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1 A bill to be entitled
2 An act relating to the Jack Nicklaus Golf Trail of
3 Florida; providing legislative findings and intent;
4 creating s. 258.161, F.S.; defining terms; requiring the
5 Division of Recreation and Parks of the Department of
6 Environmental Protection to establish and supervise the
7 operation of the Jack Nicklaus Golf Trail of Florida;
8 requiring the construction of a public golf facility in
9 each park region; providing for the locations and
10 amenities of the public golf facilities; requiring the
11 division to contract with a golf course development
12 company for the design, construction, and development of,
13 and enter into a long-term lease for the operation of, the
14 public golf facilities; providing qualifications for the
15 golf course development company; authorizing the issuance
16 of alcoholic beverage licenses for the public golf
17 facilities; providing for preemption of certain
18 regulations adopted by counties, municipalities, and
19 political subdivisions; providing that the act supersedes
20 other laws and agency rules; authorizing the Division of
21 Bond Finance of the State Board of Administration to issue
22 revenue bonds for the design, construction, and
23 development of the public golf facilities; providing for
24 disbursement, use, and repayment of the bond proceeds;
25 providing for severability; providing an effective date.

26
27 WHEREAS, Jack Nicklaus has resided in Florida since 1965,
28 and the Nicklaus family has a long history of involvement in

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29 numerous local charitable activities, including the Nicklaus
30 Children's Health Care Foundation, and

31 WHEREAS, Jack Nicklaus is a recipient of the Woodrow Wilson
32 Award for Corporate Citizenship, which is given to individuals
33 who exemplify a commitment to the common good and who
34 demonstrate that private companies should be stellar citizens in
35 their own neighborhoods, as well as in the world, and

36 WHEREAS, there is no name more synonymous with greatness in
37 the sport of golf than Jack Nicklaus, winner of a record 18
38 professional major-championship titles, and

39 WHEREAS, Jack Nicklaus has been named "Golfer of the
40 Century" or "Golfer of the Millenium" by almost every major golf
41 publication in the world, and

42 WHEREAS, Jack Nicklaus has been named Individual Male
43 Athlete of the Century by Sports Illustrated, and one of the 10
44 Greatest Athletes of the Century by ESPN, and

45 WHEREAS, Jack Nicklaus was honored by President George W.
46 Bush with the Presidential Medal of Freedom, the highest honor
47 given to any United States civilian, and

48 WHEREAS, Jack Nicklaus played on six Ryder Cup teams,
49 served as United States captain on two Ryder Cup teams, and
50 served as United States captain on four Presidents Cup teams,
51 and

52 WHEREAS, Jack Nicklaus has won more major championships
53 than any other professional golfer (six Masters Tournaments,
54 five PGA Championships, four United States Open Championships,
55 and three British Open Championships), and

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56 WHEREAS, Jack Nicklaus is a five-time winner of the PGA
57 Player of the Year Award and was the PGA Tour's leading money-
58 winner eight times and runner-up six times, and

59 WHEREAS, the legend of Jack Nicklaus has been built with
60 his generous contributions as a player, golf course designer,
61 businessman, and philanthropist, and

62 WHEREAS, for a record 6 consecutive years (2004-2009), Golf
63 Inc. Magazine ranked Jack Nicklaus "The Most Powerful Person in
64 Golf" due to his impact on various aspects of the industry
65 through his course-design work, marketing and licensing
66 business, his ambassadorial role in promoting and growing the
67 game worldwide, and his involvement on a national and global
68 level with various charitable causes, and

69 WHEREAS, Jack Nicklaus has been involved in the design of
70 nearly 290 courses open for play worldwide, and his business,
71 Nicklaus Design, has almost 360 courses open for play around the
72 world, and

73 WHEREAS, Nicklaus Design golf courses are represented in 34
74 countries, 39 states, and at least 90 of the golf courses have
75 hosted a combined total of more than 600 professional
76 tournaments or significant national amateur championships, and

