



Florida Department of TRANSPORTATION

Office of Inspector General Kristofer B. Sullivan, Inspector General

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Audit Report No. 22P-011
Records Retention Audit

February 17, 2023

What We Did

The Office of Inspector General (OIG) conducted an audit of the Department of Transportation's (Department) Support Services Office records retention. The purpose of this engagement was to determine if the Department has established compliant policies, procedures, and guidance in accordance with statutes, rules, and other state requirements for records retention, and if the governance structure of the Department's records retention program is sufficient to ensure compliance with applicable statutes, rules, and other state requirements. The scope of the audit included applicable statutes, rules, and other state requirements related to records retention. The objectives did not include testing of Department retained records to ensure they conformed with program requirements. This audit was conducted as a part of our annual work plan for the fiscal year (FY) 2021-22.

What We Found

We determined the Department has established compliant policies, procedures, and guidance in accordance with statutes, rules, and other state requirements for records retention.

We also determined the governance structure of the Department's records retention program is sufficient to ensure compliance with the applicable statutes, rules, and other state requirements we reviewed. This was based on 20 criteria selected, which included statutes, rules, Department of State guidance, and Department policies and guidance in the following areas:

- Program Authorization and Organization;
- Physical and Electronic Records Maintenance Practices; and
- Records Disposition Schedule Development and Implementation.

We observed an opportunity for the Support Services Office to improve the Department's records retention program by conducting Florida Department of State recommended internal evaluations on a regular basis to ensure that all records are scheduled and disposed of in a timely manner.

What We Recommend

We have no further recommendations at this time, as we found the areas under review to be compliant.

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BACKGROUND AND INTRODUCTION

The Florida Department of Transportation (Department) is required, per section 257.36(5)(b), Florida Statutes (F.S.), (2021), to establish and maintain an active and continuing program for the economical and efficient management of records. Additionally, the Department is required to comply with rules, adopted by the Division of Library and Information Services of the Department of State (DOS), related to records retention schedules, destruction or disposal of records, standards for the reproductions of records, and the designation of a Records Management Liaison Officer (RMLO).

The Department's records retention program must also comply with Chapters 119 and 257, F.S., and Rule Chapters 1B-24 and 1B-26, Florida Administrative Code (F.A.C.). The Division of Library and Information Services of the DOS provides additional guidance relating to state agencies records management. A DOS Records Center Basic Records Management Handbook also provides professional assistance to state and local government agencies in managing the records and information required to conduct the business of government. While the recommendations in the handbook reflect best practices, not all recommendations are requirements.

The RMLO reports to the Support Services Office (SSO) Manager where the records retention program is located. The SSO is within the Office of Finance and Administration's Division of Administration.

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RESULTS OF REVIEW

We conducted a review of the Department's SSO records retention program to determine if the Department has established compliant policies, procedures, and guidance in accordance with statutes, rules, and other state requirements for records retention, and if the governance structure of the Department's records retention program is sufficient to ensure compliance with applicable statutes, rules, and other state requirements. The objectives did not include testing of Department retained records to ensure they conformed with program requirements.

The SSO is in compliance with the components listed in Finding 1 and 2 below. However, we observed an opportunity for the SSO to improve the Department's records retention program, as outlined in Finding 2.

Finding 1 – Policies, procedures, and guidance in accordance with statutes, rules, and other state requirements for records retention

We determined the Department has established compliant policies, procedures, and guidance in accordance with statutes, rules, and other state requirements for records retention.

We identified the following as criteria for records retention:

- Chapter 119 F.S., Public Records, outlines the requirements of the DOS and state agencies for the retention and disposal of public records.
- Chapter 257 F.S, Public Libraries and State Archives, creates the records and information management program within the Division of Library and Information Services of the DOS.
- Section 257.36, F.S., Records and Information Management, Public Libraries and State Archives is responsible for creating the records and information management program within the Division of Library and Information Services of the Department of State and outlines State agencies are to establish and maintain an active and continuing program for the economical and efficient management of records.
- Rule Chapter 1B-24 F.A.C., DOS, Public Records Scheduling and Disposition, establishes the standards and procedures for the scheduling and disposition of public records. According to Rule Chapter 1B-24, F.A.C., a records retention schedule indicates retention requirements established by the DOS for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept. It is the responsibility of the DOS to establish such retention schedules and disposal processes for public records.
- Rule Chapter 1B-26 F.A.C., DOS, Records Management - Standards and Requirements, provides standards for the creation, utilization, maintenance, retention, preservation, storage, and disposition of electronic records. This rule also provides standards for microfilming public records to assure that the film, photographing methods, processing, handling, and storage is in accordance with

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methods, procedures, and specification designed to protect and preserve such records on microfilm.

