

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 20<sup>th</sup> 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.