



**FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
FULL BOARD MEETING**

**FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

*Livestream: <http://webcast.fiu.edu/>*

**Thursday, February 29, 2024  
2:00 PM**

*or*

*Upon Adjournment of Previous Meeting*

**AGENDA**

- |  |                           |
|--|---------------------------|
| <b>1. Call to Order and Chair's Remarks</b>  | <b>Chair Roger Tovar</b>  |
| <b>2. Public Appearances</b>   | <b>Roger Tovar</b>        |
| <b>3. Foundation Report</b>  | <b>Adalio T. Sanchez</b>  |
| <b>4. President's Report</b>   | <b>Kenneth A. Jessell</b> |
| <b>5. Action Items – Consent Agenda</b>  | <b>Roger Tovar</b>        |
| BT1. Minutes, November 28, 2023  |                           |
| BT2. Minutes, December 7, 2023   |                           |
| BT3. Minutes, January 18, 2024   |                           |
| FF1. Approval of the Construction of a Stand-Alone Food Service Facility in the Housing Area of the Modesto A. Maidique Campus   |                           |
| FF2. Authorization of Proposed Housing Rate Increases in FY 2024-25 through FY 2028-29   |                           |
| FF4. Approval of the Construction of Foundational Infrastructure on the Engineering Center to Support the Installation of Wind-Only Physical Design Testbed Equipment, and to enter into Amendments to an Existing Agreement with Aerolab Research Wind Tunnel, Inc. |                           |
| FF5. Amendment to FY23-24 Fixed Capital Outlay Plan, Non-Appropriated Projects   |                           |
| FF6. Approval of the Updated Procurement Parameters for Architects and Engineers for Major Construction Projects   |                           |

**5. Action Items – Consent Agenda** *(Continued...)*

- FF8. Approval of Gift of Real Property to The Florida International University Healthcare Network, Inc.
- FF9. Approval of Contract greater than \$3,000,000: *Citrus Health Network Inc.*
- AP1. Tenure as a Condition of Employment
- AP2. Program Termination: Bachelor of Science in Physical Education
- AP3. Program Termination: Master of Science in International and Intercultural Education
- AP4. Program Termination: Master of Science in Urban Education
- AP5. New Program Proposal: Bachelor of Science in Data Science and Artificial Intelligence
- AP6. Updated Senior Management Official, Continued Exclusions of Trustees other than the Board Chair and Continued Delegation to the Key Management Personnel

**6. Action Items**

- AC1. Acceptance of Performance Based Funding and Emerging Preeminent Metrics Data Integrity Audit Report and Approval of Data Integrity Certification** **Chanel T. Rowe**
- FF3. Authorization for the Issuance of Debt to Finance the Construction of a Student Residence Facility at the University’s Modesto A. Maidique Campus** **Carlos A. Duart**
- FF7. Proposed Naming of Field Located at FIU Soccer Stadium as the “Leyva Family Field”** **Carlos A. Duart**

**7. Status Reports, Board Committees**

- Audit and Compliance Committee **Chanel T. Rowe**
- Finance and Facilities Committee **Carlos A. Duart**
- Academic Policy and Student Affairs Committee **Natasha Lowell**

**8. New Business** *(If any)* **Roger Tovar**

**9. Concluding Remarks and Adjournment** **Roger Tovar**



February 29, 2024

**Subject: Approval of Minutes of Meetings held November 28, 2023, December 7, 2023, and January 18, 2024**

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**Proposed Board Action:**

Approval of Minutes of the FIU Board of Trustees, Full Board meetings held on November 28, 2023, December 7, 2023, and January 18, 2024.

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**Background Information:**

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meetings held on November 28, 2023, December 7, 2023, and January 18, 2024.

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**Supporting Documentation:** Minutes: Full Board Meetings, November 28, 2023, December 7, 2023, and January 18, 2024

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**Full Board**  
**November 28, 2023**  
**FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**MINUTES**

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**1. Call to Order and Chair's Remarks**

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 10:02 AM on Tuesday, November 28, 2023.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Roger Tovar, *Board Chair*; Carlos A. Duarte, *Board Vice Chair*; Cesar L. Alvarez; Noël C. Barengo (*Zoom*); Dean C. Colson; Alan Gonzalez; Francis A. Hondal; Natasha Lowell; Yaffa Popack; Gene Prescott (*joined after roll call*); Chanel T. Rowe; Marc D. Sarnoff; and Alexander P. Sutton.

Board Chair Tovar welcomed all Trustees and members of the University administration. He also welcomed the University community accessing the meeting via the webcast.

Board Chair Tovar stated that the Board's Bylaws provide that the Board Chair may, in consultation with the University President, allow an item to be presented to the Full Board without prior consideration by a Board committee when circumstances warrant. Board Chair Tovar added that to proceed directly to a Full Board meeting without a prior committee meeting would provide the most expeditious and efficient means by which to review the agenda item.

Board Chair Tovar commented that months of discussion and work with Baptist Health South Florida (BHSF) have culminated in a master affiliation agreement, which includes a series of subsidiary agreements pertaining to faculty clinical practice, education program development, research collaboration, medical center development, and marketing and co-branding.

Board Chair Tovar thanked Trustee Dean C. Colson for his leadership and guidance as Chair of the FIU Board of Trustees Health Care Affiliation Ad Hoc Committee. Board Chair Tovar also recognized the Baptist Board, including former chair, Jim Carr. On behalf of the Board of Trustees, Board Chair Tovar commended all those involved for their work and efforts. He recognized the BHSF leadership team: Ana Lopez-Blazquez, Executive Vice President and Chief Strategy and Transformation Officer Baptist Health South Florida and CEO, Baptist Health Enterprises; David Friedman, Senior Vice President and General Counsel; Jack Ziffer, MD, Executive Vice President and Chief Clinical Officer and Chief Physician Executive; Janette Sanchez, Corporate Vice President of Finance; and Jason Virelli, Corporate Vice President, Corporate Strategy and Transformation. Board Chair Tovar acknowledged the FIU leadership team: Juan C. Cendan, Senior Vice President for Health Affairs and Dean of the Herbert Wertheim College of Medicine (HWCOM); Carlos B.

Castillo, General Counsel; Osmel Delgado, Associate Dean for Clinical Operations; Sonia Benitez, Sr. Associate Dean for Finance and Administration; and Val Aubourg, Sr. University Counsel and Chief Legal Officer. Board Chair Tovar thanked the University's outside consultants Michael Saltzman and Tom Kiesau, of Chartis Group Consulting, and outside counsel Dale Webber of Buchanan Ingersoll & Rooney. Board Chair Tovar also recognized University President Kenneth A. Jessell for his vision and acknowledged that there are many who made contributions to position FIU to where it is today in regard to the affiliation agreement with BHSF, including FIU's past presidents and HWCOM's past leadership.

## **2. Public Appearances**

There were no public appearances.

## **3. Action Item**

### **BT1. Approval of Master Affiliation Agreement and Definitive Agreements**

Dean and Sr. VP Cendan commented on strategic planning and the partnership rationale, which included developing a current state understanding of HWCOM, the articulation of the HWCOM requirements to ensure long-term sustainability, identifying potential long-term strategic options, and agreeing on best viable path to achieve requirements through partnership. He pointed out that, ultimately, two (2) substantial proposals were received. Dean and Sr. VP Cendan commented that in April 2023, FIU entered a period of exclusive discussions with BHSF. He commented that seven (7) months of discussions with BHSF have culminated in an affiliation agreement. Dean and Sr. VP Cendan remarked on numerous meetings of the leadership stakeholder group and research and teaching subgroups with the help and guidance of the outside consultants and counsel.

Dean and Sr. VP Cendan provided an overview of affiliation objectives. He stated that the establishment of a world-class Academic Medical Enterprise would position BHSF and FIU to be on the cutting edge of health care delivery, education, innovation, and research. He commented on incremental financial support to HWCOM for research, operating and other expenses necessary to establish and fully implement the Academic Medical Enterprise. Dean and Sr. VP Cendan remarked on building upon the existing FIU clinical faculty to establish a contemporary, fully integrated faculty practice group, operated through the Baptist clinical enterprise. He indicated that affiliation objectives also included facilitating the designation of BHM as a statutory teaching hospital, enhancing the health care services available at FIU's ambulatory care center, the development of a co-branded, state-of-the-art integrated outpatient medical center on the FIU Modesto A. Maidique campus (MMC), developing and implementing long-term commitments to jointly support undergraduate medical education and graduate medical education (GME) programs, establishing a platform for enhanced research collaboration, and supporting and enabling such other initiatives and priorities that are determined to be mutually beneficial and in furtherance of the Academic Medical Enterprise.

Dean and Sr. VP Cendan remarked that the tripartite mission collaboration will translate into 22 GME residencies and fellowships, shared GME leadership, integration of undergraduate education mission, and faculty clinical practice operation through two faculty practice plans. He added that BHSF will help manage FIU's existing ambulatory care center and BHSF and FIU will work together on building the integrated medical center at MMC. Dean and Sr. VP Cendan commented

on investments in research, integration of research resources and infrastructure, and a commitment to align research funding and reporting.

Dean and Sr. VP Cendan remarked on partnership attributes. He stated that an Academic Medical Center (AMC) Steering Committee will be established and will have equal representation from senior leadership from both organizations and will oversee the partnership. He added that there will also be three sub-committees, Education, Clinical, and Research, to support AMC Steering Committee decision making. Dean and Sr. VP Cendan indicated that partnership attributes also included, shared governance on organizations' respective boards, financial support from BHSF to support shared operations across all missions, co-branding of key facilities and activities, agreement to identify future collaboration opportunities and jointly share in growth across all missions, and commitment to redefine legacy agreements to better align with the new relationship model. He pointed out that the model was reviewed with the State Self-Insurance group to ensure the protection of sovereign immunity. Dean and Sr. VP Cendan indicated that the partnership with BHSF reduces HWCOC's reliance on tuition and has an estimated financial impact of \$500M over a 10-year period.

In terms of benefits, Dean and Sr. VP Cendan noted that the new model will provide for alignment with a strong clinical partner in BHSF and opportunities to grow across teaching, research, and clinical enterprises. He added that the model will also provide significant financial support from BHSF to fund joint activities and unrestricted funding to support HWCOC operations and limited financial risk on the HWCOC clinical faculty activities. Dean and Sr. VP Cendan commented on the operational and change management risks associated with implementing and executing the new partnership model. He indicated that leadership must identify ways to collaborate and align on when and how to execute discrete activities and ensure key decisions are shared with appropriate stakeholders across the organization. He added that the partners must align on long-term shared goals and how both organizations are going to support successful outcomes and share in the rewards.

Dean and Sr. VP Cendan indicated that the current implementation phase encompasses implementing a governance model, developing an education implementation plan and executing GME program requirements, finalizing key aspects of the clinical operating model and finalizing site selection on MMC, and implementation of the funding model. Dean and Sr. VP Cendan referred to a scrivener's error in the affiliation agreement. He pointed out that financial transfers from this relationship will flow to the Health Care Network and not HWCOC. He stated that as part of the partnership's next steps, BHSF and FIU will kick-off the governance process, further refine the operating and financial model, and define partnership priorities. He mentioned that as part of its next steps, FIU will announce the partnership, appoint an "Implementation/integration officer", and the Health Care Network will open a Government Money Market Account.

Board Chair Tovar encouraged all those involved to consider how best to work collaboratively and integrate with BHSF.

In response to Board Chair Tovar, President Jessell noted that the intent of the use of funds remains as presented and cannot and will not be changed. He commented on the edit to the agreement,

which now explicitly delineates the flow of funds. President Jessell explained that the agreement is to explicitly state that funds will be initially transferred into the Health Care Network, which is the equivalent of a Direct Support Organization and a component unit of the University, and then transferred from the Health Care Network to the University components, as needed to support University initiatives.

At the request of Board Chair Tovar, General Counsel Castillo read the proposed Board action.

A motion was made and unanimously passed that the FIU Board of Trustees adopt the following Resolution:

**WHEREAS**, FIU and the FIU-HCN have been participating in ongoing discussions with Baptist Health South Florida, Inc. in order to negotiate a strategic partnership, consisting of a tripartite mission (clinical, research and educational), critical for a successful relationship between the Parties; and

**WHEREAS**, the Parties have agreed to a final draft Master Affiliation Agreement and corresponding Definitive Agreements which codify core elements of the strategic partnership; and

**WHEREAS**, the FIU-HCN Board of Directors, on November 14, 2023 adopted unanimously a resolution authorizing the finalization of the Master Affiliation Agreement and Definitive Agreements; and presentation to the FIU Board of Trustees for its consideration and approval of the strategic partnership and approval of the Master Affiliation and Definitive Agreements.

**NOW, THEREFORE BE IT RESOLVED** that the FIU Board of Trustees hereby approves the University entering into the referenced strategic partnership and the delegation of authority to the University's President and the University's Dean of the Herbert Wertheim College of Medicine/Senior Vice President for Health Affairs, and/or their respective designees, to execute the Master Affiliation Agreement and Definitive Agreements and such other documentation that may be necessary to effectuate the transactions contemplated therein.

#### **4. New Business**

Board Chair Tovar reminded Trustees of the upcoming Board meetings scheduled for December 7, 2023.

Trustee Colson thanked Chartis Group Consulting and outside counsel Dale Webber. Trustee Alexander P. Sutton commented that enthusiasm is high among the student body regarding the affiliation.



### **5. Concluding Remarks and Adjournment**

With no other business, Board Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Tuesday, November 28, 2023, at 10:45 AM.

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**Full Board  
December 7, 2023  
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**MINUTES**

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**1. Call to Order and Chair's Remarks**

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 1:35 PM on Thursday, December 7, 2023.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Roger Tovar, *Board Chair*; Carlos A. Duarte, *Board Vice Chair*; Cesar L. Alvarez; Noël C. Barengo; Dean C. Colson; Alan Gonzalez; Francis A. Hondal; Natasha Lowell; Yaffa Popack; Gene Prescott; Chanel T. Rowe (*Zoom*); Marc D. Sarnoff; and Alexander P. Sutton.

Board Chair Tovar welcomed and recognized Dr. Jose J. Armas who concluded his service on the FIU Board of Trustees in September 2023. Board Chair Tovar thanked Dr. Armas for his service and contributions to the Board and University.

Board Chair Tovar commented that at its meeting on November 28, 2023, the FIU Board of Trustees approved the strategic affiliation agreement with Baptist Health South Florida. He also shared recent athletics highlights. He commented that FIU Men's Basketball Head Coach Jeremy Ballard, with the team's victory over Long Island University, became the winningest head coach while FIU has competed as a Division I Men's Basketball Program. Board Chair Tovar remarked that FIU Men's Basketball ranks second in the nation in steals per game and turnovers forced per game. Board Chair Tovar added that sophomore Arturo Dean leads the nation in steals per game and earned Player of the Week honors from Conference USA. Board Chair Tovar mentioned that FIU Women's Hoops sophomore Mya Kone was awarded Conference USA Player of the Week accolades on November 27, 2023 after averaging a double-double during the week. Board Chair Tovar stated that FIU swimmer Christie Chue was named the American Athletic Conference Swimmer of the Week in late November, which marked the second time this season Chue was honored as the AAC Swimmer of the Week. Board Chair Tovar further stated that FIU Women's Tennis student-athlete Oyinlomo Quadre earned recognition from Conference USA for her outstanding play in October, receiving the league's Player of the Month award.

Board Chair Tovar highlighted upcoming events, including commencement ceremonies, the Miami Heat FIU Takeover Night, and the 2024 Food Network & Cooking Channel South Beach Wine & Food Festival Presented by Capital One (SOBEWFF®). He shared FIU branded license plate frames with each member of the Board.

## **2. Public Appearances**

At the request of Board Chair Tovar, General Counsel Castillo addressed the public appearance requests. General Counsel Castillo explained that Section 9 of the Board of Trustees Bylaws governs public appearances before the Board of Trustees and sets forth registration procedures, time limits for speakers, and rules of decorum. He provided an overview of the rules of decorum. General Counsel Castillo commented that, pursuant to Section 9.1 of the Bylaws, a person who desires to be heard on a matter before the Board must register by 11:00 AM on the business day before the subject meeting by completing a public comment form. General Counsel Castillo indicated that as of 11:00 AM on Wednesday, December 6, 2023, a total of two (2) requests to address the Board were received. General Counsel Castillo proceeded to call the registered speakers by name. The following individuals addressed the Board after their names were called:

- Joncarlo Ospina represented the Students for Justice in Palestine. He spoke in favor of the Florida Board of Governors Statement of Free Expression. He stated that he represented the concerns of the Palestinian, Arab, and Muslim student communities. He referred to a petition and draft resolution from members of the Student Government Association, which called for a ceasefire in Palestine.
- Noah Fineberg represented the FIU Law Jewish Law Students Association. He also spoke in favor of the Florida Board of Governors Statement of Free Expression. He thanked Board Chair Tovar and University President Kenneth A. Jessell for condemning Hamas' attacks on Israel and for speaking out against the draft resolution (Ceasefire Now) from members of the Student Government Association.

Board Chair Tovar thanked the speakers for their comments.

## **3. Foundation Report**

FIU Foundation Inc. Board of Directors Treasurer Marcel L. Navarro indicated that Senior Vice President for University Advancement and CEO of the FIU Foundation, Inc., Kenneth C. Hall joined FIU on November 13, 2023. Director Navarro commented on the 2023 presidential football suite activation, Lee Chaplin School of Journalism and Media ribbon cutting ceremony, and Stephen M. Fain Faculty Fellows Endowment Fund, Stephen M. and Judith M. Fain Faculty Senate Room, and the Fain Medal Award. Director Navarro provided alumni updates, including the new class reunion model, panthers of the nineties reunion during the past Homecoming, and the second annual 5 Under 35. He indicated that for the four months ended October 31, 2023, philanthropy totaled \$21M and of that, \$8.2M was received in cash. Director Navarro pointed out that as of October 31, 2023, the Foundation's total investment portfolio stands at approximately \$396.3M and on a fiscal-year-to-date basis, the Total Managed Assets returned 4.1% net of fees. He added that the portfolio declined 1.72% in the current month, bringing the one-year return to 7.59% on a three-year basis. He pointed out that the portfolio has returned an annualized 6.3% outpacing the policy index return by an annual 2.09% over the same period. He noted that the market value for the main investment portfolio managed by J.P. Morgan stands at \$374.4M.

#### 4. President's Report

University President Kenneth A. Jessell commented that the University will gather to celebrate student achievement over nine commencement ceremonies where almost 6,000 students will graduate. He indicated that Ph.D. candidate, Cristina Andrade-Feraud, is studying how arsenic causes cancer and hopes to one day be able to reduce the legal limit of arsenic in drinking water. President Jessell commented that three undergraduate business analytic students, Thi Thuy Nga Pham, Vania Arredondo Vera, and Ishel Zain, won first place at the 2023 AIS Software Innovation Challenge for their app, Sireen, that will work with internet of things (IoT) devices connected within forests to deliver updates on conditions like visibility, temperature, and carbon dioxide levels. President Jessell remarked that on September 15, 2023, more than 1,200 hackers from all over the world participated in the 36-hour coding fest at FIU's Biscayne Bay Campus.

President Jessell stated that FIU professor Alexander Agoulnik has been unraveling the mysteries of a specific hormone receptor, known to play a role in the formation of reproductive organs, for over two decades. President Jessell noted that now, Professor Agoulnik and a team of drug discovery scientists identified a method that targets this receptor to help bone-producing cells make more bone, a discovery that paves a path to more effective, easy-to-take treatments for osteoporosis and other diseases associated with bone loss. President Jessell commented on FIU's fall 2023 *Research* magazine, which is a celebration of the achievements of the University's dynamic, dedicated investigators, and students. He stated that FIU will collaborate with other institutions that are leaders in STEM (science, technology, engineering, and mathematics) education in a groundbreaking effort to enhance STEM education and STEM education research within Hispanic Serving Institutions through a \$7M National Science Foundation grant.

President Jessell mentioned that a local barbecue restaurant, Smoke & Dough, recently earned a spot in the *New York Times* list of Top 50 restaurants in the country. He added that owners, Michelle and Harry Coleman, met at FIU in 2005 while both working at the student newspaper. President Jessell remarked that after making it to the American Athletic Conference (AAC) championships, the FIU Men's Soccer team went on to the National Collegiate Athletics Association (NCAA) Tournament. President Jessell commented that the alliance with Baptist Health South Florida builds on years of collaboration between Baptist Health and the Herbert Wertheim College of Medicine and will expand physician training, research, and patient care for the benefit of the South Florida community.

President Jessell indicated that Trustee Gene Prescott received the 2023 South Florida Tourism Professional of the Year Award by the Miami-Dade Public Schools' NAF Academy of Hospitality & Tourism. President Jessell stated that Trustee Chanel T. Rowe was featured on Florida Trend's December 2023 edition as one of only 7 Rising Executives. President Jessell commented that Trustee Cesar L. Alvarez received the 2023 Lifetime Achievement Award from the M&A Advisor, which recognizes his significant contribution to the mergers and acquisitions industry. President Jessell stated that the University is announcing today a \$2.5M gift to the Chaplin School of Hospitality & Tourism Management to establish the Vidal-Duart Wine Studies Program. President Jessell thanked Trustee Carlos A. Duart and spouse Tina Vidal-Duart for their generous support. President Jessell pointed out that this marks the first wine studies program in the country named by a Hispanic family. President Jessell added that the gift will help expand faculty and curriculum, preparing graduates for professions across all sectors of the wine industry.

## 5. Action Items – Consent Agenda

Board Chair Tovar indicated that, in addition to Full Board minutes, the Consent Agenda includes action items FF1-FF3 recommended for Board approval by the Finance and Facilities Committee, AP1 and AP2 recommended for Board approval by the Academic Policy and Student Affairs Committee, and G1-G4 recommended for Board approval by the Governance Committee.

A motion was made and unanimously passed to accept the Consent Agenda, and members of the Board approved the following actions:

- **BT1. Minutes, July 25, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on July 25, 2023.
- **BT2. Minutes, August 28, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on August 28, 2023.
- **BT3. Minutes, September 14, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on September 14, 2023.
- **FF1. FIU Direct Support Organizations Financial Audits, FY 2022-2023**
  - A. Florida International University Foundation Inc.** - Accept the Florida International University Foundation, Inc. Financial Audit for the 2022-23 fiscal year and authorize the CEO of the Florida International University Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
  - B. Florida International University Research Foundation Inc.** - Accept the Florida International University Research Foundation, Inc. Financial Audit for the 2022-23 fiscal year and authorize the President of the Florida International University Research Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
  - C. Florida International University Athletics Finance Corporation** - Accept the Florida International University Athletics Finance Corporation Financial Audit for the 2022-23 fiscal year and authorize the Executive Director of the Florida International University Athletics Finance Corp. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
  - D. Florida International University Health Care Network, Inc.** - Accept the Florida International University Health Care Network, Inc. Financial Audit for the 2022-23 fiscal year and authorize the President of the Florida International University Health Care Network, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
- **FF2. Proposed Amendment to Regulation FIU-2201 Purchasing** – Approval of the revisions to Regulation FIU-2201 Purchasing, and delegation of authority to the University

President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors (BOG) or as a result of the regulation-making process.

- **FF3. Approval of Negotiation of Amendment for Contract #PUR-04000 for Grounds Maintenance; Vendor: Aramark Management Services Limited Partnership** – Authorization of (i) the negotiation of an amendment to Contract #PUR-04000 for Grounds Maintenance, including for the initial five year term an increase to baseline services of \$1.9M over the original baseline amount and an estimated increase for additional services of \$1.3M, for an amended total contract amount of \$21M, and (ii) the University President or his designee to execute, on behalf of the University, the contract amendment and all of the documents, and take all actions, that may be necessary to effectuate the transactions contemplated in the negotiation.
- **AP1. Tenure as a Condition of Employment Nomination** - Approval of one (1) candidate for Tenure as a Condition of Employment (TACOE) as specified in the Board materials.
- **AP2. Proposed Amendment to Regulation FIU-412 Undergraduate Admissions** - Approval of the revisions to Regulation FIU-412 Undergraduate Admissions to conform to Florida Board of Governors (BOG) Regulation 6.005, and delegation of authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the BOG.
- **G1. Board of Governors' Statement of Free Expression Endorsement Resolution** - Having reviewed the State University System of Florida Statement of Free Expression, endorsement of such statement.
- **G2. Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Foundation, Inc.** - Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Foundation, Inc.
- **G3. Board Appointments, Florida International University Foundation, Inc.** - Approval of the appointments of the individuals listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors.
- **G4. Board Appointments, Florida International University Health Care Network, Inc.** - Approval of the appointments of the individuals listed in the board materials, to the Florida International University Health Care Network, Inc. Board of Directors.

## 6. Status Reports, Board Committees

### Audit and Compliance Committee Report

Trustee Chanel T. Rowe, Audit and Compliance Committee Chair, provided highlights from the Committee's meeting earlier in the day. She noted that the University's Chief Audit Executive, Mr.

Trevor L. Williams, reported on the recently completed audits related to Natural Disaster Preparedness and Response and Payments to Separated Employees. She indicated that there are seven (7) ongoing audits in various stages of completion. Trustee Rowe commented that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates related to the Ethical Panther Hotline, foreign influence, and the University's report on its Civil Discourse program. Trustee Rowe indicated that, as is mandated by the Committee's Charter, the Committee met with the Office of Internal Audit without the presence of senior management.

### **Finance and Facilities Committee Report**

Board Vice Chair Duart provided highlights from the Finance and Facilities Committee's meeting earlier in the day. He indicated that, in addition to the items approved as part of the Consent Agenda, the Committee also reviewed and approved the following procurement actions: amendment to three-year contract with CTEK Security to conduct the HIPAA privacy and security requirements for HIPAA compliance with a total estimated cost of \$2.5M; and four-year piggyback contract with Triumvirate Environmental Services to provide hazardous and biomedical waste removal services with a total estimated cost of \$1.9M. Board Vice Chair Duart stated that Senior Vice President for Finance and Administration and Chief Financial Officer Aime Martinez presented the financial performance for the first quarter of fiscal year 2023-24 and reported that University operating revenues were above estimates by \$15.7M or 3.5 percent and that operating expenses were above estimates by \$13.9M or 3.8 percent, resulting in a net favorable variance of \$1.8M. Board Vice Chair Duart commented on the presentation by Brailsford and Dunlavey relating to student housing demand and rental rates. He added that the University's administration will follow-up at the Board's February meetings with additional information regarding future new housing rates and potential student housing developments. In terms of the Trish and Dan Bell Chapel, Board Vice Chair Duart stated that the FIU Foundation, Inc. executed a forward delivery agreement on November 9, 2023 with Regions Bank for a five-year taxable loan at a fixed interest rate of 6.17% for up to \$10.1M secured by all donor pledges for the Bell Chapel. He further stated that the settlement date for the loan will be July 1, 2024.

### **Academic Policy and Student Affairs Committee Report**

Trustee Natasha Lowell, Chair of the Academic Policy and Student Affairs Committee, provided highlights from the Committee's meeting earlier in the day. She noted that the Committee reviewed a number of action items which were approved as part of the Consent Agenda. She commented that Executive Vice President and Provost Elizabeth M. Bejar provided an overview on alternative admissions and, as part of the Committee's standing agenda items, the student and faculty representatives on the Board of Trustees provided updates.

### **Strategic Planning Committee Report**

Trustee Marc D. Sarnoff, Chair of the Strategic Planning Committee, provided highlights from the Committee's meeting earlier in the day. He commented that Provost Bejar provided updates regarding the 2030 strategic planning process. He stated that the Committee continued the discussion relating to student housing within the context of the strategic plan. He noted that Trustee Lowell provided an update on the Campus Master Plan.



### **Governance Committee Report**

Board Chair Tovar provided highlights from the Governance Committee’s meeting earlier in the day. He pointed out that Section 1004.28, Florida Statutes, provides, in relevant part, that the chair of a university board of trustees must appoint to a direct support organization, such as the FIU Foundation Board, at least one representative to the board of directors and executive committee, if any, of the organization. He indicated that, since July 2020, Trustee Prescott has been serving, and is continuing to serve, as an FIU Board of Trustees Chair appointed representative on the Board of Directors of the FIU Foundation, Inc. Board Chair Tovar stated that earlier in the fiscal year, he requested that Trustee Francis A. Hondal serve on the Board of Directors of the FIU Foundation, Inc. and the Foundation’s Executive Committee and that Trustee Sarnoff serve on the Board of Directors of the FIU Health Care Network and the Health Care Network’s Executive Committee as FIU Board of Trustees Chair appointed representatives to said Boards. Board Chair Tovar commented that, in accordance with accreditation requirements, the FIU Board of Trustees engaged in a self-assessment of its responsibilities and expectations as a Board. He added that the Board set a goal that Trustees attend the annual BOG Trustee Summits. He invited Trustees to bring forward additional goal(s) at the next regularly scheduled Board of Trustees meeting.

### **7. New Business**

Board Chair Tovar introduced a video highlighting a portion of the Florida Board of Governors (BOG) November 2023 meeting where BOG Chair Brian Lamb recognized and thanked Trustee Dean C. Colson for his contributions to FIU and the State University System.

Board Chair Tovar read the following FIU Board of Trustees Resolution:

WHEREAS, Trustee Dean C. Colson has been an esteemed member of the legal community and has been recognized as a “Senior Statesman” in the field of General Commercial Litigation by Chambers USA and Partners.

WHEREAS, Trustee Colson has a longstanding commitment to education. Over the past 20 years, he is the only person to have chaired the State University System in Florida, the Board of Trustees of Florida International University, and the Board of Trustees of the University of Miami. More specifically, Trustee Colson served on the University of Miami Board of Trustees for 18 years, with the last eight years as Chair of the Executive Committee or Chair of the Board. In 2009, he was appointed to the Board of Governors of the State University System of Florida, which oversees the public universities in the state, and served a seven-year term, including two years as Chair of the Board of Governors. In 2017, Trustee Colson was appointed to the Board of Trustees of Florida International University and served as chair from 2020-2023.

WHEREAS, during Trustee Colson’s time as Chair of the Florida International University Board of Trustees, he led with distinction, provided the strategic direction to steer the University to continue to thrive, and set the vision for the future. He helped the University navigate through unprecedented times and witnessed FIU’s rise in the rankings.

WHEREAS, Trustee Colson has a long history of community service and has been actively involved as a board member in various charitable organizations in South Florida. His commitment to giving

back to his community is reflective of his values and dedication to making a positive impact beyond his legal practice. Trustee Colson has received numerous awards for his outstanding community service, and he has been honored with an Honorary Degree of Doctor of Laws from Florida International University and the Jurisprudence Award from the Anti-Defamation League, highlighting his exceptional commitment to his community and philanthropic endeavors.

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees at its regular meeting this 7th day of December 2023, does hereby honor Trustee Dean C. Colson and recognize his lasting contributions to Florida International University and higher education.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Trustee Dean C. Colson as an expression of the Board's appreciation and gratitude.

President Jessell introduced the FIU Carolers, Carolina Escamilla, Mani Garcia, Jay Hernandez, Catherin Meza, Angelica Ramon, Isabella Rodriguez, Marcelo Santa Cruz, and Daniel Valdez. The FIU Carolers, under the direction of Mani Garcia, performed two holiday selections.

#### **8. Concluding Remarks and Adjournment**

With no other business, Board Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, December 7, 2023, at 2:34 PM.



**Full Board**  
**January 18, 2024**  
**FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**MINUTES**

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**1. Call to Order and Chair's Remarks**

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 3:30 PM on Thursday, January 18, 2024.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Roger Tovar, *Board Chair*; Carlos A. Duarte, *Board Vice Chair (Zoom)*; Cesar L. Alvarez; Noël C. Barengo; Dean C. Colson; Alan Gonzalez (*Zoom*); Francis A. Hondal; Natasha Lowell; Yaffa Popack; Gene Prescott; Chanel T. Rowe (*Zoom*); and Alexander P. Sutton.

Trustee Marc D. Sarnoff was excused.

Board Chair Tovar welcomed all Trustees and members of the University administration. He also welcomed the University community.

Board Chair Tovar stated that Section 6.9 of the Board's Bylaws provide that the Board Chair may, in consultation with the University President, allow an item to be presented to the Full Board without prior consideration by a Board committee when circumstances warrant. Board Chair Tovar added that to proceed directly to a Full Board meeting without a prior committee meeting would provide the most expeditious and efficient means by which to review the agenda item.

Board Chair Tovar welcomed Mr. Benjamin León, Jr. and the members of the León family who were in attendance. He shared that Mr. León is a native of Oriente, Cuba, and is the Chairman and Founder of Leon Medical Centers. Board Chair Tovar commented that Mr. León has been a prominent voice in South Florida's Cuban exile community since the 1960s, when he and his father Benjamin León, Sr., established a legacy of caring for the exile community through medical centers that ultimately evolved into what is now Leon Medical Centers. Board Chair Tovar mentioned that Mr. León has been deeply committed to the South Florida community and has made generous gifts including support for FIU's Herbert Wertheim College of Medicine Benjamin León Center for Geriatric Research and Education, the Miami Dade College Benjamin León School of Nursing, and La Liga Contra el Cancer, among others.

**2. Public Appearances**

There were no public appearances.

### **3. Action Item**

#### **BT1. Naming of Proposed Building to House FIU CasaCuba as the “Benjamin Leon, Jr. Building”**

Board Chair Tovar commented that FIU CasaCuba is a first-of-its-kind destination for the world to experience Cuban history and culture. He commented that FIU CasaCuba is envisioned as a vibrant Cuban home that invites visitors to gather, exchange ideas, and find inspiration in the rich Cuban heritage. He added that FIU CasaCuba will offer unprecedented opportunities to support the work of Cuban scholars and policymakers across the globe while showcasing and preserving Cuban heritage.

University President Kenneth A. Jessell explained that in 2015, FIU announced plans to build CasaCuba, a multi-dimensional Cuban cultural, research, and education center, focusing on the creation and dissemination of knowledge about Cuba and the celebration of Cuban culture. He added that CasaCuba will be a gathering place for researchers, students, policymakers, community members, and visitors from around the world to learn about Cuba and the Cuban diaspora, exchange ideas and explore the rich Cuban heritage, and to facilitate the non-partisan discussion and study of Cuban affairs. President Jessell mentioned that the Cuban American story is a crucial factor in the development of Miami and the nation. He added that Cuban migration has played a significant role in shaping the community’s culture, politics, and economy. President Jessell commented that FIU is a global leader in the study of Cuba and the preservation of Cuban culture and CasaCuba complements the work that the University does in education, research, and civic engagement. He remarked that FIU’s Cuban Research Institute is the nation’s leading institute focused on teaching and research on Cuba. He pointed out that FIU offers a Cuban Studies Certificate and over 70 Cuba-related courses across 20 disciplines and has the Kimberly Green Latin America and Caribbean Center (LACC) which is designated a national resource center on Latin America by the U.S. Department of Education.

President Jessell noted that FIU’s Cuba collections include oral histories, genealogy materials and memorabilia, art, and the world’s largest collection of publicly available Cuban music. He stated that FIU has over 50 experts teaching 70 different courses on Cuba offering a comprehensive resource of expertise. President Jessell remarked that FIU and CasaCuba will tell the story of Cuban heritage, Cuban determination, and Cuban innovation. He pointed out that the new CasaCuba facility will be prominently located at the 107<sup>th</sup> Avenue entrance to the Modesto A. Maidique Campus and will leverage the latest technology, bringing the Cuban experience to life like never before. He indicated that the proposed \$40M, 43,000 square foot building will have an exhibition space that will showcase FIU’s Cuba-related collections and expertise and include classrooms, seminar rooms, event spaces and study rooms.

President Jessell stated that Mr. Benjamin León, Jr., a visionary in the healthcare profession and leader in the community, has pledged \$10M to FIU to support construction of the new building for FIU CasaCuba. President Jessell added that the León family is deeply connected to the University, having previously given \$10M to establish the Benjamin León, Jr. Family Center for Geriatric Research and Education and endowed a chair in geriatrics at FIU’s Herbert Wertheim College of Medicine. President Jessell noted that the gift to the Herbert Wertheim College of Medicine is among the largest contributions ever made by a Cuban American family to a U.S. university.

President Jessell added that Mr. Albert Maury, Mr. León's son-in-law, is deeply committed to FIU as an alumnus and Chair Emeritus of the FIU Board of Trustees and has supported FIU through notable personal giving. President Jessell commented that Mr. León's gift to CasaCuba will provide the power to fuel dreams that resonate beyond the walls of academia, transcending borders and resonating globally. President Jessell recommended to the FIU Board of Trustees the naming of the proposed building to house FIU CasaCuba as the "Benjamin León, Jr. Building."

A motion was made and unanimously passed that the FIU Board of Trustees authorize and approve the naming of the proposed new building to house FIU CasaCuba as the "Benjamin León, Jr. Building", in accordance with the gift agreement related thereto and the University's and the FIU Foundation, Inc.'s Donative Naming Policy.

Mr. León remarked that FIU is a beacon of opportunity for so many and a source of pride for the community. He commented on the León family's unwavering commitment to the continued growth and development of FIU. He stated that the León family is honored to step forward with a gift for CasaCuba, assuring that the story of the Cuban community lives for generations to come.

Mr. Mario Murgado, Chair of the Board of Advisors for FIU CasaCuba, relayed his gratitude to Mr. León and the León family. Mr. Murgado shared a personal account regarding the exile of his family from Cuba. He shared that there are 18 pillars within the CasaCuba Board of Advisors who have donated over \$100,000, contributing to a collective \$26M that have been raised towards the endeavor of constructing the building to house FIU CasaCuba.

#### **4. New Business**

Board Chair Tovar reminded Trustees of the upcoming FIU Board of Trustees meetings scheduled for February 29, 2024. He also noted that June 5, 2024, is the new date for the June FIU Board of Trustees meetings.

President Jessell introduced FIU students, Guillermo Tomas, Anier Gonzales, and Gabriel Placido from the FIU Latin Jazz Ensemble for a musical performance.

Board Chair Tovar recognized Executive Director of FIU CasaCuba, Lydia "Lili" Betancourt Space. He thanked Mr. León and the León family for their commitment and dedication to FIU. Trustee Alexander P. Sutton shared that he has spoken with many Cuban American students who are grateful and excited for the opportunity to have a center where they can gather to celebrate their common culture.

#### **5. Concluding Remarks and Adjournment**

With no other business, Board Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, January 18, 2024, at 3:58 PM.

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February 29, 2024

**Subject: Approval of the Construction of a Stand-Alone Food Service Facility in the Housing Area of the Modesto A. Maidique Campus**

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**Proposed Action:**

Florida International University Board of Trustees (i) approval of the design and construction of a stand-alone food service facility (the “Dining Hall”) in the housing area of the Modesto A. Maidique Campus, and (ii) authorization for the University President or his designee to execute, on behalf of the University, all documents, and take all actions, that may be necessary to effectuate the transactions described herein.

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**Background Information:**

At Florida International University (FIU), we understand that students do not become leaders by simply succeeding in the classroom, they grow into movers and shakers in the community through interactions all throughout our campus. Understanding this dynamic, FIU embraces a multi-dimensional experience for students— engaging the mind, body, and spirit – to provide the necessary foundation for our students to develop as well-rounded persons, professionals, citizens, and world changers. Food services on campus plays a vital role in not only nourishment but creating community and engagement among FIU’s students, faculty, and staff.

Compass Group U.S.A., Inc., by and through its Chartwells division (“Chartwells”), was selected as the provider of dining services pursuant to a certain Invitation to Negotiate #78-001, and thereafter signed an Umbrella Contract with FIU on September 14, 2018 (the “Contract”). Pursuant to the Contract, Chartwells provides retail, residential and catering services for FIU’s Modesto A. Maidique (MMC), Biscayne Bay Campus (BBC) and Engineering Center (EC) , and since 2018, facility improvements and new retail venues have opened at all three of FIU’s served locations. Included in the Contract was a vision for a new residential food service operation to serve the growing residential community with the opening of Tamiami Hall, and a capital commitment of \$4M was allocated by Chartwells towards this vision.

Currently, in the housing area at MMC, only a small market/convenience store exists to serve the approximately 3,500 students living in the immediate area.

The residential food service program at FIU includes pre-paid meal plans which are a requirement for First Time in College (FTIC) or freshmen students and may also be purchased by upperclassmen living on and off campus. The 8th Street Campus Kitchen located in the Graham Center serves as FIU’s residential dining facility, yet also is a popular dining location for cash and credit transactions for faculty, staff, and students. Meal plan “meals” can only be redeemed at the 8th Street Campus Kitchen, which can be up to a 15-minute walk from the residential area.

The proposed location for the Dining Hall is between the University Park Towers (UPT) and Lake View (LV) resident halls. This location takes advantage of a high traffic walking path where over 3,000 students walk daily from their residences to class, the Graham Center Student Union, or other areas central to the MMC campus. This space is currently occupied by walking paths, grass areas, and a loading area for UPT and the Breezeway Market.

The Dining Hall will include a 10,880 gross square foot retail food court with 4-5 unique food venues, with a different food service experience than the all-you-can-eat style of 8th Street Campus Kitchen. Indoor and outdoor seating totaling between 150-250 mixed use tables and chairs will serve as an amenity to the over 500 common area seats in the surrounding first floor resident halls. The food service venues will be accessible via mobile, kiosk, and walk-up ordering including the latest technology in food service point of sale delivery. Additionally, the Dining Hall will include a full-service kitchen and food storage receiving and storage area for food production of the retail venues.

The Dining Hall would be a second destination for meal plan students to redeem meals as part their plans. In fall 2023, over 2,900 residential students purchased meal plans and approximately 285,000 meals were used at 8th Street Campus Kitchen over the course of the semester. FTIC meal plans make up almost 40% of the residential plans sold. Peak meal periods saw 800 meal swipes over one hour. Fall 2024 FTIC occupancy is projected to increase by almost 30%, adding to the demand for residential dining in the future. While the need for expansion of the residential food service program has existed since the opening of Tamiami Hall in 2020, there now exists an urgent need to expand as the FTIC resident population has grown well beyond historical occupancy numbers.

Furthermore, the Dining Hall can become a center for student engagement and community while providing nourishment and easing the demand on 8th Street Campus Kitchen during peak meal periods. The project will also create a more conveniently located dining facility expanding food services later into the night and on weekends and holidays. The expansion of convenience and accessibility of food services in the residential area will lead to greater satisfaction and meal plan participation by student residents.

Design of the Dining Hall is scheduled to begin in Summer 2024, with construction beginning Summer 2025 and opening fall 2026.

Design and construction of the Dining Hall will be funded using auxiliary fund balances from the Office of Business Services and the \$4M contribution from Chartwells. The initial cost estimate for design and construction of the Dining Hall is \$12M based on the overall scope of services and current needs of the campus. An updated budget will be provided to the Board of Trustees once the design process is underway. The Office of Business Services will work with FIU's Facilities Management Department and the selected architect and construction management team to design and build the Dining Hall to a \$12M budget. Any remaining funding will be held as a contingency to ensure the facility will serve the demand for expanded food service to FIU's residents.

While the Dining Hall will serve to alleviate current demand on FIU's residential dining program, it is also projected to increase both food service sales and revenue to FIU in the form of commissions on sales paid by Chartwells to FIU. Based on projections to increase both new and existing meal



plan purchases, and cash/credit walk-up business, the Dining Hall is projected to increase food service sales by \$1.85M annually and has the potential to increase food service sales by \$5.0M annually when the residential area is expanded to accommodate for increased demand and the move of University Apartments.

All comparable Florida State University System institutions have multiple residential dining facilities including facilities located in close proximity to residential areas. This has been a consistent request by residential students in annual surveys and customer feedback.

The FIU Fixed Capital Outlay Budget submitted to the Board of Governors has been amended to include the Dining Hall, in accordance with the approved delegation to the University President on September 14, 2023 (Agenda Item 3, FFI, Finance and Facilities Committee).

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Authorization of Proposed Housing Rate Increases in FY 2024-25 through FY 2028-29**

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**Proposed Action:**

Florida International University Board of Trustees approval of the proposed housing rate increases for fiscal years 2024-25 through fiscal year 2028-29 to ensure the University housing system is sufficiently capitalized for future expansion, capital investments are made in existing facilities, and increasing operating cost are not subsidized.

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**Background Information:**

The Department of Housing & Residential Experience of the Division of Academic and Student Affairs has submitted a proposal for housing rate increases based on a Market Assessment and Student Housing Master Plan Update completed by Brailsford & Dunlavey (B&D) consultants. The proposed increases will allow for needed capital investment in existing facilities, continued strong system-wide debt coverage, increased operating cost are met without subsidy from reserve balances, and the construction of proposed future development(s) are completed to meet on-campus housing demand.

The University housing system has not had a rate increase in the last 10 years.

The proposed multi-year increases are in line with B&D recommendations:

<b>Fiscal Year</b>	<b>Proposed Increase</b>
2024-25	4.7% (weighted average adjustment to reset to market by room and facility)
2025-26	6.0% system-wide
2026-27	6.0% system-wide
2027-28	6.0% system-wide
2028-29	3.0% system-wide

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**Supporting Documentation:**

*Agenda | Finance and Facilities Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Approval of (i) the construction of foundational infrastructure on the Engineering Center to support the installation of wind-only physical design testbed equipment, and (ii) to enter into amendments to an existing agreement with Aerolab Research Wind Tunnel, Inc., executed on March 20, 2023, to provide goods and services for a design and infrastructure project that is part of a, Mid-scale RI-1: National Full-Scale Testing Infrastructure for Community Hardening in Extreme Wind, Surge and Wave Events (NICHE)**

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**Proposed Action:**

Florida International University Board of Trustees (i) approval of the construction of foundational infrastructure on the Engineering Center to support the installation of wind-only physical design testbed equipment, which is part of the Mid-scale RI-1: National Full-Scale Testing Infrastructure for Community Hardening in Extreme Wind, Surge and Wave Events (NICHE) project funded by a \$12.8 million award from the National Science Foundation; (ii) approval of the amendments to an existing agreement with Aerolab Research Wind Tunnel, Inc., executed on March 20, 2023; and (iii) authorization for the University President or his designee to execute, on behalf of the University, all documents, and take all actions, that may be necessary to effectuate the transactions described herein.

