

By Senator Bennett

21-604-04

1 A bill to be entitled
2 An act relating to automated telephone
3 answering systems; creating s. 282.108, F.S.;
4 providing legislative intent with respect to
5 automated telephone answering systems operated
6 by state agencies; defining terms; requiring
7 that each state agency provide an alternative
8 menu option on each automated telephone
9 answering system to allow the public to talk to
10 an agency employee during normal business
11 hours; providing exceptions for telephone calls
12 received after business hours and on weekends;
13 providing for dates of implementation by state
14 agencies; prohibiting a state employee from
15 using an automated telephone answering system
16 except under specified circumstances; requiring
17 the State Technology Office to ensure the
18 proper administration of automated answering
19 systems by state agencies; requiring the State
20 Technology Office to adopt rules; requiring
21 reports to the Governor and Legislature;
22 repealing s. 110.1082, F.S., relating to
23 telephone voice mail systems and telephone menu
24 options system; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 282.108, Florida Statutes, is
29 created to read:

30 282.108 State agency automated telephone answering
31 systems.--

1 (1) The Legislature finds that:

2 (a) State agencies are appropriately concerned about
3 making information accessible to the public and maintaining
4 high standards of customer service. Nevertheless, while many
5 state agencies use automated telephone answering systems to
6 decrease costs and increase efficiency, there are times when
7 it is important that an employee rather than an automated
8 system answer the telephone at a state agency.

9 (b) The people of this state, including business
10 owners, visitors, and legislators, have expressed concern that
11 some state agencies improperly rely on voice mail and other
12 automated telephone answering systems to screen calls and
13 direct callers. Some telephone systems operated by state
14 agencies require callers to proceed through several menus in
15 order to finally reach an individual extension, which is an
16 arrangement that can be intimidating to the caller. Many state
17 telephone systems also make it difficult to reach an attendant
18 or operator at the agency. As a consequence, individuals who
19 call a state agency become frustrated in their attempts to
20 obtain information and are trapped in a voice-mail loop.

21 (c) While automated telephone systems and voice mail
22 are intended to improve efficiency, the first duty of state
23 government is to serve the people, and efficiency should not
24 impede the average member of the public in attempting to
25 contact a state agency for service or information.

26 (2) As used in this section, the term:

27 (a) "Automated telephone answering system" or
28 "interactive voice response" means a software application that
29 accepts a combination of voice telephone input and touch-tone
30 keypad selection and provides appropriate responses in the

31

1 form of a voice, fax, callback, e-mail, and other media
2 response.

3 (b) "Menu" means the first point in the telephone call
4 at which the caller is asked to choose from two or more
5 options, regardless of whether that choice is referred to as a
6 menu, router, or other term within the telephone industry.

7 (3)(a) Each state agency shall make available, as an
8 interactive voice response system or an automated telephone
9 answering system caller menu option, the option of promptly
10 reaching an agency employee who is trained to answer basic
11 inquiries or otherwise direct the caller to someone
12 appropriate to respond to the caller's request for
13 information. Each agency shall allocate a minimum of two
14 telephone lines to handle its responsibilities under this
15 section and shall monitor on-hold times, with the goal of an
16 average response time of 5 minutes or less.

17 (b) Paragraph (a) applies to telephone calls received
18 by each state agency during its regular hours of operation.
19 After normal business hours, or on weekends and holidays, the
20 agency may rely exclusively upon an interactive voice response
21 system or an automated telephone answering system.

22 (c)1. Each state agency that uses an interactive voice
23 response system or automated telephone answering system on any
24 incoming telephone system accessible by the public shall, by
25 January 1, 2005, reprogram the system's menus to comply with
26 paragraphs (a) and (b).

27 2. After January 1, 2005, a state agency may not
28 install or up-grade a telephone system with an interactive
29 voice response system or telephone answering system on any
30 incoming telephone system accessible by the public unless it
31 complies with paragraphs (a) and (b).

1 (d) This subsection does not apply to any "511"
2 traveler information system operated by the Department of
3 Transportation.

4 (4) A state employee may not use an automated
5 telephone answering system when the employee is at his or her
6 regularly assigned work station if his or her telephone is
7 functional and available for use, unless:

8 (a) The telephone is in use;

9 (b) The automated telephone answering system provides
10 the caller the option of promptly reaching an agency employee
11 who can direct the caller to someone appropriate to respond to
12 the caller's request; or

13 (c) The automated telephone answering system
14 automatically transfers the caller to someone appropriate to
15 respond to the caller's request.

16 (5) The State Technology Office shall:

17 (a) Adopt rules to establish standards for employees
18 answering telephones and require that automated telephone
19 answering systems provide the caller with the option of
20 promptly reaching an agency employee during the first part of
21 the automated menu;

22 (b) Ensure that each agency establishes or adopts an
23 internal procedure for answering telephone calls placed to the
24 agency during its regular business hours which complies with
25 the requirements of this section;

26 (c) Report to the Governor, the President of the
27 Senate, and the Speaker of the House of Representatives by
28 January 1, 2005, on the standards adopted under paragraph (a);
29 and

30 (d) Report to the Governor, the President of the
31 Senate, and the Speaker of the House of Representatives by

1 July 1, 2005, on the progress state agencies have made in
2 reducing reliance on automated telephone answering systems as
3 required by this section.

4 Section 2. This act shall be implemented by state
5 agencies using existing personnel and within existing
6 resources.

7 Section 3. Section 110.1082, Florida Statutes, is
8 repealed.

9 Section 4. This act shall take effect upon becoming a
10 law.

11

12 *****

13 SENATE SUMMARY

14 Provides legislative intent with respect to automated
15 telephone answering systems. Requires each state agency
16 to provide a menu option on each automated telephone
17 answering system to allow the public to talk to an agency
18 employee during normal business hours. Provides
19 exceptions for telephone calls received after business
20 hours and on weekends. Provides that state employees may
21 not use an automated telephone answering system except
22 under specified circumstances. Provides dates for
23 implementing the act. Requires the State Technology
24 Office to adopt rules to implement the system. Provides
25 for reports to the Governor and the Legislature.

21

22

23

24

25

26

27

28

29

30

31