local governments to access the resources available pursuant to s. 403.973(18), the department may award 61 grants for surveys, feasibility studies, and other activities 62 63 related to the identification and preclearance review of land 64 which is suitable for preclearance review. Authorized grants 65 under this paragraph do not require a local match and may not 66 exceed \$75,000 each, except in the case of a project in a rural 67 area of opportunity, in which case the grant may not exceed

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68 \$300,000. Any funds awarded under this paragraph must be matched 69 at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity must be 70 71 matched at a level of 33 percent with local funds. If an 72 application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant 73 74 to the process in s. 288.06561. In evaluating applications under 75 this paragraph, the department shall consider the extent to 76 which the application seeks to minimize administrative and 77 consultant expenses. 78 (3) The department, in consultation with Enterprise 79 Florida, Inc., the Florida Tourism Industry Marketing 80 Corporation, the Department of Environmental Protection, and the 81 Florida Fish and Wildlife Conservation Commission, as 82 appropriate, shall review and certify applications pursuant to 83 s. 288.061. The review shall include an evaluation of the 84 economic benefit of the projects and their long-term viability. 85 The department shall have final approval for any grant under 86 this section. 87 Section 7. Paragraph (a) of subsection (1) of section

87 Section 7. Paragraph (a) of subsection (1) of section 88 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.-

- (1) DEFINITIONS.-As used in this section, the term:
 - (a) "Economic development agency" means:

1. The Department of Economic Opportunity;

93 2. Any industrial development authority created in
94 accordance with part III of chapter 159 or by special law;
95 3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or

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97 municipality or, if the county or municipality does not have a 98 public economic development agency, the county or municipal 99 officers or employees assigned the duty to promote the general 100 business interests or industrial interests of that county or 101 municipality or the responsibilities related thereto; 102 5. Any research and development authority created in 103 accordance with part V of chapter 159; or 104 6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or 105 106 a county to promote the general business interests or industrial 107 interests of the state or that municipality or county. 108 Section 8. Subsection (1) of section 288.8017, Florida 109 Statutes, is amended to read: 110 288.8017 Awards.-111 (1) Triumph Gulf Coast, Inc., shall make awards from available funds to projects or programs that meet the priorities 112 for economic recovery, diversification, and enhancement of the 113 114 disproportionately affected counties. Awards may be provided for 115 any of the following: 116 (a) Ad valorem tax rate reduction within disproportionately 117 affected counties.+ (b) Local match requirements of s. 288.0655 for projects in 118 119 the disproportionately affected counties.+ 120 (c) Public infrastructure projects for construction, 121 expansion, or maintenance which are shown to enhance economic 122 recovery, diversification, and enhancement of the disproportionately affected counties. For the purposes of this 123 124 paragraph, the term "public infrastructure projects" includes 125 projects for workforce housing.+

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126 (d) Grants to local governments in the disproportionately 127 affected counties to establish and maintain equipment and 128 trained personnel for local action plans of response to respond 129 to disasters, such as plans created for the Coastal Impacts 130 Assistance Program.;

(e) Grants to support programs that prepare students for 131 132 future occupations and careers at K-20 institutions that have 133 campuses in the disproportionately affected counties. Eligible 134 programs include those that increase students' technology skills and knowledge; encourage industry certifications; provide 135 136 rigorous, alternative pathways for students to meet high school 137 graduation requirements; strengthen career readiness 138 initiatives; fund high-demand programs of emphasis at the 139 bachelor's and master's level designated by the Board of 140 Governors; and, similar to or the same as talent retention programs created by the Chancellor of the State University 141 142 System and the Commission of Education, encourage students with 143 interest or aptitude for science, technology, engineering, 144 mathematics, and medical disciplines to pursue postsecondary 145 education at a state university or a Florida College System 146 institution within the disproportionately affected counties.+

(f) Grants to support programs that provide participants in the disproportionately affected counties with transferable, sustainable workforce skills that are not confined to a single employer.; and

(g) Grants to the tourism entity created under s. 288.1226 for the purpose of advertising and promoting tourism and Fresh From Florida, and grants to promote workforce and infrastructure, on behalf of all of the disproportionately

