

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 681 Relating to Automatic Telephone Answering Systems
SPONSOR(S): Davis
TIED BILLS: **IDEN./SIM. BILLS:** SB 558

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Business Regulation</u>	_____	<u>Holt</u>	<u>Liepshutz</u>
2) <u>State Administration</u>	_____	_____	_____
3) <u>Subcommittee on Commerce & Local Affairs</u> <u>Appropriations</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Section 110.1082, F.S., Telephone voice mail systems and telephone menu options systems.— provides that:

- (1) No state employee shall utilize a voice mail system when the employee is at his or her regularly assigned work station where his or her telephone is functional and available for use, unless:
 - (a) The device is in use, and/or;
 - (b) Such voice mail system alerts the caller to, and provides the caller with access to a nonelectronic attendant; or
 - (c) Such voice mail system automatically transfers the caller to a nonelectronic attendant.
- (2) Telephone menu options systems used by state agencies, departments, or other state government units will alert the caller to, and provide the caller with access to, a nonelectronic attendant.
- (3) Agency heads will ensure compliance with the provisions of this section.

The bill would repeal s. 110.1082, F.S., and creates s. 282.108, F.S. Section 282.108, F.S.,: would (a) prohibit the use of voice mail systems when state employees are available to answer the phone; (b) require state agency telephone menu options to promptly permit a caller during regular business hours to reach an employee who is trained to answer basic inquiries or to refer the caller to someone appropriate to respond to the caller's request; (c) require state agencies to dedicate at least two phone lines to implement the bill's provisions; (d) require state agencies to monitor on-hold times, with the goal of an average response time of 5 minutes or less; and (e) require the State Technology Office to report to the Governor, the President of the Senate, and Speaker of the House of Representatives on state agencies' progress in reducing reliance on automated telephone answering systems.

The bill does not appear to have a fiscal impact on local government. See "Fiscal Analysis and Economic Impact Statement" for fiscal impact on state government.

This act takes effect upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0681.br
DATE: March 26, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

In 1999, the Legislature enacted s. 110.1082, F.S., to prohibit a state employee from utilizing a voice mail system when the employee is at his or her regularly assigned work station and where his or her telephone is functional and available for use, unless: (a) the device is in use; (b) the voice mail system alerts the caller to, and provides the caller with access to a human attendant; or (c) the voice mail system automatically transfers the caller to a human attendant. Further, this section of law requires that telephone menu option systems used by state agencies, departments, or other state government units alert the caller to, and provide the caller with access to, an attendant. Agency heads are required to ensure compliance with the provisions of this section.

The bill creates s. 282.108, F.S. The bill establishes legislative findings that summarily state: (a) there are times when it is important that a state employee, rather than an automated system, answers the telephone at a state agency; (b) citizens of this state have expressed concern that state agencies improperly rely on voice mail and other automated telephone answering systems to screen calls and direct callers. Some systems require callers to proceed through several menus before finally reaching an individual extension or operator. As a consequence, a caller becomes trapped in a voice-mail loop; and (c) while automated telephone systems are intended to improve efficiency, the first duty of the state is to serve the people and efficiency should not impede the public from contacting a state agency for service or information.

Definitions are provided in the bill as follows:

- Automated telephone answering system or "interactive voice response" - means a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of a voice, fax, callback, e-mail, and other media response.
- Menu - means the first point in the telephone call at which the caller is asked to choose from two or more options, regardless of whether that choice is referred to as a menu, router, or other term within the telephone industry.

The bill provides that each state agency is required to provide a menu option to promptly reach an agency employee when the agency uses an interactive voice response system or an automated telephone answering system. The agency employee must be trained to respond to basic inquiries or to direct the caller to someone appropriate to respond to the caller's request for information. State agencies are also directed to: (1) allocate a minimum of two telephone lines to handle the bill provisions; and (2) monitor on-hold times, with the goal of an average response time of 5 minutes or less. However, the procedure is only applicable to calls occurring during regular business hours. On

weekends and holidays, an agency may exclusively rely upon an interactive voice response system or an automated telephone answering system.

Agencies that currently have interactive voice response systems or automated telephone answering systems must reprogram these systems to conform to the legislation by January 1, 2005. After January 1, 2005, all new installations and upgrades must also meet the bill guidelines.

No provisions of the bill are applicable to any "511" traveler information system operated by the Department of Transportation.

Unless the telephone in an employee's assigned work station: 1) is in use, 2) or has an automated answering system that provides a caller the option of promptly reaching an employee who can direct the caller to the appropriate individual for a response; or 3) the answering system automatically transfers a caller to the appropriate individual for a response, the state employee may not use an automated answering system.

The bill requires the State Technology Office to adopt rules to establish standards for employees answering telephones and to ensure that each agency establishes an internal procedure for answering telephone calls in compliance with the bill's requirements. The State Technology Office is directed to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress state agencies have made in reducing reliance on automated telephone answering systems as required by the bill.

Existing personnel and existing resources are to be used to implement the provisions of bill.

The bill repeals s. 110.1082, F.S., which currently addresses telephone voice mail systems and telephone menu options systems

This act takes effect upon becoming a law.

C. SECTION DIRECTORY:

None.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides that its requirements are to be implemented with existing resources. Accordingly, it is not necessary for the Legislature to appropriate funds in order for this bill's provisions to be effective.

Fiscal analyses that were provided to the Senate by the following agencies indicated the following information:

- The Department of Business and Professional Regulation reports that if the option to dial zero to speak with an employee is selected by all callers that it would need from two to thirteen new positions to answer the incoming calls.

- The Department of Elder Affairs estimates it would need to hire 34 new employees for an annual cost of \$708,288.
- The Department of Financial Services reports that it may need additional staff to comply with the bill's goal of average response times less than 5 minutes.
- The Department of Transportation indicates that it would need to increase staffing for its Customer Service Center from 84 to 150 positions, which would cost \$2,310,000.
- The State Technology Office indicates that it would need two new full time employees.

Fiscal analyses of this bill provided by the Agency for Workforce Innovation and the Departments of Citrus, Law Enforcement, Management Services, and Military Affairs indicate that these agencies will not incur a fiscal impact.

A fiscal analysis for this bill provided by the Agency for Health Care Administration indicates that the agency, itself, would have no fiscal impact as a result of this bill; however, if the bill were construed to apply to the agency's contract vendors, there would be a fiscal impact, which to date is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may result in members of the public who call state agencies being able to more quickly reach a state employee.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rule-making authority is granted to the State Technology Office to establish standards for employees answering telephones and to ensure that each agency establishes an internal procedure for answering telephone calls in compliance with the requirements of the Act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

There is some terminology inconsistency with the use of the terms "automated telephone answering system" and "interactive voice response." Further, the bill describes these two systems as a software

application that accepts a combination of voice telephone input and touch-tone keypad selections and provides appropriate responses in the form of a voice, fax, callback, and e-mail responses. It appears difficult to discern if all the descriptors apply to one type of system or more than one.

In paragraph (3)(a), the bill provides that state agencies" shall monitor on-hold times, with the goal of an average response time of 5 minutes or less." The bill does not define the phrase "on hold time," nor does it define the phrase "average response time." These phrases appear to be susceptible to multiple interpretations.

In paragraph (5)(a), the bill directs the State Technology Office to adopt rules that establish standards for employees answering telephones; however, the bill does not provide any further guidance as to what these standards should be. Rules may only be adopted pursuant to specific statutory authority.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES