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April 23, 1959

Honorable Richard W. Ervin
Attorney General
The Capitol
Tallahassee, Florida

Dear Mr. Ervin:

Question has arisen as to whether the Department of Water Resources has statutory responsibility for the area of the State of Florida included within the boundaries of the Central and Southern Florida Flood Control District.

Paragraph 373.111, Statutes of 1957, states: "There is created in the state board of conservation the department of water resources the function of which shall be to accomplish under the supervision and with the approval of the board the purpose of this law". The purposes of the law as defined in Paragraph 373.101 include ".....to prevent the waste and unreasonable use of said resources.....". Paragraph 373.231 of the Water Resources Law states: "No provision of this law nor any rule or regulation adopted pursuant thereto shall in any manner affect, repeal or supersede the provisions of any statute governing the operation of water management districts established under the authority of chapter 370."

The only such district in Florida at the present time is the Central and Southern Florida Flood Control District. We request therefore, your opinion as to the responsibilities and duties of this department within the territorial limits of the Central and Southern Florida Flood Control District. The questions are:

1. Does the Department of Water Resources have statutory responsibility within the area included in the boundaries of the Central and Southern Florida Flood Control District?
2. If the answer to question 1 is in the affirmative, to what extent may this responsibility be exercised?

We will appreciate your decision regarding this matter.

Respectfully yours,

John W. Wehefield
Director

JWk

cc: Mr. Ed. Dell
Mr. Don Livingstone, Governors Office