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**Background Information:**

The Wind-Only Physical Design Testbed (WOPDT) is part of a design and infrastructure project, Mid-scale RI-1: National Full-Scale Testing Infrastructure for Community Hardening in Extreme Wind, Surge and Wave Events (NICHE), funded by a \$12.8 million award from the National Science Foundation (NSF), and is a cooperative agreement that includes the University of Florida, Oregon State University, Stanford University, the University of Notre Dame, the Georgia Institute of Technology, the University of Illinois at Urbana-Champaign, Colorado State University, and Wayne State University. The principal industry partner is Aerolab Research Wind Tunnel, Inc. (Aerolab) and other collaborators are UC San Diego and University of Miami.

The WOPDT to be installed at FIU will serve as a physical prototype for testing certain novel components at full scale which will be included in a full-scale NICHE facility. The WOPDT is designed to physically simulate wind hazards at the intensities required to faithfully reproduce extreme wind events impacting the built environment. The proposed WOPDT differs from the Wall of Wind in that it will be the only test facility in the United States to achieve both high-speed wind simulation as well as non-stationary wind generation.

The construction project on the Engineering Center will provide the foundational infrastructure for the system design, delivery and site assembly of the WOPDT equipment. Components of the

project include importation and compaction of over 2.5' of fill material to elevate the area to meet FIU standards (which impacts an area greater than 12,500 square feet), construction of a concrete slab, installation of an elevated steel frame, a new packed gravel walkway to the existing Wall of Wind, a new asphalt access drive and gate, a new fork lift ramp, a new chain link fence, new electrical facilities from the existing Wall of Wind to this project, and installation of new sod with irrigation. The concrete slab is 12" thick, 4000 PSI concrete slab on grade to support wind tunnel duct work, test table framing and localized reinforcement to support the wind tunnel fan with a max weight of 85,000 lbs. The slab on grade has an area of 94 ft. x 132 ft., and it is supporting 135 tons of dead load and a maximum lateral load of 156,200 lbs. Further, the slab on grade is also designed to support the imposed reaction loads under operating wind loads as well as high velocity wind zone design loads per the Florida Building Code. Stobs Bros. Construction Co. is the construction manager and Perkins & Will is the architect for a total cost of \$3,658,233.84.

On or about March 16, 2023, the University entered into an Independent Contractor Agreement with Aerolab in the amount of \$2,355,682. Aerolab was included in the proposal to the NSF and was specifically approved by the NSF to advise and work with FIU to provide the system design, analysis, delivery, site assembly, commission, calibration, and validation of the WOPDT. The University entered into the referenced agreement after the administration conferred with then Board of Trustees Vice Chair and Finance and Facilities Committee (FFC) Chair Roger Tovar. During the April 27, 2023 Full Board meeting, Vice Chair Tovar reported to the Full Board that the University administration had brought to his attention the "proposed contract with Aerolab Research Wind Tunnel Inc. (Aerolab) in the amount of \$2,355,682" and that the Aerolab contract "would be for a national full-scale testing infrastructure for community hardening in extreme wind, surge, and wave events project at the Engineering Center." Vice Chair Tovar explained that the funding for said project "is being provided by the National Science Foundation (NSF) and would cover the first phase of the project to complete the physical design and necessary equipment." "After conferring with the [University] administration, it was agreed that [the Aerolab] contract would be treated in the same manner as subaward contracts [were treated]," which was a practice reported previously to the Full Board by his FFC predecessor. As such, "the University could proceed to sign the [Aerolab] contract [in between Board meetings] and report it after-the-fact at the next FFC meeting." Moreover, Vice Chair Tovar reported that "the remainder of the project, which is estimated at \$3.7M, would be presented for Board of Trustees approval upon completion of the first phase of deliverables." Following Vice Chair Tovar's report, the Aerolab contract was included in the University's written report to the FFC at its next meeting, which took place on June 15, 2023.

The current request relates to the additional amendments to the Aerolab contract noted above. The Aerolab contract must be amended as the project continues so that Aerolab may provide further required work covering the period from February 2024 through January 31, 2026. Those amendments will total an additional \$3,682,979.49, of which \$647,143.20 is reflected in a recent amendment entered by the University administration and Aerolab covering the period August 1, 2023 through January 31, 2024. Consistent with the process described above, the University administration conferred with Board of Trustees Vice Chair and FFC Chair Carlos A. Duart about this \$647,143.20 amendment, and it was agreed that the University administration could proceed to enter into the amendment in order to meet project timelines, and bring it before the Board at this meeting. When the NSF provides the additional funding to the University for the project, further

amendment to the Aerolab contract will be required in an amount up to \$3,035,836.29. That additional amendment plus the \$647,143.20 amendment that is being reported to the Board here, totals \$3,682,979.49, which corresponds to the estimated \$3.7M amount discussed in the previous paragraph. Request is made for Board approval to further amend the Aerolab contract in an amount up to \$3,682,979.49, inclusive of the \$647,143.20. The additional Aerolab contract amendments will be reported to the FFC after they are executed.

Funding for this project is as follows:

	Total	Direct	F&A
Foundational Infrastructure (FIU FMD, Stobs and Perkins & Will) includes VFD that may be purchased by FIU directly	\$ 3,658,233.82		\$ 3,658,233.82
Motor	\$ 438,187.56	\$ 438,187.56	
WOPDT (Aerolab)*	\$ 4,161,845.33	\$ 2,217,191.71	\$ 1,944,653.62
<b>Total Construction</b>	<b>\$ 8,258,266.23</b>	<b>\$ 2,655,379.27</b>	<b>\$ 5,602,886.96</b>
<b>Aerolab Services</b>			
Initial	\$ 2,355,681.75	\$ 1,597,072.37	\$ 758,609.38
Amendment 1	\$ 647,143.20	\$ 647,143.20	\$ -
Future Amendments	\$ 3,035,836.30	\$ 1,849,792.05	\$ 1,186,044.24
<b>Total Aerolab Services</b>	<b>\$ 6,038,661.25</b>	<b>\$ 4,094,007.62</b>	<b>\$ 1,944,653.62</b>
Construction related services*	\$ 4,161,845.33	\$ 2,217,191.71	\$ 1,944,653.62
Non-Construction related services	\$ 1,876,815.92	\$ 1,876,815.91	\$ (0.00)

\*Distribution of sponsored research direct versus sponsored research indirect may vary based on timing and available balance on sponsored project directs. Sponsored research indirect (F&A) amount will not exceed \$1,944,653.62 in total

The FIU Fixed Capital Outlay Budget submitted to the Board of Governors will be amended to include this project, in accordance with the approved delegation to the University President on September 14, 2023 (Agenda Item 3, FF1, Finance and Facilities Committee).

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Amendment to FY23-24 Fixed Capital Outlay Plan, Non-Appropriated Projects**

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**Proposed Action:**

Florida International University Board of Trustees (BOT) (i) approval of an amendment to the FY23-24 Fixed Capital Outlay (FCO) Plan in the category of Non-Appropriated Projects, and (ii) authorization for the University President or his designee to execute, on behalf of the University, all documents, and take all actions, that may be necessary to effectuate said amendment.

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**Background Information:**

**Regulatory Framework:** Florida Board of Governors (BOG) Regulation 14.003 Fixed Capital Outlay Projects – University Budgeting Procedures, governs the preparation, reporting, and approval of the University’s Fixed Capital Outlay (FCO) Plan. Paragraph (1) of BOG Regulation 14.003 provides that the FCO Budget must be approved by both a university’s board of trustees and the Board of Governors. Paragraph 14.003(2)e specifically addresses “Non-Appropriated Projects”, citing as examples housing revenue bonds and federal grants among others. These are the fund sources relevant to the three projects proposed in the amendment. Paragraph 14.003(4) addresses amendments to an FCO Budget, and Paragraph 14.003(4)c thereof specifically requires Board of Trustees and Board of Governors approval for all individual new projects greater than \$5 million added to the FCO Budget, as well as increases greater than \$5 million to individual existing projects.

The amendment will add two new projects and increase the value of a third project by more than \$5 million.

- **Engineering Center Campus Wall of Wind MsRI Project:** This federally funded research grant project is listed on the current FCO Plan in the amount of \$247,597. With design and scope of work now finalized, the full project cost is now estimated at \$8,258,266.
- **University Student Housing Building:** This is a new project with an estimated project cost of \$184,492,445. The urgent need for additional student housing requires adding this project to the FCO Plan now rather than waiting until the development of the FY24-25 FCO Plan. Fund sources will be housing bonds and housing auxiliary revenue contributions.
- **Housing Residential Dining Facility:** This is a new project with an estimated cost of \$12,000,000 funded from Business Services Auxiliary. It will be a dining facility located in the core of the residential facilities.

**Prior Approvals:** The FIU Board of Trustees approved the FY23-24 FCO Plan on September 14, 2023 with the BOG approval following November 9, 2023.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Approval of the Updated Procurement Parameters for Architects and Engineers for Major Construction Projects**

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**Proposed Action:**

Florida International University Board of Trustees (i) approval of the updated procurement parameters for architects and engineers for major construction projects, and (ii) authorization for the University President or his designee to execute, on behalf of the University, all documents, and take all actions, that may be necessary to effectuate the competitive selections and negotiations pursuant to said updated parameters.

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**Background Information**

The Florida Board of Governors (BOG) has long promulgated a set of regulations governing construction programs across the State University System, including, without limitation, public announcement requirements, budgets, reserves, competitive solicitations for professional services and construction management services, and contracting methods.

In September 2023, the BOG implemented substantial revisions to the construction regulations, including, without limitation, permitting universities to take price into consideration when selecting certain professionals for construction projects. More specifically, BOG Regulation 14.008, Competitive Selection and Negotiation, provides, in relevant part, that “[the] selection committee shall evaluate eligible firms applying pursuant *to the procurement parameters prescribed by the board of trustees*. Such parameters may include, but are not limited to, the experience and qualifications of the firms; price, cost or fees; approach to the project; past performance; ability to meet time and budget requirements; location; and recent, current and projected workloads.”

Accordingly, FIU has updated its detailed Standard Operating Procedure to incorporate price as a selection parameter for architects and engineers for major construction projects. The updated selection process will work as follows:

- FIU places the advertisement for the particular project
- The weighting of the fee rank points vs the interview rank points, as further described below, will be referenced in the advertisement for the project. The particular weighting for each project will be determined by the University President or his designee based on the nature and needs of each specific project. Ties will be broken by interview ranking, if necessary.

- Upon a meeting of the selection committee to review the submittals, FIU develops a short list in accordance with FIU’s evaluation instructions (*i.e.* qualifications based only at this stage of the process)
- Shortlisted applicants are notified
- The selection committee convenes to hear presentations by the shortlisted applicants
  - o The applicants will have to submit their fee proposals in a sealed envelope at the beginning of their presentations.
- After the interviews are graded and ranked by the selection committee, the sealed envelopes with the fee proposals are opened
- Fee proposals will be ranked based on the proposed percentage discount off the fee published by the Florida Department of Management Services. (FIU uses the schedules from DMS as a guideline for determining fees. Formulas are updated by DMS to reflect current market conditions and are reviewed on a three-year basis).
- Fee rank points will be combined with interview rank points to determine the final overall ranking (so the final selection will take into account qualifications and cost proposals).

