

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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.”.