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155 affected counties. Section 9. Subsection (5) of section 288.9604, Florida 156 157 Statutes, is amended to read: 158 288.9604 Creation of the corporation.-159 (5) This section is repealed July 1, 2023, and July 1 of 160 every fourth year thereafter, unless reviewed and saved from 161 repeal by the Legislature. 162 Section 10. Paragraph (b) of subsection (2) of section 288.980, Florida Statutes, is amended to read: 163 164 288.980 Military base retention; legislative intent; grants 165 program.-166 (2) 167 (b)1. The department shall annually request military 168 installations in the state to provide the department with a list 169 of base buffering encroachment lands for fee simple or less-170 than-fee simple acquisitions before October 1. 171 2. The department shall submit the list of base buffering 172 encroachment lands to the Florida Defense Support Council Task 173 Force created in s. 288.987. 174 3. The Florida Defense Support Council Task Force shall, 175 annually by December 1, review the list of base buffering 176 encroachment lands submitted by the military installations and 177 provide its recommendations for ranking the lands for acquisition to the department. 178 179 4. The department shall annually submit the list of base 180 buffering encroachment lands provided by the Florida Defense 181 Support Council Task Force to the Board of Trustees of the 182 Internal Improvement Trust Fund, which may acquire the lands pursuant to s. 253.025. At a minimum, the annual list must 183

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184 contain for each recommended land acquisition: 185 a. A legal description of the land and its property 186 identification number; 187 b. A detailed map of the land; and 188 c. A management and monitoring agreement to ensure the land 189 serves a base buffering purpose. 190 Section 11. Subsection (1) and paragraph (a) of subsection 191 (2) of section 288.985, Florida Statutes, are amended to read: 192 288.985 Exemptions from public records and public meetings 193 requirements.-194 (1) The following records held by the Florida Defense 195 Support Council Task Force are exempt from s. 119.07(1) and s. 196 24(a), Art. I of the State Constitution: 197 (a) That portion of a record which relates to strengths and 198 weaknesses of military installations or military missions in 199 this state relative to the selection criteria for the 200 realignment and closure of military bases and missions under any 201 United States Department of Defense base realignment and closure 202 process. 203 (b) That portion of a record which relates to strengths and 204 weaknesses of military installations or military missions in 205 other states or territories and the vulnerability of such 206 installations or missions to base realignment or closure under the United States Department of Defense base realignment and 207 208 closure process, and any agreements or proposals to relocate or 209 realign military units and missions from other states or 210 territories. 211 (c) That portion of a record which relates to the state's

strategy to retain its military bases during any United States

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213 Department of Defense base realignment and closure process and 214 any agreements or proposals to relocate or realign military 215 units and missions. 216 (2) (a) Meetings or portions of meetings of the Florida 217 Defense Support Council Task Force, or a workgroup of the 218 council task force, at which records are presented or discussed 219 that are exempt under subsection (1) are exempt from s. 286.011 220 and s. 24(b), Art. I of the State Constitution. Section 12. Section 288.987, Florida Statutes, is amended 221 222 to read: 223 288.987 Florida Defense Support Council Task Force.-224 (1) The Florida Defense Support Council Task Force is 225 created. 226 (2) The mission of the council task force is to make 227 recommendations to preserve and protect military installations 228 to support the state's position in research and development 229 related to or arising out of military missions and contracting, 230 and to improve the state's military-friendly environment for 231 servicemembers, military dependents, military retirees, and 232 businesses that bring military and base-related jobs to the 233 state. (3) The council task force shall be comprised of the 234 235 Governor or his or her designee, and 12 members appointed as 236 follows: 237 (a) Four members appointed by the Governor. 238 (b) Four members appointed by the President of the Senate. 239 (c) Four members appointed by the Speaker of the House of

240 Representatives.

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(d) Appointed members must represent defense-related

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242 industries or communities that host military bases and 243 installations. All appointments must be made by August 1, 2011. 244 Members shall serve for a term of 4 years, with the first term 245 ending July 1, 2015. However, if members of the Legislature are 246 appointed to the council task force, those members shall serve 247 until the expiration of their legislative term and may be 248 reappointed once. A vacancy shall be filled for the remainder of 249 the unexpired term in the same manner as the initial appointment. All members of the council are eligible for 250 251 reappointment. A member who serves in the Legislature may participate in all council task force activities but may only 252 253 vote on matters that are advisory.

