

By Senator Thrasher

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1 A bill to be entitled
2 An act relating to the Jack Nicklaus Golf Trail;
3 providing a short title; providing legislative intent;
4 providing definitions; requiring the Division of
5 Recreation and Parks of the Department of
6 Environmental Protection to supervise the design and
7 construction of the Jack Nicklaus Golf Trail;
8 specifying the locations and the requirements for the
9 public golf facilities in state parks; requiring the
10 division to coordinate with Jack Nicklaus and the
11 company selected to identify state park locations;
12 authorizing the division to approve additional public
13 golf facilities; directing the division to initiate a
14 competitive bidding process for the selection of a
15 golf course development company to enter into a
16 contract for the development of public golf facilities
17 in state parks and for a long-term lease for the
18 operation of the facilities; specifying the minimum
19 qualifications for the selected golf course
20 development company; requiring that the public golf
21 facilities created pursuant to the act be designed by
22 Jack Nicklaus; authorizing the issuance of an
23 alcoholic beverage license to the golf course
24 development company; preempting the regulation of any
25 political subdivision, municipality, or agency
26 concerning the development and operation of the public
27 golf facilities authorized by the act; authorizing the
28 division to issue revenue bonds to finance the cost of
29 the golf courses; specifying requirements for and

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30 limitations on the revenue bonds; providing an
31 effective date.

32
33 WHEREAS, Jack Nicklaus has resided in Florida since 1965,
34 and the Nicklaus family has a long history of involvement in
35 numerous local charitable activities, including the Nicklaus
36 Children's Health Care Foundation, and

37 WHEREAS, Jack Nicklaus was the recipient of the Woodrow
38 Wilson Award for Corporate Citizenship, an award given to
39 executives who demonstrate a commitment to the common good, and
40 was honored by President George W. Bush with the Presidential
41 Medal of Freedom, the highest honor given to any civilian, and

42 WHEREAS, Jack Nicklaus is one of the greatest golfers of
43 all times, having won six Masters Golf Tournaments, five PGA
44 Championships, four U.S. Opens, and three British Opens, having
45 been honored by *Sports Illustrated* with its "Best Individual
46 Male Athlete of the 20th Century" award, and having been named
47 "One of the 10 Greatest Athletes of the Century" by ESPN and
48 "The Most Powerful Person in Golf" by *Golf*, and

49 WHEREAS, Jack Nicklaus has been involved in the design of
50 nearly 300 golf courses, 63 of which have appeared on national
51 and international "Top-100" lists, and his business, Nicklaus
52 Design, has designed courses in 34 countries and 39 states, 90
53 of which have hosted a combined total of more than 600
54 professional tournaments and significant national amateur
55 championships, and

56 WHEREAS, Jack Nicklaus and Nicklaus Design have a long
57 history of environmental stewardship, with 40 Nicklaus-designed
58 golf courses certified by Audubon International, and Nicklaus

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59 Design's Old Greenwood Golf Course in Truckee, California,
60 winning the *Golf Digest* Environmental Leaders in Golf Award, and

61 WHEREAS, Jack Nicklaus was the recipient of the prestigious
62 John James Audubon Special Recognition Award for his
63 environmentally friendly golf course designs, and

64 WHEREAS, it is the intent of the Legislature to preserve,
65 protect, and enhance tourism as a vital part of the state
66 economy, and

67 WHEREAS, the Legislature finds that the creation of
68 environmentally sensitive public golf facilities within state
69 parks will create jobs, support local tourism-based businesses,
70 increase state and local revenues, and elevate the state's
71 reputation as a premier golf destination capable of hosting
72 major golf championships, and

73 WHEREAS, the creation of public golf facilities designed by
74 Jack Nicklaus is in the public interest and will promote tourism
75 development, increasing the use of existing state parks by
76 residents of this state and tourists, NOW, THEREFORE,

77

78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. This act may be cited as the "Jack Nicklaus Golf
81 Trail of Florida Act."

82 Section 2. Jack Nicklaus Golf Trail.-

83 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
84 to stimulate the growth of tourism and the state economy by
85 enhancing the state's reputation as a premier golfing
86 destination and encouraging the location of public golf
87 facilities within Florida's existing state parks through an

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88 efficient, effective, and responsive regulatory process free
89 from unnecessarily burdensome requirements. The Legislature
90 finds that the creation of the Jack Nicklaus Golf Trail will
91 serve as a tourism-development project that will increase the
92 use of the existing state parks by residents of this state and
93 tourists.

94 (2) DEFINITIONS.—As used in this section, the term:

95 (a) "Department" means the Department of Environmental
96 Protection.

97 (b) "Division" means the Division of Recreation and Parks
98 of the department.

