

118TH CONGRESS  
1ST SESSION

# S. 119

To amend the Federal Water Pollution Control Act to authorize the South Florida Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to authorize the South Florida Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “South Florida Eco-  
5 system Enhancement Act of 2023”.

6 **SEC. 2. SOUTH FLORIDA PROGRAM.**

7 Title I of the Federal Water Pollution Control Act  
8 (33 U.S.C. 1251 et seq.) is amended by adding at the end  
9 the following:

1 **“SEC. 125. SOUTH FLORIDA.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) SCIENCE COORDINATION GROUP.—The  
4 term ‘Science Coordination Group’ means the South  
5 Florida Ecosystem Restoration Science Coordination  
6 Group established to support the South Florida Eco-  
7 system Restoration Task Force.

8 “(2) SOUTH FLORIDA.—The term ‘South Flor-  
9 ida’ means—

10 “(A) all land and water within the admin-  
11 istrative boundaries of the South Florida Water  
12 Management District and contiguous near-shore  
13 coastal waters, including the Florida Keys; and

14 “(B) Florida’s Coral Reef and the associ-  
15 ated patch reef, hard-bottom, and seagrass re-  
16 sources.

17 “(3) SOUTH FLORIDA ECOSYSTEM RESTORA-  
18 TION TASK FORCE.—The term ‘South Florida Eco-  
19 system Task Force’ means the South Florida Eco-  
20 system Restoration Task Force established by sec-  
21 tion 528(f)(1) of the Water Resources Development  
22 Act of 1996 (Public Law 104–303; 110 Stat. 3771).

23 “(4) SOUTH FLORIDA ECOSYSTEM RESTORA-  
24 TION WORKING GROUP.—The term ‘South Florida  
25 Ecosystem Restoration Working Group’ means the  
26 working group established by the South Florida Eco-

1 system Task Force pursuant to section 528(f)(2)(D)  
2 of the Water Resources Development Act of 1996  
3 (Public Law 104–303; 110 Stat 3771).

4 “(5) SOUTH FLORIDA PROGRAM.—The term  
5 ‘South Florida Program’ means the South Florida  
6 Program established under subsection (b)(1).

7 “(b) SOUTH FLORIDA PROGRAM.—

8 “(1) ESTABLISHMENT.—The Administrator  
9 shall establish within the Water Division of the Re-  
10 gion 4 Office of the Environmental Protection Agen-  
11 cy the South Florida Program.

12 “(2) DUTIES.—In carrying out the South Flor-  
13 ida Program, the Administrator shall—

14 “(A) assess trends in water quality, includ-  
15 ing trends that affect uses of water in South  
16 Florida;

17 “(B) collect, characterize, and assess data  
18 to identify existing or potential water quality  
19 problems and the causes of those problems; and

20 “(C) provide grants in accordance with  
21 subsections (d) and (f).

22 “(3) DESIGNATION.—The Administrator shall  
23 designate an individual in the Water Division of the  
24 Region 4 Office of the Environmental Protection

1 Agency to carry out the day-to-day operations of the  
2 South Florida Program.

3 “(c) SOUTH FLORIDA ECOSYSTEM RESTORATION  
4 WORKING GROUP.—The individual designated by the Ad-  
5 ministrator under subsection (b)(3) shall serve as the rep-  
6 resentative of the Environmental Protection Agency on the  
7 South Florida Ecosystem Restoration Working Group.

8 “(d) GRANT PROGRAM.—

9 “(1) ESTABLISHMENT.—Not later than 180  
10 days after the date of enactment of the South Flor-  
11 ida Ecosystem Enhancement Act of 2023, the Ad-  
12 ministrator shall establish a grant program (referred  
13 to in this subsection as the ‘grant program’) to carry  
14 out projects to monitor, enhance, protect, preserve,  
15 or restore water quality, wetlands, aquatic eco-  
16 systems, or marine habitat—

17 “(A) in South Florida; and

18 “(B) outside of South Florida but within  
19 the study area boundaries of—

20 “(i) the Indian River Lagoon National  
21 Estuary Program authorized under section  
22 320; and

23 “(ii) the Coastal and Heartland Na-  
24 tional Estuary Partnership authorized  
25 under that section.