77 WHEREAS, at least 63 Nicklaus Design golf courses have
78 appeared in various national and international Top-100 lists,
79 and

80 WHEREAS, Jack Nicklaus and Nicklaus Design have a long
81 history of environmental stewardship, and have been lauded
82 worldwide for their approach to designing environmentally
83 sensitive and responsible golf courses, and

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84 WHEREAS, Nicklaus Design golf courses have received
85 numerous honors for environmental leadership and stewardship,
86 and

87 WHEREAS, at least 40 Nicklaus Design golf courses have been
88 involved in Audubon International, of which six golf courses
89 have earned membership into the Audubon Signature Certified
90 Program which requires members to maintain the highest level of
91 sustainable design and development, and two golf courses have
92 achieved the prestigious gold level status, and

93 WHEREAS, Jack Nicklaus was the recipient of the prestigious
94 John James Audubon Special Recognition Award for his
95 environmentally sensitive work at the TPC Michigan Golf Course,
96 and

97 WHEREAS, Nicklaus Design was the recipient of the Golf
98 Digest Environmental Leaders in Golf Award for the Old Works
99 Golf Course in Anaconda, Montana, which is located on one of the
100 largest Superfund sites in the nation and considered by Golf
101 Digest to be one of the most important golf courses in the
102 world, and

103 WHEREAS, Jack Nicklaus designed the Golf Club at Harbor
104 Shores, in Benton Harbor, Michigan, which is centerpiece of one
105 of the largest community revitalization projects in the country
106 and recognized by multiple golf publications as one of the Best
107 New Courses in America, and

108 WHEREAS, the Legislature intends to preserve, protect, and
109 enhance tourism as a vital part of the state economy, and

110 WHEREAS, the creation of environmentally sensitive public
111 golf facilities within existing state parks will create jobs,

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112 support local tourism-based small and large business, and
 113 increase state and local revenues, and

114 WHEREAS, the creation of environmentally sensitive public
 115 golf facilities can elevate the state's reputation throughout
 116 the United States as a premier golf destination capable of
 117 hosting major golf championships, and

118 WHEREAS, the creation of public golf facilities designed by
 119 Jack Nicklaus is in the public interest and will serve as a
 120 tourism development project to increase the use of existing
 121 state parks by residents and tourists, NOW, THEREFORE,

122
 123 Be It Enacted by the Legislature of the State of Florida:

124
 125 Section 1. The Legislature intends to increase tourism and
 126 enhance the state's economy by encouraging the establishment of
 127 public golf facilities within the state's existing state parks
 128 through an efficient, effective, and responsive regulatory
 129 process free from unnecessarily burdensome requirements. The
 130 Legislature finds that creation of the Jack Nicklaus Golf Trail
 131 of Florida will be a tourism-development project that will
 132 increase the use of existing state parks by residents and
 133 tourists. The Legislature further finds that creation of the
 134 Jack Nicklaus Golf Trail of Florida will enhance the state's
 135 reputation throughout the United States as a premier golf
 136 destination.

137 Section 2. Section 258.161, Florida Statutes, is created
 138 to read:

139 258.161 Jack Nicklaus Golf Trail of Florida.—

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140 (1) As used in this section, the term:

141 (a) "Department" means the Department of Environmental
142 Protection.

143 (b) "Division" means the Division of Recreation and Parks
144 of the department.

145 (2) (a) The division shall establish and supervise the
146 development and operation of the Jack Nicklaus Golf Trail of
147 Florida. The Jack Nicklaus Golf Trail of Florida shall consist
148 of at least one public golf facility within each of the five
149 park regions defined in s. 258.001, including one such facility
150 at Jonathan Dickinson State Park in Martin County.

151 (b) Each public golf facility of the Jack Nicklaus Golf
152 Trail of Florida must be designed by Jack Nicklaus and shall be
153 located, to the extent practicable, within a state park of at
154 least 3,000 acres which is located in proximity to a highway of
155 the interstate highway system or turnpike system and major
156 metropolitan areas. The division shall coordinate with Jack
157 Nicklaus and the golf course development company selected under
158 subsection (3) to identify state park locations that fulfill
159 these criteria.