(4) The President of the Senate and the Speaker of the House of Representatives shall each designate one of their appointees to serve as chair of the <u>council</u> task force. The chair shall rotate each July 1. The appointee designated by the President of the Senate shall serve as initial chair. If the Governor, instead of his or her designee, participates in the activities of the <u>council</u> task force, then the Governor shall serve as chair.

(5) The Secretary of Economic Opportunity, or his or her designee, shall serve as the ex officio, nonvoting executive director of the council task force.

(6) The <u>council</u> task force shall submit an annual progress report and work plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives each February 1.

269 (7) The department shall contract with the <u>council</u> task
 270 force for expenditure of appropriated funds, which may be used

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271 by the council task force for economic and product research and 272 development, joint planning with host communities to accommodate 273 military missions and prevent base encroachment, advocacy on the 274 state's behalf with federal civilian and military officials, 275 assistance to school districts in providing a smooth transition 276 for large numbers of additional military-related students, job 277 training and placement for military spouses in communities with 278 high proportions of active duty military personnel, and promotion of the state to military and related contractors and 279 280 employers. The council task force may annually spend up to 281 \$250,000 of funds appropriated to the department for the council 282 task force for staffing and administrative expenses of the 283 council task force, including travel and per diem costs incurred 284 by council task force members who are not otherwise eligible for 285 state reimbursement.

286 Section 13. Section 446.71, Florida Statutes, is amended to 287 read:

446.71 Everglades Restoration Agricultural Community Employment Training Program.-

290 (1) The Department of Economic Opportunity, in cooperation with the state board as defined in s. 445.002, shall establish 291 292 the Everglades Restoration Agricultural Community Employment 293 Training Program within the Department of Economic Opportunity. 294 The Department of Economic Opportunity shall use funds 295 appropriated to the program by the Legislature to provide grants 296 to stimulate and support training and employment programs that 297 seek to match persons who complete such training programs to nonagricultural employment opportunities in areas of high 298 299 agricultural unemployment, and to provide other training,

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300	educational, and information services necessary to stimulate the
301	creation of jobs in the areas of high agricultural unemployment.
302	In determining whether to provide funds to a particular program,
303	the Department of Economic Opportunity shall consider the
304	location of the program in proximity to the program's intended
305	participants.
306	(2) The Legislature supports projects that improve the
307	economy in the Everglades Agricultural Area. In recognition of
308	the employment opportunities and economic development generated
309	by new and expanding industries in the area, such as the
310	Airglades Airport in Hendry County and the development of an
311	inland port in Palm Beach County, the Legislature finds that
312	training the citizens of the state to fill the needs of these
313	industries significantly enhances the economic viability of the
314	region.
315	(2) As used in this section, the term:
316	(a) "Department" means the Department of Economic
317	Opportunity.
318	(b) "Employer-based training program" means a program
319	established by, or to be established by, a business in this
320	state that provides training for in-demand nonagricultural
321	occupations for its employees.
322	(c) "Everglades Agricultural Area" has the same meaning as
323	<u>in s. 373.4592(15).</u>
324	(d) "Institution-based training program" means a
325	certificate program or other program of study provided by a
326	public or private university, college, or technical or
327	vocational training institution which provides training for in-
328	demand nonagricultural occupations.
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329 (e) "Program" means the Everglades Restoration Agricultural 330 Community Employment Training Program. 331 (3) The department, in cooperation with the state board as 332 defined in s. 445.002, shall establish the Everglades 333 Restoration Agricultural Community Employment Training Program. 334 The department shall use funds appropriated to the program by 335 the Legislature to provide grants to stimulate and support 336 employer-based training programs and institution-based training 337 programs that seek to match persons who complete such training 338 programs to nonagricultural employment opportunities in the 339 Everglades Agricultural Area and any rural area of opportunity 340 as defined in s. 288.0656(2), which includes DeSoto, Glades, 341 Hardee, Hendry, Highlands, and Okeechobee Counties and the 342 cities of Belle Glade, Immokalee, Pahokee, and South Bay. The 343 department shall use program funds to provide training, 344 educational, and information services necessary to stimulate the 345 creation of jobs in the Everglades Agricultural Area and in any 346 rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and 347 348 Okeechobee Counties and the cities of Belle Glade, Immokalee, 349 Pahokee, and South Bay. In determining whether to provide funds 350 to a particular employer-based training program or institution-351 based training program, the department must consider the 352 location of such training program in proximity to the program's 353 intended participants. 354 (4) Program funds may be used to provide for grants for 355 tuition for institution-based training public or private 356 technical or vocational programs. Program funds may also be used 357 for and matching grants to employers to conduct employer-based