The procedure described above will be followed for all construction projects with an estimated construction cost of \$4 million or above. In accordance with BOG Regulations, FIU also conducts competitive selections for continuing contracts for professional services (*i.e.* those services within the scope of the practice of architecture, professional engineering, or registered land surveying, as defined by law, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with professional employment or practice or other professional services that may be required). These continuing contracts for professional services can be used for projects in which the estimated construction cost of each individual project under the contract does not exceed \$4 million. The selection process is qualifications based only, but pricing is taken into account when requesting estimates from architects and engineers for individual projects below the cap, as applicable. Further, the standard operating procedure for this selection process removes subconsultants from consideration, enabling the selection committee to evaluate qualifications of the principal firm in the discipline for which they have applied (e.g., architecture, civil engineering, MEP engineering, structural engineering, etc.). The penalty for adding subconsultants is disqualification from the competitive solicitation.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, February 29, 2024*



February 29, 2024

**Subject: Approval of Gift of Real Property to The Florida International University Healthcare Network, Inc.**

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**Proposed Action:**

The Florida International University Board of Trustees approval of the (1) the acceptance of a gift of real property, a commercial condominium unit, located at 7330 SW 62 Place, Suite 410, Miami, Florida, by the Florida International University Healthcare Network, Inc. (the FIU-HCN); and (2) the delegation of authority to the University President, or the President's respective designee, and to the Senior Vice President for Health Affairs to execute on behalf of the University and/or the FIU-HCN, as applicable, all other documents that may be necessary to effectuate the transactions contemplated herein.

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**RESOLUTION**

WHEREAS, FIU and the FIU-HCN have been participating in ongoing discussions with Dr. Paul A. Wetter, M.D., in order to negotiate the donation of a certain commercial medical condominium, known as suite 410 of the South Miami Medical Square Condominium, located at 7330 SW 62 Place, Miami, Florida, to the FIU-HCN (the "Property");

WHEREAS, Dr. Wetter and the FIU-HCN have agreed to a final Gift Agreement wherein Dr. Wetter will convey title to the Property to the FIU-HCN;

WHEREAS, the University believes that the acquisition of the Property by the FIU-HCN will further the FIU-HCN's clinical mission by providing a site for clinical services to the local community;

WHEREAS, the University also believes that HCN's acceptance of the Property is supportive of FIU's mission and the goals incorporated into the Next Horizon 2025 Strategic Plan and the Board of Governors State University System Strategic Plan; and

WHEREAS, on February 26, 2024, the FIU-HCN Board of Directors, pursuant to Article IV of Fifth Amended and Restated Bylaws of the FIU-HCN, was scheduled to meet to authorize the acquisition of the Property by the FIU-HCN.

NOW THEREFORE, BE IT RESOLVED, that the FIU-HCN is authorized to consummate the transactions contemplated herein, and the University President, or the President's designee, and the Senior Vice President for Health Affairs are authorized to execute on behalf of the

University and/or the FIU-HCN, as applicable, any agreements or documents that may be necessary in connection with the foregoing.

This action is in the form of a resolution to take effect immediately upon adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024 by the Board of Trustees of Florida International University.

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Rogelio Tovar  
Chair  
FIU Board of Trustees

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Milly Bello  
Corporate Secretary  
FIU Board of Trustees

**Legal Authority:**

BOG Regulation 9.011(1) provides in pertinent part: “University boards of trustees may establish direct support organizations (“DSO”) and health services support organizations . . . . Such support organizations shall be organized and operated to serve the best interests or missions of the university, including a university’s research, education and service missions, and may receive, hold, invest, and administer property . . . .”

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**Supporting Documentation:** Not applicable



February 29, 2024

**Subject: Approval of Contract greater than \$3,000,000: *Citrus Health Network, Inc. (PUR-07970)***

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**Proposed Action:**

Pursuant to the Delegations of Authority from the Florida International University Board of Trustees to the University President, as reflected in the Resolution on the President's Powers and Duties approved by the Board of Trustees on March 4, 2019, Florida International University Board of Trustees (i) approval of the University entering into the contracts and purchase orders and/or change orders to the purchase orders, as listed and described below, and (ii) authorization for the University President or his designee to execute, on behalf of the University, the aforementioned contracts and/or purchase orders.

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**Background Information:**

**Contract PUR-07970 Citrus Health Network Inc.**

This contract is being requested in order to renew an agreement executed on March 20, 2019, which continues to provide health services to individuals with intellectual disabilities or neurodevelopmental disorders and their families who are participants in programs provided by the FIU Embrace Center for Advancing Inclusive Communities. The purchase is exempted under Florida Board of Governors (BOG) Regulation 18.001(6)(d)(6) - Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.

- **Term:** This Agreement shall commence on the effective date and shall continue through June 30th, 2029. Upon expiration of the initial term, there are ten (10) option periods of one (1) year each.
  - **Total Estimated Cost:** \$ 8,120,544
  - **Funding Source(s):** E&G
- 

**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Tenure as a Condition of Employment Nomination**

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**Proposed Action:**

Florida International University Board of Trustees approval of one (1) candidate for Tenure as a Condition of Employment (TACOE).

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**Background Information:**

Pursuant to Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The TACOE nominee holds tenure at their previous institution and has been selected to receive TACOE based on the caliber of their work.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Program Termination of the Bachelor of Science in Physical Education**

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**Proposed Action:**

Florida International University Board of Trustees termination of the Bachelor of Science in Physical Education (CIP 13.1314).

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**Background Information:**

The faculty in the Department of Teaching and Learning propose to terminate the Bachelor of Science (BS) in Physical Education.

The BS in Sport and Exercise Science, approved by the FIU Board of Trustees in February 2023, will replace the BS in Physical Education. Students currently enrolled in the BS in Physical Education will be given the option to remain enrolled in the degree, completing the program by a final phase-out term of Summer 2030, or to change to the newly created BS in Sport and Exercise Science. Prospective students interested in pursuing study in physical education will be able to do so through the new degree.

Section (1d) of Florida Board of Governors Regulation 8.012 Academic Program Termination and Temporary Suspension of New Enrollments states, in relevant part, that each university board of trustees has the responsibility and authority to approve the termination of degree programs at all levels (with the exception of master's degree programs in nursing).

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Program Termination of the Master of Science in International and Intercultural Education**

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**Proposed Action:**

Florida International University Board of Trustees termination of the Master of Science in International and Intercultural Education (CIP 13.0701).

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**Background Information:**

The faculty in the Department of Educational Policy Studies propose to terminate the Master of Science (MS) in International and Intercultural Education.

To better support Florida Board of Governors goals concerning degree productivity and to streamline departmental resources, faculty propose restructuring the MS in International and Intercultural Education degree as two new majors under two existing degree programs: the MS in Educational Leadership and the MS in Higher Education Administration. Under the MS in Educational Leadership, the first new major will be entitled “Educational Studies,” and under the MS in Higher Education Administration, the second new major will be entitled “International Higher Education.” Students currently enrolled in the MS in International and Intercultural Education will be given the option to remain enrolled in the degree, completing the program by a final phase-out term of Fall 2027, or to change to one of the newly created majors. Prospective students interested in pursuing study in international and intercultural education will be able to do so through one of the two newly created majors.

Section (1d) of Florida Board of Governors Regulation 8.012 Academic Program Termination and Temporary Suspension of New Enrollments states, in relevant part, that each university board of trustees has the responsibility and authority to approve the termination of degree programs at all levels (with the exception of master’s degree programs in nursing).

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Program Termination of the Master of Science in Urban Education**

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**Proposed Action:**

Florida International University Board of Trustees termination of the Master of Science in Urban Education (CIP 13.0410).

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**Background Information:**

The faculty in the Department of Educational Policy Studies propose to terminate the Master of Science (MS) in Urban Education.

To better support Florida Board of Governors goals concerning degree productivity and to streamline departmental resources, faculty propose restructuring the MS in Urban Education degree as a new major under the existing MS in Educational Leadership degree program. The new major will be entitled "Educational Studies." Prospective students interested in pursuing study in urban education will be able to do so through the Educational Studies major offered under the MS in Educational Leadership.

Section (1d) of Florida Board of Governors Regulation 8.012 Academic Program Termination and Temporary Suspension of New Enrollments states, in relevant part, that each university board of trustees has the responsibility and authority to approve the termination of degree programs at all levels (with the exception of master's degree programs in nursing).

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: New Program Proposal: Bachelor of Science in Data Science and Artificial Intelligence**

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**Proposed Action:**

Florida International University Board of Trustees approval of the Bachelor of Science in Data Science and Artificial Intelligence (CIP 30.7001) new program proposal.

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**Background Information:**

Faculty in the Florida International University College of Engineering and Computing (CEC) Knight Foundation School of Computing and Information Sciences propose the implementation of a new Bachelor of Science (BS) degree in Data Science and Artificial Intelligence (CIP code: 30.7001). The proposed degree will respond to the increasing workforce demand for skilled professionals who are equipped to lead in a number of fields, including data analysis, machine learning, and business intelligence.

The growth of the digital economy has resulted in a critical need for skilled data professionals, and data scientists are increasingly sought after to fill lucrative positions across a variety of sectors. Indeed, the U.S. Bureau of Labor Statistics projects the occupation of data scientist to grow by 36% nationwide between the years of 2021 and 2031. The proposed BS in Data Science and Artificial Intelligence will provide students with foundational knowledge and skills required to meet workforce demand across a variety of sectors, including healthcare, technology, finance, manufacturing, and e-commerce.

Each university board of trustees shall approve for implementation new degree programs at the bachelor's, master's, advanced master's, and specialist levels in accordance with sections (3) and (5) of Florida Board of Governors Regulation 8.011 – *Authorization of New Academic Degree Programs and Other Curricular Offerings*.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, February 29, 2024*

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February 29, 2024

**Subject: Updated Senior Management Official, Continued Exclusions of Trustees other than the Board Chair and Continued Delegation to the Key Management Personnel**

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**Proposed Action:**

Florida International University Board of Trustees adoption of a Resolution: (a) updating the designation of the Senior Management Official for Florida International University's facility clearance; and (b) continuing to: (i) exclude all Trustees, except for the Chair of the Board of Trustees, from the requirements for a personnel security clearance and (ii) delegate to the Key Management Personnel certain responsibilities and authorities pursuant to 32 CFR Part 117, National Industrial Security Program Operating Manual (NISPOM).

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**RESOLUTION**

WHEREAS, Florida International University ("FIU"), a university in the State University System of Florida, has and desires to continue to enter into contractual obligations with agencies of the United States Government, including contractual obligations requiring security clearance; and

WHEREAS, by Resolution dated September 5, 2018, the FIU Board of Trustees designated certain FIU officials, including the FIU President, to serve as the Key Management Personnel (KMP) of FIU as required by the NISPOM; and

WHEREAS, the September 5, 2018 Resolution provided that the President would serve as the final authority for the KMP, i.e., as the FIU Senior Management Official (SMO); and

WHEREAS, following the resignation of the then-President on January 21, 2022, a new SMO was required to be designated by FIU that met the compliance requirements of the NISPOM and as required by the Defense Counterintelligence and Security Agency (DCSA); and

WHEREAS, by Resolution dated March 3, 2022, the Board ratified the appointment of Kevin Lothridge, the Director of the Global Forensic & Justice Center and Executive Director of the National Forensic Science Technology Center, as the Interim SMO; and

WHEREAS, the FIU President currently meets the compliance requirements of the NISPOM and the requirements of the DCSA to hold the position of SMO; and

WHEREAS, the DCSA requires that the Chair of the Board of Trustees not be excluded from the requirements for a personnel security clearance, but permits that all other Trustees may be so excluded; and

WHEREAS, by Resolution dated September 14, 2023, all the Trustees of the Board of Trustees were excluded from the requirements for a personnel security clearance and the Trustees of this Board, other than the Chair, should continue to be so excluded.

NOW THEREFORE, BE IT RESOLVED that FIU President is hereby designated as the FIU SMO.

