

By the Committee on Appropriations; and Senators Bennett and Lynn

309-2162A-04

1                                   A bill to be entitled  
2           An act relating to automated telephone  
3           answering systems; creating s. 282.108, F.S.;  
4           defining terms; requiring state agencies and  
5           agents acting on behalf of a state agency to  
6           provide during specified hours an option,  
7           during the first minute of a call answered by  
8           an automated telephone answering system, which  
9           permits callers to reach an employee; requiring  
10          allocation of at least two phone lines for  
11          certain responsibilities; requiring on-hold  
12          times to be monitored; providing exceptions for  
13          nonoperational hours; providing an exception  
14          for the "511" traveler information system;  
15          prohibiting a state agency or agent employee  
16          from using an automated telephone answering  
17          system except under specified circumstances;  
18          requiring the State Technology Office to adopt  
19          rules that require the submission of annual  
20          reports; requiring the State Technology Office  
21          to submit annual reports to the Governor and  
22          the Legislature; providing that no cause of  
23          action arises due to a failure to comply with  
24          the act; repealing s. 110.1082, F.S., relating  
25          to telephone voice mail systems and telephone  
26          menu options; providing an effective date.

27  
28           WHEREAS, state agencies are appropriately concerned  
29          about making information accessible to the public and  
30          maintaining high standards of customer service, and  
31

1           WHEREAS, while many state agencies use automated  
2 telephone answering systems to decrease costs and increase  
3 efficiency, there are times when it is important that an  
4 employee rather than an automated system answer the telephone,  
5 and

6           WHEREAS, the people of this state, including business  
7 owners, visitors, and legislators, have expressed concern that  
8 some state agencies improperly rely on voice mail and other  
9 automated telephone answering systems to screen calls and  
10 direct callers, and

11           WHEREAS, some telephone systems operated by state  
12 agencies require callers to proceed through several menus in  
13 order to finally reach an individual extension, which is an  
14 arrangement that can be intimidating to the caller, and

15           WHEREAS, many telephone systems also make it difficult  
16 to reach an attendant or operator at the state agency, and

17           WHEREAS, as a consequence, individuals who call a state  
18 agency become frustrated in their attempts to obtain  
19 information and are trapped in a voice-mail loop, and

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

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

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

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1           282.108 State agency automated telephone answering  
2 systems.--

3           (1) As used in this section, the term:

4           (a) "Agent" means any person answering incoming  
5 telephone calls from the public on behalf of a state agency  
6 pursuant to a contract executed or renewed on or after January  
7 1, 2005.

8           (b) "Automated telephone answering system" means a  
9 software application that is used by a state agency or agent  
10 to answer incoming telephone calls from the public; that  
11 accepts voice telephone or touch-tone keypad input; and that  
12 provides responses in the form of a voice, fax, callback,  
13 e-mail, or other media response.

14           (c) "Menu" means the first time during a telephone  
15 call answered by an automated telephone answering system when  
16 the caller is asked to choose from two or more options,  
17 regardless of whether those options are referred to as a menu,  
18 router, or by any other term.

19           (d) "On-hold time" means the amount of time that a  
20 caller is not speaking with an employee of a state agency or  
21 agent or is not interacting with options provided by the  
22 automated telephone answering system.

23           (e) "State agency" means any official, officer,  
24 commission, board, authority, council, committee, or  
25 department of the executive branch of state government.

26           (2)(a) On or before January 1, 2005, each state agency  
27 and agent during regular hours of operation shall make  
28 available, during the first minute of any telephone call  
29 answered by an automated telephone answering system, a menu  
30 option that permits callers to reach an employee of the state  
31 agency or an agent who is trained to answer basic inquiries or

1 to otherwise direct the caller to someone appropriate to  
2 respond to the caller. Each state agency and agent shall  
3 allocate a minimum of two telephone lines to handle the  
4 responsibilities under this paragraph and shall monitor  
5 on-hold times during regular hours of operation, with the goal  
6 of an average on-hold time of 5 minutes or less per telephone  
7 call. During nonoperational hours, the state agency or agent  
8 may rely exclusively upon an automated telephone answering  
9 system.

10 (b) This subsection does not apply to any "511"  
11 traveler information system operated by the Department of  
12 Transportation.

13 (3) An employee of a state agency or an agent may not  
14 use an automated telephone answering system when the employee  
15 is at his or her regularly assigned work station if his or her  
16 telephone is functional and available for use, unless the:

17 (a) Telephone is in use; or

18 (b) Automated telephone answering system transfers the  
19 caller to, or provides the caller with an option of promptly  
20 reaching an employee of a state agency or agent who can direct  
21 the caller to, someone appropriate to respond to the caller.

22 (4) The State Technology Office shall:

23 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54  
24 by January 1, 2005, requiring each state agency on behalf of  
25 itself and its agents to submit a written report to the office  
26 on July 31, 2005, and annually thereafter, which relates to  
27 the previous fiscal year and which describes actions taken to  
28 ensure compliance with this section, documents average on-hold  
29 times, and sets forth a plan for future action that will be  
30 taken to reduce average on-hold times in the event this  
31 average exceeds 5 minutes; and

1           (b) Provide a written report to the Governor, the  
2 President of the Senate, and the Speaker of the House of  
3 Representatives by September 30, 2005, and annually  
4 thereafter, summarizing compliance by state agencies and  
5 agents with this section and indicating the average on-hold  
6 time of each state agency and agent during the previous fiscal  
7 year.

8           (5) No cause of action shall arise in favor of a  
9 person due to the failure of a state agency or agent to comply  
10 with this section.

11           Section 2. This act shall be implemented by state  
12 agencies using existing personnel and within existing  
13 resources.

14           Section 3. Section 110.1082, Florida Statutes, is  
15 repealed.

16           Section 4. This act shall take effect July 1, 2004.

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18                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19                   COMMITTEE SUBSTITUTE FOR  
20                   Senate Bill 558

21 The committee substitute:

22 (1) Extends provisions of the bill to agents of the state  
23 answering telephone calls from the public on behalf of a state  
24 agency pursuant to a contract executed or renewed on or after  
25 January 1, 2005.

26 (2) Specifies the option to reach an employee must be provided  
27 in the first minute of the call.

28 (3) Provides that no cause of action shall arise in favor of a  
29 person due to the failure of a state agency or agent to comply  
30 with the bill.  
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