160 (c) Each public golf facility shall include, at a minimum,
161 an 18-hole public golf course, a practice area, a clubhouse with
162 limited food service and parking, and a golf course maintenance
163 building. The public golf facility shall be designed and built
164 in an environmentally sensitive manner and be open to the
165 general public. The public golf facility may include a hotel to
166 enhance the benefit to the tourism industry.

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167 (d) The division may, upon completion of a public golf
168 facility within each of the five park regions as provided in
169 paragraph (a), approve additional public golf facilities that
170 are developed and operated in accordance with this section.

171 (3) (a) The division shall, subject to a competitive
172 solicitation process, contract with a golf course development
173 company for the design, construction, and development of the
174 public golf facilities and enter into a long-term lease with the
175 company for operation of the facilities. The golf course
176 development company selected by the division must:

177 1. Be a business entity authorized to conduct business in
178 this state.

179 2. Provide reasonable assurances that the company's
180 operation of the Jack Nicklaus Golf Trail of Florida will
181 generate revenues sufficient to pay the revenue bonds authorized
182 by this section.

183 3. Demonstrate through independent analysis or study that
184 the Jack Nicklaus Golf Trail of Florida will promote tourism and
185 increase the use of state parks by residents and tourists.

186 4. Demonstrate at least 20 years' experience in successful
187 development and operation of public and private golf facilities
188 that have received awards and honors from reputable national
189 organizations.

190 5. Demonstrate experience in the successful development
191 within state parks of another state of golf facilities that have
192 received awards and honors from reputable national
193 organizations.

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194 6. Provide proof that Jack Nicklaus has agreed to work
195 with the company on the design and construction of the public
196 golf facilities.

197 (b) The golf course development company selected under
198 this subsection must adhere to the standards approved by Jack
199 Nicklaus for maintaining the quality of the public golf
200 facility.

201 (4) Notwithstanding any other law, the golf course
202 development company selected to operate the public golf
203 facilities is eligible for issuance of an alcoholic beverage
204 license under ss. 561.19 and 561.20(7).

205 (5) (a) Regulation of the development and operation of
206 public golf facilities under this section is preempted to the
207 state. Any such regulation adopted by a county, municipality, or
208 other political subdivision is void, regardless of when adopted.

209 (b) Notwithstanding any other law, this section supersedes
210 any law or agency rule that conflicts with this section.

211 (c) The department shall provide for an efficient,
212 effective, and responsive regulatory process free from
213 unnecessarily burdensome requirements.

214 (6) (a) The Division of Bond Finance of the State Board of
215 Administration may issue revenue bonds on behalf of the
216 department to finance or refinance the costs of the design,
217 construction, and development of the public golf facilities of
218 the Jack Nicklaus Golf Trail of Florida in accordance with s.
219 11(f), Art. VII of the State Constitution. Repayment of
220 principal and interest for such bonds shall be payable

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221 exclusively from revenues pledged from operation of the public
222 golf facilities.

223 (b) Proceeds from each issue of the revenue bonds, except
224 as provided in the State Bond Act, may only be used for payment
225 of the costs of the design, construction, and development of the
226 public golf facilities established under this section. The
227 proceeds shall be disbursed in such a manner and under such
228 restrictions, if any, as the Division of Bond Finance may
229 provide in the resolution authorizing issuance of the bonds.

230 (c) Bond proceeds and any revenues pledged for repayment
231 of the bonds may not be used for any project that is not part of
232 the Jack Nicklaus Golf Trail of Florida.

233 Section 3. If any provision of this act or its application
234 to any person or circumstance is held invalid, the invalidity
235 does not affect other provisions or applications of the act
236 which can be given effect without the invalid provision or
237 application, and to this end the provisions of this act are
238 severable.

239 Section 4. This act shall take effect July 1, 2011.