BE IT FURTHER RESOLVED that the following Trustees continue to be excluded from the requirements for a personnel security clearance:

Carlos A. Duart	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Noël C. Barengo	Trustee
Dean C. Colson	Trustee
Alan Gonzalez	Trustee
Francis A. Hondal	Trustee
Natasha Lowell	Trustee
Yaffa Popack	Trustee
T. Gene Prescott	Trustee
Chanel T. Rowe	Trustee
Marc D. Sarnoff	Trustee
Alexander P. Sutton	Trustee

BE IT FURTHER RESOLVED that the Key Management Personnel of FIU consist of FIU's Facility Security Officer, FIU's Insider Threat Program Senior Official, FIU's Associate Vice President for Research, FIU's Deputy Executive Director of the Global Forensic and Justice Center, and the FIU SMO with the FIU SMO, having final authority;

BE IT FURTHER RESOLVED that the FIU Board of Trustees continues to delegate to the Key Management Personnel all duties, responsibilities and authorities pertaining to FIU's obligations under the NISPOM, and

BE IT FURTHER RESOLVED that in future, if a cognizant security agency (CSA) of the U.S. Government determines that additional FIU officials must be added to the managerial group, such requirements shall be made and approved by the Key Management Personnel, and not the FIU Board of Trustees, unless approval by the FIU Board of Trustees is required by the CSA.

This action is in the form of a resolution to take effect immediately upon adoption.

Adopted this 29th day of February, 2024 by the Board of Trustees of Florida International University.

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Rogelio Tovar  
Chair  
FIU Board of Trustees

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Milly Bello  
Corporate Secretary  
FIU Board of Trustees

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February 29, 2024

**Subject: Acceptance of Performance Based Funding and Emerging Preeminent Metrics Data Integrity Audit Report and Approval of Data Integrity Certification**

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**Proposed Action:**

Florida International University Board of Trustees acceptance of the Audit Report - Audit of Performance Based Funding and Emerging Preeminent Metrics Data Integrity and approval of the Performance Based Funding and Emerging Preeminence Status – Data Integrity Certification, as executed by the University President.

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**Background information:**

As required by Florida Board of Governors (BOG) Regulation 5.001 and Florida Statute 1001.706, the Office of Internal Audit has performed an audit of the data integrity related to the University's Performance-Based Funding and Emerging Preeminent metrics. The audit objectives were to (1) determine whether the processes established by the University ensure the completeness, accuracy, and timeliness of data submissions to the BOG that support said metrics and (2) provide an objective basis of support for the University President and the Board of Trustees Chair to sign the representations made in the Data Integrity Certification for Performance-based Funding and Emerging Preeminence status.

Using the results from the data integrity audit, the University President has completed the Data Integrity Certification, furnished by the BOG. The certification document shall be signed by the Florida International University Board of Trustees (BOT) Chair after being approved by the BOT.

Florida Board of Governors Regulation 5.001(8) states, in relevant part, that University chief audit executives shall conduct or cause to have conducted an annual data integrity audit to verify the data submitted for implementing the Performance-based Funding Model complies with the data definitions established by the Board of Governors. The audit report shall be presented to the university's board of trustees for its review, acceptance, and use in completing the data integrity certification. The audit report and data integrity certification are due to the Board of Governors' Office of Inspector General by March 1 each year.

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**Supporting Documentation:**

*Agenda | Audit and Compliance Committee Meeting, February 29, 2024*

**Facilitator/Presenter:**

Chanel T. Rowe, *Chair, Audit and Compliance Committee*

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February 29, 2024

**Subject: Authorization for the Issuance of Debt to Finance the Construction of a Student Residence Facility at the University's Modesto A. Maidique Campus**

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**Proposed Action:**

Florida International University Board of Trustees authorization of a request to the Florida Board of Governors to request the Division of Bond Finance of the State Board of Administration to issue revenue bonds on behalf of Florida International University to finance construction of a student residence facility on the Modesto A. Maidique campus of the University.

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**Background Information:**

The Department of Housing and Residential Life of the Division of Student Affairs has submitted a proposal for financing and constructing a new student residence facility on the Modesto A. Maidique campus of the University (the "Project"). The Project will be constructed as a suite-style residence hall with 816 beds. The Project is contemplated on the University's Campus Master Plan. The total Project construction cost is expected to be approximately \$184.5 million with approximately a \$20,000,000 cash contribution from the Housing system reserves.

The Administration recommends that the FIU Board of Trustees authorize a request from the Florida Board of Governors to the Division of Bond Finance to issue up to \$182.25 million of fixed rate, revenue bonds to finance the construction of the Project, finance capitalized interest, fund a debt service reserve fund, if necessary, and pay costs of issuing the Bonds. The Bonds will mature no more than thirty (30) years after issuance with level annual debt service payments.

This request is consistent with the Florida Board of Governors Debt Management Guidelines dated September 14, 2022; Sections 1010.62 of the Florida Statutes; and Article IX, Section 7, Florida Constitution.

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**Supporting Documentation:** Requesting Resolution in Board of Governors Form  
Appendix A

**Facilitator/Presenter:** Carlos A. Duarte, *Chair, Finance and Facilities Committee*

**A RESOLUTION AUTHORIZING THE ISSUANCE OF DEBT AND REQUESTING THE FLORIDA BOARD OF GOVERNORS TO APPROVE THE ISSUANCE OF SUCH DEBT TO FINANCE THE CONSTRUCTION OF A 816 BED STUDENT RESIDENCE FACILITY (UNIVERSITY HOUSING – PHASE I) ON THE MODESTO A. MAIDIQUE CAMPUS OF FLORIDA INTERNATIONAL UNIVERSITY, PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES:**

**Section 1.** The Board of Trustees (the “Board of Trustees”) of the Florida International University (the “University”) hereby requests the Florida Board of Governors to request the Division of Bond Finance of the State Board of Administration of Florida (the “Division”) to issue bonds in an amount not exceeding \$182,250,000 (the “Bonds”) for the purpose of financing (i) a Student Residence Facility on the campus of the University, as described herein (the “Project”), (ii) capitalized interest, (iii) a debt service reserve fund, if necessary, and (iv) certain costs associated with issuing the Bonds, including municipal bond insurance, if any.

**Section 2.** The Project will consist of approximately 816 beds and will include some ancillary space to service the residents. The Project is reflected on the approved master plan for the University and is consistent with the mission of the University because it will provide additional housing for use by students of the University. Construction of the Project is expected to begin December 2025 and to be completed by June 2027. Proceeds of the Bonds are not anticipated to be sufficient to complete the construction of the Project without the use of additional funds. Additional necessary funding in the amount of approximately \$20,000,000 will be obtained from cash reserves of the University’s housing and, if needed, treasury funds. Legislative approval of the Project has been obtained pursuant to section 1010.62, Florida Statutes. No proceeds of the Bonds will be used to finance operating expenses of the University. The issuance of Bonds by the Division for the purpose of reimbursing the University for capital expenditures paid for the Project from legally available funds of the University is hereby authorized.

**Section 3.** The Bonds are to be secured by a first lien on the net housing system revenues, which consist of the housing system revenues, derived primarily from rental income, special event rental fees, and other miscellaneous charges for services or space provided, after deducting operating and maintenance expenses (the “Pledged Revenues”) and will be issued on parity with the housing system’s outstanding debt. The University is legally authorized to secure the Bonds with the revenues to be pledged pursuant to section 1010.62, Florida Statutes. The University is also committed to ensuring that sufficient housing system revenues will be generated to fulfill the University’s obligations with respect to the Bonds.

**Section 4.** The Bonds will mature not more than 30 years after issuance, including any extensions or renewals thereof. The Project has an estimated useful life of 50 years, which is beyond the anticipated final maturity of the Bonds. The Bonds will bear interest at a fixed interest rate.

**Section 5.** (Reserved for variable rate debt and not applicable)

**Section 6.** (Reserved for taxable debt and not applicable)

**Section 7.** The Bonds will be sold through competitive sale.

**Section 8.** The Board of Trustees will comply, and will require the University to comply, with all requirements of federal and state law relating to the Bonds, including but not limited to, laws relating to maintaining the exemption from taxation of interest payments on the Bonds and continuing secondary market disclosure of information regarding the Bonds.

**Section 9.** The President, Chief Financial Officer and other authorized representatives of the University and the Board of Trustees are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale, and delivery of the Bonds.

**Section 10.** In making the determination to finance the Project, the Board of Trustees has reviewed the information attached to Appendix A and finds that the issuance of the Bonds is in compliance with the Debt Management Guidelines adopted by the Board of Governors, the University's debt management policy, and applicable law.

**Section 11.** This Resolution shall take effect immediately upon its adoption.

Adopted this 29th day of February, 2024.

CERTIFICATE OF THE CORPORATE SECRETARY

The undersigned, Corporate Secretary of the Florida International University Board of Trustees, does hereby certify that the attached resolution relating to the issuance of Bonds by the Division of Bond Finance of the State Board of Administration of Florida is a true and accurate copy as adopted by the Florida International University Board of Trustees on February 29, 2024, and said resolution has not been modified or rescinded and is in full force and effect on the date hereof.

BOARD OF TRUSTEES OF

FLORIDA INTERNATIONAL UNIVERSITY

Dated: \_\_\_\_\_, 2024

By:

Corporate Secretary

### Appendix A

The following documents have been reviewed by the Board of Trustees prior to the execution of this Resolution:

1. the project summary;
  - a. Florida International University Housing Demand Analysis Report by Brailsford and Dunlavey dated February 2024
2. draw schedule for the project;
3. sources and uses of funds for the project;
4. estimated debt service schedule;
5. debt service schedules for any outstanding debt with a lien on the pledged revenues;
6. schedule showing estimated compliance with any additional bond requirement set forth in the documents governing the outstanding debt;
7. description of the security supporting repayment and the lien position the debt will have on that security;
8. five-year history and five-year projections of the pledged revenues and the debt service coverage;
9. projected pledge revenue and debt service coverage;
10. statement of legislative approval for the Project;
11. Internal Rate of Return (IRR) calculation; and
12. Student Housing price comparison analysis.

**Appendix A: Item 1**  
**Project Summary**  
**Florida International University**  
**University Housing Project**

**Project Description:** The proposed student residence facility project will be constructed on Florida International University’s (the “University” or “FIU”) main campus, the Modesto A. Maidique campus (the “MMC campus”), and will provide an additional 816 beds to the existing capacity of 3,814 students in the housing system. The project will consist of one building 295,499 gross square feet. It will be constructed as a residence hall that will include a mix of four bedroom and studio units. All units will feature single bedrooms, common areas, and kitchenettes. The building will include space for study lounges and gathering spaces to accommodate education and social activities.

The project is included in the current 2015 - 30 Campus Master Plan.

**Facility Site Location:** The proposed project will be located in the central, southern area of the MMC campus. It will be conveniently located near academic and student services buildings, food services, and the recreation center.

**Projected Start and Opening Date:** It is anticipated that construction of the project will commence in December 2025 and will be completed by June 2027. The Project is expected to open in August 2027 for the fall semester.

**Demand Analysis:** The University has very limited on-campus housing. The student body for all degree-seeking students at all campuses was 54,037 in fall 2023, with only 4,225 students (3,814 students at the MMC campus and 411 students at the Biscayne Bay campus) students) or 7.8 percent of the student population living on-campus. FIU has the lowest percentage of students living on-campus in the entire State University System (SUS). For the SUS, 25 percent of all undergraduate students are housed on-campus; for FIU it is 10 percent. For fall 2023, 1,605 FIU students were on the on-campus housing interest list of students that were in need of housing. On the first day of classes in fall 2023, there were 837 students remaining on the housing waiting list still wanting housing on the MMC campus. On-campus housing has opened at 99.5 percent occupancy for the last two years. The University has unmet demand of 1,400 additional beds as discussed below. This project would begin to satisfy some of this unmet demand.