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358 training programs. Funds may be used, or for the purchase of 359 equipment necessary to be used for training purposes, the hiring 360 of instructors, or any other purpose directly associated with 361 the employer-based training programs or institution-based 362 training programs. For the first 6 months of each fiscal year, 363 the department shall set aside up to 50 percent of the funds 364 appropriated to the program by the Legislature to fund employer-365 based training programs. At the end of the 6-month period, any 366 unused funds from the set-aside funds may be used to provide 367 funding for institution-based training programs program.

368 (5) (4) The department of Economic Opportunity may not award 369 a grant to any employer-based given training program if the 370 grant which exceeds 50 percent of the total cost of the program. 371 If, unless the employer-based training program is located within 372 a rural area of opportunity, the department may award a grant of 373 in which case the grant may exceed 50 percent of the total cost 374 of the program and up to 100 percent of program costs. Employer 375 matching contributions may include in-kind services, including, 376 but not limited to, the provision of training instructors, 377 equipment, and training facilities. The department must 378 prioritize grants to employer-based training programs that are 379 located in the Everglades Agricultural Area or in any rural area 380 of opportunity as defined in s. 288.0656(2), which includes 381 DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee 382 Counties and the cities of Belle Glade, Immokalee, Pahokee, and 383 South Bay.

384 <u>(6) (5)</u> Before <u>awarding a grant pursuant to granting a</u> 385 request for funds made in accordance with this section, the 386 department of Economic Opportunity shall enter into a grant

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387 agreement with the employer or requester of funds and the 388 institution receiving funding through the program. Such 389 agreement must include all of the following information:

(a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b) An identification of the estimated length of the instructional program.

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs.

(d) An identification of special program requirements that are not otherwise addressed in the agreement.

(7) (6) The department of Economic Opportunity may grant up to 100 percent of the tuition for an institution-based a training program participant who currently resides, and has resided for the preceding 12 months at least 3 of the 5 immediately preceding years, within the Everglades Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, as described in s. 373.4592 and in counties that provides provide for water storage and dispersed water storage that are located in rural areas of 412 opportunity as described in s. 288.0656.

413 (8) (7) Employer-based training programs established in the 414 Everglades Agricultural Area or in any rural area of opportunity 415 as defined in s. 288.0656(2), which includes DeSoto, Glades,

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416 Hardee, Hendry, Highlands, and Okeechobee Counties and the cities of Belle Glade, Immokalee, Pahokee, and South Bay, must 417 418 include opportunities to obtain the qualifications and skills 419 necessary for jobs related to federal and state restoration 420 projects, the Airglades Airport in Hendry County, an inland port 421 in Palm Beach County, or other industries with a verifiable, demonstrated interest in operating within the Everglades 422 423 Agricultural Area or in any rural area of opportunity as defined in s. 288.0656(2), which includes DeSoto, Glades, Hardee, 424 425 Hendry, Highlands, and Okeechobee Counties and the cities of 426 Belle Glade, Immokalee, Pahokee, and South Bay, and in counties 427 that provides provide for water storage and dispersed water 428 storage that are located in rural areas of opportunity as 429 described in s. 288.0656.

(9) (8) The department may of Economic Opportunity shall adopt rules to implement this section.

Section 14. Subsections (2) and (3) of section 695.03, Florida Statutes, are amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.-To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated in one of the following forms:

440 (2) OUTSIDE THIS STATE BUT WITHIN THE UNITED STATES.—An
441 acknowledgment or a proof taken, administered, or made outside
442 of this state but within the United States may be taken,
443 administered, or made by or before a civil-law notary of this
444 state or a commissioner of deeds appointed by the <u>Secretary of</u>

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445 the Department of Economic Opportunity Governor of this state; a 446 judge or clerk of any court of the United States or of any 447 state, territory, or district; by or before a United States 448 commissioner or magistrate; or by or before any notary public, 449 justice of the peace, master in chancery, or registrar or 450 recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be 451 452 under the seal of the court or officer, as the case may be. If 453 the acknowledgment or proof is taken, administered, or made by 454 or before a notary public who does not affix a seal, it is 455 sufficient for the notary public to type, print, or write by 456 hand on the instrument, "I am a Notary Public of the State of 457 ... (state) ..., and my commission expires on ... (date)" 458 (3) OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN 459 COUNTRIES.—An acknowledgment, an affidavit, an oath, a

460 legalization, an authentication, or a proof taken, administered, 461 or made outside the United States or in a foreign country may be 462 taken, administered, or made by or before a commissioner of 463 deeds appointed by the Secretary of the Department Economic 464 Opportunity Governor of this state to act in such country; 465 before a notary public of such foreign country or a civil-law 466 notary of this state or of such foreign country who has an 467 official seal; before an ambassador, envoy extraordinary, 468 minister plenipotentiary, minister, commissioner, charge 469 d'affaires, consul general, consul, vice consul, consular agent, 470 or other diplomatic or consular officer of the United States 471 appointed to reside in such country; or before a military or 472 naval officer authorized by 10 U.S.C. s. 1044a to perform the 473 duties of notary public, and the certificate of acknowledgment,

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474 legalization, authentication, or proof must be under the seal of 475 the officer. A certificate legalizing or authenticating the 476 signature of a person executing an instrument concerning real 477 property and to which a civil-law notary or notary public of 478 that country has affixed her or his official seal is sufficient 479 as an acknowledgment. For the purposes of this section, the term "civil-law notary" means a civil-law notary as defined in 480 481 chapter 118 or an official of a foreign country who has an 482 official seal and who is authorized to make legal or lawful the 483 execution of any document in that jurisdiction, in which 484 jurisdiction the affixing of her or his official seal is deemed 485 proof of the execution of the document or deed in full 486 compliance with the laws of that jurisdiction.

Section 15. For the purpose of incorporating the amendment made by this act to section 288.075, Florida Statutes, in a 489 reference thereto, paragraph (b) of subsection (2) of section 288.106, Florida Statutes, is reenacted to read:

491 288.106 Tax refund program for qualified target industry 492 businesses.-

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(2) DEFINITIONS.-As used in this section:

(b) "Authorized local economic development agency" means a public or private entity, including an entity defined in s. 288.075, authorized by a county or municipality to promote the general business or industrial interests of that county or municipality.

========= T I T L E A M E N D M E N T =========== 500 501 And the title is amended as follows: 502 Delete lines 22 - 40

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503 and insert: 504 288.8017, F.S.; specifying that the term "public 505 infrastructure projects" includes projects for 506 workforce housing; conforming provisions to changes 507 made by the act; amending s. 288.9604, F.S.; deleting 508 the future repeal of provisions governing the Florida 509 Development Finance Corporation; amending ss. 288.980 510 and 288.985, F.S.; conforming provisions to changes made by the act; amending s. 288.987, F.S.; renaming 511 512 the Florida Defense Support Task Force as the Florida 513 Defense Support Council; amending s. 446.71, F.S.; 514 revising requirements relating to the Everglades 515 Restoration Agricultural Community Employment Training 516 Program; defining terms; authorizing, rather than 517 requiring, the department to adopt rules; amending s. 518 695.03, F.S.; requiring the Secretary of the 519 Department of Economic Opportunity, rather than the 520 Governor, to appoint certain commissioners of deeds; 521 reenacting s. 288.106(2)(b), F.S., relating to the tax 522 refund