- Florida DOS Guidance includes the Basic Records Management Handbook providing professional assistance to state and local government agencies in managing the records and information required to conduct the business of government; and while the recommendations in this handbook reflect best practices, they are not meant to define mandatory standards.
- General Records Retention Schedule (GS1-SL) establishes retention requirements documenting administrative and program functions common to several local, state, or all government agencies, such as personnel, accounting, purchasing, agency specific documents, and general information.

We identified the following Department policies, procedures, and guidance:

- Policy No. 050-020-025, Records Management (2018), assists each office within the Department with maintaining effective records management.
- Transportation Technology Manual, Topic No. 325-000-002 (2022), contains the standards, guidelines, and requirements related to information technology resources. It ensures consistency for the proper acquisition, security, use, distribution, and disposal of information and transportation technology resources. It also helps ensure information and transportation technology resources are used to maximize efficiency.
- Policy No. 325-060-020, Security and Use of Information Technology Resources, provides information on the use of the Department's information technology resources and its security extending to all members of its workforce, as well as those who access, process, or have custody of data.
- The Department's Agency Specific and General Records Retention Schedules provide records retention schedules for Department record series not included in the DOS General Records Retention Schedule (GS1-SL). The list provides the names of the records, what they consist of, and the retention period, as of 2021.

We analyzed statutes, rules and the DOS guidance against the Department's policies, procedures, and guidance. Based on our review, we determined the Department has established compliant policies, procedures, and guidance in accordance with statutes and rules for records retention.

We have no further recommendation at this time, as we found the areas under review to be in compliance.

Finding 2 – Governance Structure

We determined the governance structure of the Department's records retention program is sufficient to ensure compliance with the applicable statutes, rules, and other state requirements we reviewed.

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Finding 1 identified criteria, including statutes, rules, DOS guidance, and Department policies and guidance. We judgmentally selected 20 criteria within those identified to determine the governance structure of the Department for the following areas:

- Program Authorization and Organization;
- Physical and Electronic Records Maintenance Practices; and
- Records Disposition Schedule Development and Implementation.

Program Authorization and Organization

We analyzed six statutes and rules relating to the areas of record retention program authorization, guidance, and training, and the creation of records/adequacy of documentation. We determined the SSO is in full compliance with the six requirements, as shown in the Table 1 below.

Table 1: Program Authorization and Organization

Mandatory Requirement	Criteria Language	Department Compliance Description
Section 257.36(5)(a), F.S.	Designate a records management liaison officer.	The Department has completed and signed the DOS Records Management Liaison Officer Designation form, assigning the Reprographics & Document Control Manager, Patrick Simmons, as the Department's designated RMLO.
Rule 1B-26.003(6)(a)(4.), F.A.C.	Provide for the disposition of the records including, when appropriate, transfer to the Florida State Archives.	Topic No. 050-020-025 Records Management, Section 2.1 Considerations for Establishing Retention Periods and Section 5.1.2.3 Correspondence and Memoranda: Administrative
Rule 1B-26.003(6)(a)2., F.A.C.	Training for custodians and users.	Training Certificates
Rule 1B-26.003(9)(i), F.A.C.	Ensure that record copies of electronic records are maintained by personnel properly trained in the use and handling of the records and associated equipment.	Training Certificates
Rule 1B-26.003(2), F.A.C.	Minimum requirements for the creation, utilization, maintenance, retention, preservation, storage, and disposition of electronic record copies, regardless of the media.	New Employee Orientation
Rule 1B-26.003(10), F.A.C.	Ensuring the continued accessibility and readability of public records throughout the entire life cycle regardless of the format or media in which the records are maintained. Establish policies and procedures to ensure that electronic records and their documentation are retained and accessible as long as needed.	Topic No. 050-020-025 Records Management Transportation Technology Manual Topic No. 325-000-002

Source: Auditor testing

Physical and Electronic Records Maintenance Practices

We analyzed 10 statutes, rules, and Department policies relating to records maintenance. Based on our review, we determined the Department is in full compliance with all 10 of the requirements we reviewed, as shown in Table 2 below.

