

August 5, 2024

Ms. Angela Knecht, Program Administrator
State Revolving Fund Management
3900 Commonwealth Blvd., Mail Station 3505
Tallahassee, Florida 32399-3000

Re: CW35023 – Town of Howey-in-the-Hills – Evaluation of wastewater collection and transmission system and potential regional wastewater-treatment plant

Dear Ms. Knecht:

Our firm serves as the Town Attorney for the Town of Howey-in-the-Hills, Florida. The Town proposes to borrow \$3,185,000 from the State Revolving Fund (“SRF”) for planning, design, and pre-construction activities, plus a 2% service fee, but excluding capitalized interest, in a proposed evaluation of the Town’s existing wastewater collection and transmission systems and a potential regional wastewater-treatment plant.

In rendering this opinion we have reviewed those parts of the Constitution of the State of Florida, state statutes, and Chapter 62-503 of the Florida Administrative Code that we deem pertinent to such a proposed loan from the State Revolving Fund, as well as pertinent parts of the Town’s Charter and the Town’s Code of Ordinances, plus Resolution 2024-004 approved by the Town Council of the Town of Howey-in-the-Hills on August 5, 2024. We have not been provided the Loan Agreement that we understand will govern the loan from the SRF, but we have reviewed a “Planning and Design Loan Agreement” that governed a planning-and-design loan from the SRF for another municipality.

We are pleased inform you that, based on our review, we are of the opinion that if and when the Town and the Department of Environmental Protection both execute and deliver a Planning and Design Loan Agreement:

1. The loan agreement will be duly authorized, executed and delivered to the Department and, assuming the validity and enforceability of the

loan agreement against the Department, will be a legal, valid, and binding obligation of the Town, enforceable by the Department against the Town in accordance with its terms.

2. The Town's payment obligations under the loan agreement will be secured by the Town's pledge of the net revenues of the Town's Utility Fund. The net revenues of the Utility Fund are legally available to the Town for its pledge thereof for that purpose.
3. The Town legally has the power to increase its water and wastewater rates to ensure net revenues sufficient for repayments required under the loan agreement.
4. The pledge of net revenues is subject to a prior liens in connection with the following outstanding borrowings:
 - a. Town of Howey-in-the-Hills, Florida, Revenue Refunding Note, Series 2013.
 - b. Town of Howey-in-the-Hills, Florida, Clean Water State Revolving Fund (SRF) Loan Program.

Our opinion is rendered solely for the reliance and benefit of the Department. This opinion may not be reprinted in any publication without our firm's express permission.

Gray Robinson, P.A.

By: _____
Thomas J. Wilkes

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