99 (3) THE JACK NICKLAUS GOLF TRAIL.—

100 (a) The division shall supervise the design and
101 construction of the Jack Nicklaus Golf Trail of Florida. The
102 Jack Nicklaus Golf Trail of Florida is created to consist of at
103 least five public golf facilities, each located within one of
104 the five state park regions specified in s. 258.001, Florida
105 Statutes.

106 (b) Each public golf facility shall be located, to the
107 extent possible, in a state park of at least 3,000 acres in size
108 which is near interstate highways and major metropolitan areas.
109 The division shall coordinate with Jack Nicklaus and the company
110 selected pursuant to subsection (4) to identify state park
111 locations that meet these criteria.

112 (c) Each public golf facility must include, at a minimum,
113 an 18-hole public golf course, a practice area, a clubhouse
114 having limited food service and parking, and a golf course
115 maintenance building. The public golf facility must be built in
116 an environmentally sensitive manner and be open to the general

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117 public. The facility may include a hotel.

118 (d) The division may approve additional public golf
119 facilities consistent with the requirements of this section upon
120 completion of the initial five public golf facilities authorized
121 in paragraphs (a) and (b). The additional facilities shall be
122 developed and operated in accordance with this section.

123 (4) OPERATION AND MAINTENANCE; SELECTION OF OPERATOR.-

124 (a) The division shall, subject to a competitive
125 procurement process, select a golf course development company to
126 enter into a contract for the development of the public golf
127 facilities and a long-term lease for the operation of the
128 facilities. In selecting the company, the division must consider
129 whether the company meets all of the following minimum
130 qualifications:

131 1. It is an entity authorized to conduct business in this
132 state.

133 2. It demonstrates that operation of the Jack Nicklaus Golf
134 Trail will generate revenues sufficient to pay the revenue bonds
135 authorized by this section.

136 3. It demonstrates through an independent analysis or study
137 that the Jack Nicklaus Golf Trail will promote tourism and
138 increase the use of state parks by residents and tourists.

139 4. It demonstrates at least 20 years of experience in the
140 successful development and operation of public and private golf
141 facilities that have received accolades and awards from
142 reputable national organizations.

143 5. It demonstrates experience in successful development of
144 golf facilities within the state parks of at least one other
145 state which have received accolades and awards from reputable

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146 national organizations.

147 6. It includes, as part of its application, a certification
148 that Jack Nicklaus has agreed to work with the company on the
149 design and construction of the public golf facilities.

150 (b) The public golf facilities created pursuant to this
151 section must be designed by Jack Nicklaus. Upon selection of the
152 company, the division shall enter into a contract for the
153 development of the facilities and a long-term lease for their
154 operation by the company.

155 (c) The company selected pursuant to this section must
156 adhere to standards approved by Jack Nicklaus to maintain the
157 quality of the public golf facilities.

158 (5) ALCOHOLIC BEVERAGE LICENSE.—Notwithstanding any
159 provision of law to the contrary, the company selected pursuant
160 to subsection (4) is eligible for issuance of an alcoholic
161 beverage license pursuant to s. 561.20(7), Florida Statutes.

162 (6) SUPERSEDED LAWS AND REGULATIONS.—The state, by the
163 enactment of this section, expressly preempts the regulation of
164 any political subdivision, municipality, or agency concerning
165 the development and operation of the public golf facilities
166 authorized by this section.

167 (7) REVENUE BONDS.—

168 (a) The state may issue bonds pursuant to the State Bond
169 Act, ss. 215.57-215.83, Florida Statutes, for the purpose of
170 paying all or any part of the cost of any one or more approved
171 public golf facilities within the Jack Nicklaus Golf Trail. The
172 principal of, and the interest on, such bonds must be payable
173 solely from revenues pledged for their payment from operation of
174 the public golf facilities.

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175 (b) The proceeds of the bonds of each issue may be used
176 only for the payment of the cost of the public golf facilities
177 for which such bonds shall have been issued, except as provided
178 in the State Bond Act. The proceeds shall be disbursed and used
179 as provided by this section and in such manner and under such
180 restrictions, if any, as the Division of Bond Finance may
181 provide in the resolution authorizing the issuance of the bonds.
182 All revenues and bond proceeds from the Jack Nicklaus Golf Trail
183 received by the department pursuant to this section may be used
184 only for the cost of golf course construction projects and
185 improvements and for the administration, operation, maintenance,
186 and financing of the Jack Nicklaus Golf Trail. Revenues or bond
187 proceeds from the Jack Nicklaus Golf Trail may be spent only for
188 the operation, maintenance, construction, or financing of a
189 project that is part of the Jack Nicklaus Golf Trail.

190 (c) The Division of Bond Finance may issue revenue bonds on
191 behalf of the department to finance or refinance the cost of
192 golf course projects within the Jack Nicklaus Golf Trail of
193 Florida pursuant to s. 11, Article VII of the State
194 Constitution.

195 Section 3. This act shall take effect upon becoming a law.