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Table 2: Physical and Electronic Records Maintenance Practices

Mandatory Requirement	Criteria Language	Department Compliance Description
Rule 1B-26.003(2), F.A.C.	Establish minimum requirements for the creation, utilization, maintenance, retention, preservation, storage, and disposition of electronic record copies, regardless of the media.	Topic No. 050-020-025 Records Management
Rule 1B-26.003(5), F.A.C.	Develop and maintain adequate and up-to-date technical and descriptive documentation for each electronic recordkeeping system to specify characteristics necessary for reading or processing the records. Documentation for electronic records systems shall be maintained in electronic or printed form as necessary to ensure access to the records.	Topic No. 050-020-025 Records Management, Section 5.1 Electronic Document Management Systems (EDMS) Transportation Technology Manual, Topic No. 325-000-002, Sections 13.1.2, 13.1.4, and 13.1.5
Rule 1B-26.003(6)(a)(1.), F.A.C.	Electronic recordkeeping systems that maintain record copies of public records on electronic media shall meet the following minimum requirements: (a)1. Provide a method for all authorized users of the system to retrieve desired records.	Transportation Technology Manual, Topic No. 325-000-002, Section 13.3.2, Verification and Inspection
Section 119.021(2)(b), F.S.	Each agency shall comply with the rules establishing retention schedules and disposal processes for public records which are adopted by the records and information management program of the division.	Retention requirements are set by the Division of Library and Information Services. The Division has established a General Records Schedule for State and Local Government Agencies (GS1-SL) that will cover most of the records maintained by the Department. Records not included in a Record Series in the General Schedule may have retention requirements set by an Individual Agency Record schedule approved by the Division.
Rule 1B-24.003(1), F.A.C.	The Division issues General Records Schedules which establish minimum retention requirements for record series common to all agencies or specified types of agencies based on the legal, fiscal, administrative, and historical value of those record series to the agencies and to the State of Florida. (a) General Records Schedule GS1-SL for State and Local Government Agencies (https://www.flrules.org/Gateway/reference.asp?No=Ref-12098 , eff. 08/20).	See above.
Rule 1B-24.003(2), F.A.C.	For each record series not covered by General Records Schedules established by the Division, each agency shall submit to the Division a request for a records retention schedule on Department of State Form LS5E-105REff.2-09, "Request for Records Retention Schedule" which is hereby incorporated by reference and made part of this rule.	See above.

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Mandatory Requirement	Criteria Language	Department Compliance Description
Topic No. 050-020-025 Records Management, Section 1.1.1 Title of Record Series	Although a mandatory requirement in statute or rule could not be found, the Department's Records Management policy establishes criteria for paper maintenance.	Transportation Technology Manual, Topic No. 050-020-025, Section 1.1.5 Volume. An estimate of the quantity of records on hand, to include how much storage space and the number of boxes or size of electronic files that are needed to store the records. Volume for paper files is expressed in cubic feet.
Rule 1B-26(9)(j), F.A.C.	Agencies shall establish and adopt procedures for external labeling of physical storage media and for descriptive file naming and/or labeling of electronic files and directories so that all authorized users can identify and retrieve the stored information.	Topic No.050-020-025 Records Management and per the RMLO, "The Document Control Section utilize the State Records Center for its primary functions of inactive records maintenance and security as an extension of Department of Transportation's record keeping system. We utilize the low-cost storage, reference services, disposal of inactive paper records, security microfilm, and electronic media storage. While utilizing these services, we follow all procedures and requirements as outlined in the State Records Center Handbook to store, reference, and dispose of records. This handbook references everything from the labeling and packing of the approved boxes to the disposition of the boxes."
Rule 1B-26(9)(b), F.A.C.	Agencies shall annually read a statistical sample of all electronic media containing permanent or long-term records to identify any loss of information and to discover and correct the cause of data loss.	Topic No. 050-020-025 5.1.1 Storage Retention Considerations. In accordance with Rule 1B-26.003, F.A.C., storage/retention considerations for documents stored on EDMS include (E) Information is not lost due to changing technology or deterioration of storage media. (F) Electronic records are backed up as necessary to safeguard against loss. (G) Proper security is maintained to protect the integrity of documents. (H) Record samples are checked annually to identify any loss of data.
Rule 1B-26.0021(3)(b), F.A.C.	Roll microfilm identification and arrangement. 1. The photographic images at the beginning of each roll of microfilm shall include: a. Information identifying the agency and organization to which the records relate, b. The title of the records, c. The microfilm roll number, d. The inclusive dates, names or other data identifying the first and last records on the roll, and e. Any indexes, registers or other finding aids for the records on the roll.	We reviewed the microfilm box containing the information indicating compliance with the requirements.

Source: Auditor testing

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Records Disposition Schedule Development and Implementation

We analyzed four statutes, rules, and Department policies relating to the Department's records disposition schedule, development, and implementation. Based on our review, **we determined** the Department is in full compliance with all four of the requirements we reviewed, as shown in the table below.