1           “(2) ELIGIBLE ENTITIES.—An entity eligible to  
2 receive a grant under the grant program is—

3           “(A) a State agency;

4           “(B) a unit of local government;

5           “(C) an institution of higher education;

6           “(D) a federally recognized Indian Tribe;

7           and

8           “(E) an entity that is described in section  
9 501(c)(3) of the Internal Revenue Code of 1986  
10 and exempt from taxation under section 501(c)  
11 of that Code.

12          “(3) SELECTION.—

13           “(A) APPLICATION.—An eligible entity  
14 seeking a grant under the grant program shall  
15 submit to the Administrator an application at  
16 such time, in such manner, and containing such  
17 information as the Administrator may require.

18           “(B) LIMITATIONS.—

19           “(i) LOCATION OF PROJECTS.—Not  
20 more than 15 percent of the amounts  
21 made available to carry out this subsection  
22 for each fiscal year may be awarded for  
23 projects that would be carried out in loca-  
24 tions described in paragraph (1)(B).

25           “(ii) OTHER SOURCES OF FUNDING.—

1           “(I) IN GENERAL.—Subject to  
2           subclause (II), in selecting recipients  
3           of grants under the grant program,  
4           the Administrator may not award a  
5           grant to carry out a water infrastruc-  
6           ture activity that has received assist-  
7           ance—

8                   “(aa) from a State water  
9                   pollution control revolving fund  
10                  established under title VI;

11                  “(bb) from a State drinking  
12                  water treatment revolving loan  
13                  fund established under section  
14                  1452 of the Safe Drinking Water  
15                  Act (42 U.S.C. 300j–12); or

16                  “(cc) pursuant to the Water  
17                  Infrastructure Finance and Inno-  
18                  vation Act of 2014 (33 U.S.C.  
19                  3901 et seq.).

20           “(II) EXCEPTION.—The Admin-  
21           istrator may award a grant under the  
22           grant program to carry out a sepa-  
23           rable component of a project described  
24           in subclause (I) if grant funds would  
25           be used to construct natural features

1 and nature-based features (as those  
2 terms are defined in section 1184(a)  
3 of the Water Infrastructure Improve-  
4 ments for the Nation Act (33 U.S.C.  
5 2289a(a))), or to conduct an eco-  
6 system restoration project, that im-  
7 proves habitat and other ecosystem  
8 functions.

9 “(4) ALLOCATION.—Of the amounts made  
10 available to carry out this section each fiscal year,  
11 to the extent there are sufficient high-quality project  
12 applications, not less than 33 percent shall be used  
13 to carry out this subsection.

14 “(e) SUPPORT FOR SOUTH FLORIDA ECOSYSTEM  
15 RESTORATION SPECIAL PROJECTS AND ACTIVITIES.—

16 “(1) INTERAGENCY AGREEMENT.—The Admin-  
17 istrator shall, on an annual basis, develop and exe-  
18 cute interagency agreements or cooperative agree-  
19 ments with appropriate Federal, State, local, or  
20 Tribal agencies to provide funding for 1 or more  
21 special projects or activities within South Florida on  
22 the recommendation of the South Florida Ecosystem  
23 Restoration Task Force.

24 “(2) COORDINATION.—The Administrator shall  
25 coordinate with the Administrator of the Office of

1 Everglades Restoration Initiatives of the Depart-  
2 ment of the Interior to annually solicit and receive  
3 a priority list of special projects or activities that en-  
4 hance the capacity of Federal, State, local, or Tribal  
5 agencies participating in the South Florida Eco-  
6 system Restoration Task Force, the South Florida  
7 Ecosystem Restoration Working Group, and the  
8 Science Coordination Group to fulfill the mandate  
9 under section 528 of the Water Resources Develop-  
10 ment Act of 1996 (Public Law 104–303; 110 Stat.  
11 3767), title VI of the Water Resources Development  
12 Act of 2000 (Public Law 106–541; 114 Stat. 2680),  
13 and other applicable law to restore the South Flor-  
14 ida ecosystem.