University	Fall 2023 Campus Beds	Fall 2023 Undergraduate Enrollment	UG housed	Fall 2023 Full-time UG enrollment	% Full-time UG Housed

FGCU	4,748	13,815	34%	12,331	39%
UNF	3,481	13,610	26%	10,862	32%
FAMU	2,769	9,269	30%	7,986	35%
FAU	4,759	23,458	20%	17,180	28%
UF	8,910	34,552	26%	28,308	31%
UWF	1,516	9,646	16%	4,946	31%
USF	6,503	36,452	18%	35,674	18%
UCF	7,043	59,547	12%	46,570	15%
FSU	6,709	31,933	21%	28,928	23%
FIU	3,814	38,715	10%	25,091	15%

There are six private student housing complexes located adjacent to the MMC campus across Southwest 8th street in Sweetwater: 109 Tower, 4<sup>th</sup> Street Commons, Identity Miami, Lapis, The One at University City, and Terrazul. The six complexes combined have approximately 5,706 beds. Lapis opened Fall 2023 and Terrazul has an anticipated opening fall 2024. Most incoming and transfer and graduate students are referred to these facilities since on-campus housing is not able to accommodate these populations. Once Terrazul is completed, there are two planned additional private student and workforce housing developments planned near the MMC campus. Like the existing off-campus projects, Terrazul the focus will be on upper division undergraduate and graduate/professional students.

Although off-campus housing exists near the MMC campus and has been an acceptable alternative for some students, the provision of amenities, living features, and student-friendly accommodations and agreement structures are infrequent. Rising costs and limited availability are also two prohibitive factors. Off-campus non-student apartment rental rates have increased consistently over the past several years and this trend is expected to continue in the foreseeable future. Students living off-campus in non-student housing apartments encounter an array of problems for which no immediate assistance is available. There is no in-house support when landlord, roommate, or academic problems arise. Additionally, much student effort goes toward working to pay rent, furnishing living quarters and commuting.

Student affordability continues to be a concern with students. Some students can only attend FIU if they live on-campus because of the flexibility of making rental payments. FIU Housing provides students the ability to use financial aid and payment plans to make rental payments. Staff in FIU Housing individually work with students and families to make sure they can find all resources to help afford attending FIU. In fall 2023, 32 percent of all students living on-campus used financial aid to pay rent and 21 percent were on payment plans.

Increasing the number of beds on-campus will also continue to increase the number of students who are engaged in the campus community. On-campus residents are more likely to attend athletic events and campus programs, join a club, and participate in recreation activities. Students living on-campus have access to tutoring and programs designed to help them be successful in and out of the classroom. This engagement and specialized programming results in students living on-campus housing having a higher four-year graduation rate.

Furthermore, evidence suggests that the lack of on-campus housing discourages some quality students from attending the University, mostly when applicants learn they will not be assigned to on-campus housing and the off-campus student housing apartments are at capacity. In some cases, parents will not allow their children to come to Miami and live off-campus and in other cases parents cannot afford the additional expense of off-campus housing.

In addition to conducting its own analysis, FIU Housing engaged Brailsford & Dunlavey (B&D) in fall 2023 to update the FIU Housing Master Plan which included an in-depth on-campus housing demand study. B&D's scope of work included strategic visioning, stakeholder and focus group interviews, a web-based student survey, a demand analysis, and off-campus market analysis which is included as part of the board materials. Key findings of the study stated that the housing system on MMC was providing 1,466 less beds when compared to the current student demand and existing inventory.

FIU Housing is looking to build 796 revenue-generating beds, which is less than the demand study because of rising construction cost and private student housing development around MMC. The University considered a public-private partnership structure during the evaluation process. However, the University does not feel that a multi-system approach to housing on the MMC campus is desirable.

In conclusion, there is a demonstrated need for additional on-campus student housing. The University, with a present total bed capacity of 3,814 students, does not have sufficient housing capacity to meet its growing student demand. FIU offers the least number of beds to undergraduate students in the SUS. Many students who desired on-campus housing on the MMC campus this year had to be referred to the Biscayne Bay campus, off-campus housing apartments or chose not to attend the University. This is further evidenced by the waiting list maintained by the housing operation. The University will increasingly depend upon the availability of on-campus housing in order to attract high quality students with greater diversity. The construction of additional undergraduate and graduate student



housing is critical to the achievement of the University's goal to become a top public urban research university.

**Selection of Professionals:** The Bonds will be issued through the Division of Bond Finance of the State Board of Administration of Florida ("DBF"), which has contracts with multiple outside professionals (including bond counsel, financial advisors, and verification agents) who will be engaged as necessary, all of which were selected through a competitive process.

**Project Cost and  
Financing Structure:**

The total project cost, which includes construction and associated design costs, is estimated at \$184.5 million, and will be funded through the issuance bonds by DBF in an amount not to exceed \$182.25 million (the "Bonds") and an approximately \$20.0 million contribution from the Housing system and, if necessary, Treasury funds.

The total project cost estimate was calculated with cost per GSF as the basis. Residential space includes all net usable space within the units plus a factor of 1.34 for circulation, structure, building systems and other non-assignable space attributable to the residential area. Cost per GSF for these areas is based on recent data contributed by design professionals with recent student residence experience at FIU and other universities. Administration, student lounges, residential support and building service areas are based on BOG cost data per GSF. Site costs are based on specific conditions that must be addressed for the project site such as major utility relocations, roadway improvements, utility services and distribution lines, landscaping, walkways, and service access. Other project costs are generally calculated based on projected construction costs. These include professional fees, testing/surveys/ inspection services, furnishings & equipment, contingencies, and other services required.

Total project cost per bed can be calculated based on total beds and total cost, i.e., \$184,492,445/816 beds = \$226,094 per bed. At a cost of approximately \$226K per bed, the Project is on the upper end of the recent student housing projects approved by the Board of Governors.

The project will be financed with fixed rate, tax-exempt revenue bonds issued by DBF, on behalf of the University, in an amount not to exceed \$182.25 million. The bond issue will be structured with a not to exceed 30-year final maturity and level annual debt service. Approximately \$19.2 million of the debt will be used to fund capitalized interest for approximately 24-months during the construction period.

Construction of the project will be administered by the University under the supervision of its Facilities Management Department

consistent with the construction of previous University housing phases.

**Security/Lien Structure:** Net housing system revenues will be pledged for the payment of debt service on parity with the system's outstanding debt. These revenues consist of the housing system revenues, derived primarily from rental income and special event rental fees and other miscellaneous charges for services or space provided, after deducting operating and maintenance expenses ("Pledged Revenues").

The Bonds will be payable solely from the Pledged Revenues and secured by a first lien thereon as to the payment of principal and interest, on a parity with the outstanding State of Florida, Board of Governors, Florida International University Dormitory Revenue and Revenue Refunding Bonds, Series 2015A, 2020A and 2021A. Currently, the aggregate principal amount outstanding is \$129,325,000.

**Pledged Revenues and Debt Service Coverage:**

According to the forecasts provided by the FIU staff, the housing system is expected to generate Pledged Revenues of \$32,313,791 FY 2027-28, the first year of operation for the Project, and would produce a maximum annual debt service coverage ratio of 1.45X. The housing system is expected to generate Pledged Revenues of \$33,370,511 during the second year of operations of the Project, which would produce a maximum annual debt service coverage of 1.60X.

During the five-year period from FY 2018-19 to FY 2022-23, Pledged Revenues ranged from \$14,640,635 in FY 2018-19 to \$17,041,726 in FY 2022-23. This resulted in annual debt service coverage which ranged from 2.16X to 1.41X (without consideration of HEERF COVID funding).

For FY 2023-24 to FY 2026-27, Pledged Revenues are projected to grow from \$19,072,226 to \$23,321,676 with estimated coverage increasing from 1.82X to 2.40x. After opening of the Project in FY 2027-28, Pledged Revenues are projected to increase to \$32,313,792 with debt service coverage estimated at 1.45x. Interest payments on the proposed Bonds will be funded from Bond proceeds during the 24-month construction period from issuance through June 2027.

The projected debt service coverages have been calculated using a tax-exempt interest rate of 5.25 percent. The projected revenues are based, in part, on weighted average increases in rental rates as follows: FY 2024-25 4.70%, FY 2024-25 through FY 2027-28 6.00% per year, and FY 2028-29 3.00%. Annual operating expenses are expected to increase by approximately 2 percent per year.

When the Project opens in FY 2027-28, the projected rental rate per semester for the fall and spring will be \$5,900 per bed for the four-bedroom unit and \$6,200 for the limited number of studios. These rates are consistent with rental rates for existing facilities at the University and across the SUS.

The Project is expected to achieve a positive return with an internal rate of return (IRR) estimated at 3.97 percent over the 30-year financing period (increasing to 5.31 percent over an estimated useful life of forty (40) years).

A detailed schedule with the five-year history and a five-year projection of the Pledged Revenues, annual debt service coverage and maximum annual debt service coverage are included in the attached Appendix A: Item 8.

**Additional Bonds Test:**

The resolution allows for additional parity bonds provided that Pledged Revenues are sufficient to satisfy the additional bonds test (“ABT”). The ABT requires that the average annual Pledged Revenues (as adjusted for approved rental rate increases and additional revenues generated by the Project) for the two Fiscal Years immediately preceding the issuance of the Bonds are sufficient to cover 120% of the maximum annual debt service on all outstanding debt (the Series 2015A, 2020A and 2021A Bonds) and the proposed Bonds in such years.

For purposes of the ABT, average Pledged Revenues for FY 2023-24 and FY 2024-25, the two Fiscal Years immediately preceding the proposed issuance of the Bonds, are expected to be \$31M, which provides a coverage ratio of 1.39X, on the Series 2015A, 2020A, and 2021A Bonds and the proposed Bonds.

**Type of Sale:**

Competitive sale. The Bonds will be issued through DBF. Based on current market conditions and the proposed issuance, a competitive sale will yield the best results in terms of cost.

**Analysis and Recommendation:**

University staff has reviewed the information provided by The Department of Housing and Residential Life with respect to the request for Board of Governors approval for the subject financing. University staff feels that demand for the existing and proposed housing is adequate to support construction of the proposed project. Additionally, the housing system has historically generated positive debt service coverage and is projected to continue to provide adequate debt service coverage in the future based upon projections by the University. Based upon a review of the information, it appears that the financing is in compliance with the Florida Statutes governing the issuance of university debt and the Board of Governors’ Debt

Management Guidelines. The University administration recommends adoption of the resolution authorizing the proposed financing.



February 29, 2024

**Subject: Proposed Naming of Field Located at FIU Soccer Stadium as the “Leyva Family Field”**

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**Proposed Action:**

Florida International University Board of Trustees approval of the naming of the playing field located at FIU Soccer Stadium on the Modesto A. Maidique Campus of Florida International University (the “University”), as the “**Leyva Family Field**,” in accordance with a separate gift and naming rights agreement related thereto and the University’s and the FIU Foundation, Inc.’s (the “Foundation”) Donative Naming Policy (the “Naming Policy”).

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**Background Information:**

On December 20, 2023, Jonathan Leyva agreed to make a pledge of \$500,000 to the Foundation to support the Athletic Director’s Priority Fund, which supports priority projects and initiatives as determined by the University’s Athletic Director.

As consideration for this gift, the Foundation and the University have agreed to name the playing field located at FIU Soccer Stadium as the “**Leyva Family Field**”, in accordance with the Naming Policy, a copy of which is attached. A summary term sheet outlining the material terms of the naming is also attached.

On February 10, 2024, the Board of Directors of the Foundation approved the naming of the Leyva Family Field, in accordance with the Naming Policy. All other approvals required by the Naming Policy also have been secured by the University.

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**Supporting Documentation:**     *Agenda | Finance and Facilities Committee Meeting, February 29, 2024*

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