Table 3: Records Disposition Schedule Development and Implementation

Mandatory Requirement	Criteria Language	Department Compliance Description
Topic No. 050-020-025 Records Management, Section 1.1.1 Title of Record Series	Although a mandatory requirement in statute or rule could not be found, the Department's Topic No. 050-020-025 Records Management 1.1.1 Title of Record Series establishes criteria.	Topic No. 050-020-025 Records Management, Section 1.1.1 Title of Record Series Documents are classified by Record Series as provided by general schedules or individual agency specific schedules. Compliance was confirmed via the Department's Inventory from SharePoint at: fldot.sharepoint.com/sites/CO-SupportServices/Lists/Records%20Inventory/District.aspx
Rule 1B-24.003(2), F.A.C.	For each record series not covered by General Records Schedules established by the Division, each agency shall submit to the DOS a request for a records retention schedule on Department of State Form LS5E-105REff.2-09, "Request for Records Retention Schedule" which is hereby incorporated by reference and made part of this rule.	050-020-025 Records Management 2.1.2 Individual Agency Records Schedules Request. Individual Agency Records Schedules are developed by the Department to cover records unique to the Department. Individual Agency Records Schedules are established when the Department submits an individual Records Retention Schedule, Department of State form LS5E-105REff.2-09, to the Division. Individual Agency Records Schedules for the Department of Transportation can be found on the Records Management SharePoint site http://fdotsp.dot.state.fl.us/sites/TransportationSupport/SupportServices/Lists/Records%20Management/AllItems.aspx . This request must be forwarded to Central Office, Records Management Section, Mail Station 12, for review. A copy must be provided to the Department's Office of General Counsel, Mail Station 58 and submitted to the Division for approval.
Rule 1B-24(9)(a), F.A.C.	Public records may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division.	Topic No. 050-020-025 Records Management, Section 4.1.1 Records Disposition Request Submittal Process.
Rule 1B-24(11), F.A.C.	Submit to the DOS, once a year, a signed statement attesting to the agency's compliance with records management laws, rules, and procedures.	Records Management Compliance Statement attesting to the proper disposition of records by the Department.

Source: Auditor testing

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Therefore, based on 20 criteria selected, including statutes, rules, DOS guidance, and Department policies and guidance, **we determined** the governance structure of the Department's records retention program is sufficient to ensure compliance with the applicable statutes, rules, and other state requirements we reviewed for the following areas:

- Program Authorization and Organization;
- Physical and Electronic Records Maintenance Practices; and
- Records Disposition Schedule Development and Implementation

We have no further recommendation at this time, as we found the areas under review to be in compliance.

Observation regarding Quality Assurance Reviews

Although the SSO was in full compliance with the six requirements relating to the Department's records retention program authorization and organization, we observed an opportunity for the Support Services Office (SSO) to improve the Department's records retention program by conducting Florida Department of State recommended internal evaluations on a regular basis.

The Florida Department of State Records Management Self-Evaluation Guide recommends an agency's RMLO conduct internal evaluations on a regular basis to ensure that all records are scheduled and disposed of in a timely manner. The Department's RMLO position description indicates the requirement for the position to conduct Quality Assurance Reviews (QAR); however, we identified QARs have not been conducted since FY 2017-18. As a result of our review, the RMLO indicated the QAR schedule and procedures are in the process of being established.

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APPENDIX A – Purpose, Scope, and Methodology

The **purpose** of this engagement was to determine if the Department has established compliant policies, procedures, and guidance in accordance with statutes, rules, and other state requirements for records retention, and if the governance structure of the Department's records retention program is sufficient to ensure compliance with applicable statutes, rules, and other state requirements.

The **scope** of the audit included:

- Chapters 119 and 257 F.S.;
- Rule Chapters 1B-24 and 1B-26 F.A.C.; and
- the Department's records pertaining to records retention practices and guidance.

The **methodology** included:

- reviewing applicable State laws and guidance;
- reviewing applicable Department manuals, policies, and procedures;
- observing the Total Recall system for records disposition submittal and disposition; and
- interviewing key staff.

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APPENDIX B – Management Response

On February 9, 2023, Stephanie Iliff, Director of Administration, indicated by email that they have no comments, since there were no recommendations.

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PROJECT TEAM

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Approved by:
Kristofer B. Sullivan, Inspector General

STATEMENT OF ACCORDANCE

The Department's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities.

The Office of Inspector General's mission is to provide independent and objective investigative and audit services that promote accountability, integrity, and efficiency within the Florida Department of Transportation and its partners.

This work product was prepared pursuant to section 20.055, Florida Statutes, in accordance with the Association of Inspectors General *Principles and Standards for Offices of Inspector General*, and conforms with The Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

Please address inquiries regarding this report to the Department's Office of Inspector General at (850) 410-5800.