15 “(3) ALLOCATION.—Of the amounts made  
16 available to carry out this section each fiscal year,  
17 to the extent there are sufficient high-quality project  
18 applications, not less than 50 percent shall be used  
19 to carry out this subsection.

20 “(f) EDUCATION GRANTS.—

21 “(1) ESTABLISHMENT.—Not later than 180  
22 days after the date of enactment of the South Flor-  
23 ida Ecosystem Enhancement Act of 2022, the Ad-  
24 ministrator shall establish an education grant pro-  
25 gram (referred to in this subsection as the ‘grant



1 program’) to support educational and environmental  
2 literacy efforts focused on regional bodies of water  
3 in South Florida.

4 “(2) ELIGIBLE ENTITIES.—An entity eligible to  
5 receive a grant under the grant program is an entity  
6 focused on public engagement, environmental lit-  
7 eracy, or education efforts that is—

8 “(A) a State, local, or Tribal government  
9 entity, including a public school district and a  
10 Tribal school;

11 “(B) an entity that is described in section  
12 501(c)(3) of the Internal Revenue Code of 1986  
13 and exempt from taxation under section 501(c)  
14 of that Code; or

15 “(C) an institution of higher education.

16 “(3) USE OF FUNDS.—Each fiscal year, the Ad-  
17 ministrator shall award grants under the education  
18 grant program for public engagement, environmental  
19 literacy, and education efforts with respect to any of  
20 the following:

21 “(A) Biscayne Bay.

22 “(B) Caloosahatchee River and Estuary.

23 “(C) Charlotte Harbor.

24 “(D) The Everglades.

25 “(E) Everglades Headwaters.

1           “(F) Florida Bay.

2           “(G) Florida’s Coral Reef.

3           “(H) Lake Okeechobee.

4           “(I) Loxahatchee River and Lake Worth  
5 Lagoon.

6           “(J) Indian River Lagoon.

7           “(K) St. Lucie River and Estuary.

8           “(4) SELECTION.—

9           “(A) APPLICATION.—An eligible entity  
10 seeking a grant under the grant program shall  
11 submit to the Administrator an application at  
12 such time, in such manner, and containing such  
13 information as the Administrator may require.

14           “(B) PRIORITY CONSIDERATION.—In se-  
15 lecting entities to be awarded grants under the  
16 grant program, the Administrator shall give pri-  
17 ority to applications that seek to fund field  
18 trips for socially disadvantaged students in pub-  
19 lic elementary schools, public secondary schools,  
20 and Tribal schools to access publicly protected  
21 lands and natural resources.

22           “(5) COST-SHARE.—

23           “(A) IN GENERAL.—Subject to subpara-  
24 graph (B), the Federal share of a project car-  
25 ried out using a grant under the grant program

1           may not exceed 50 percent of the total cost of  
2           the project.

3           “(B) WAIVER.—The Administrator may  
4           waive the Federal share requirement under sub-  
5           paragraph (A) for projects carried out to sup-  
6           port efforts described in paragraph (4)(B).

7           “(6) ALLOCATION.—Of the amounts made  
8           available to carry out this section each fiscal year,  
9           to the extent there are sufficient high-quality project  
10          applications, the Administrator may use not more  
11          than 1 percent to carry out this subsection.

12          “(g) AUTHORIZATION OF APPROPRIATIONS.—

13           “(1) IN GENERAL.—There is authorized to be  
14           appropriated to the Administrator \$50,000,000 for  
15           each of fiscal years 2024 through 2028 to carry out  
16           this section.

17           “(2) ADMINISTRATIVE COSTS.—Of the amounts  
18           made available to carry out this section under para-  
19           graph (1) each fiscal year, the Administrator may  
20           use not more than 4 percent for administrative  
21           costs.”.

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