

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 681 w/CS 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>34 Y, 2 N w/CS</u>	<u>Holt</u>	<u>Liepshutz</u>
2) <u>State Administration</u>	_____	_____	_____
3) <u>Subcommittee on Commerce &amp; Local Affairs</u> <u>Appropriations</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

---

### SUMMARY ANALYSIS

Section 110.1082, F.S., provides that 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, except under certain circumstances. HB w/CS 681 would repeal this section.

CS/HB 681 creates s. 282.108, F.S. The provisions of the bill apply to any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; or agent who answers incoming public calls on behalf the executive branch units, using an automated telephone answering system, pursuant to a contract executed or renewed on or after January 1, 2005.

Except under certain circumstances, the bill provides that no employee or agent of the described executive branch units may use an automated telephone answering system. The automated telephone answering system when used must meet the following guidelines: (1) provide within the first minute a telephone menu option that permits a caller to either reach an employee, or other appropriate individual, who can answer basic inquiries, (2) dedicate a minimum of two lines to handle callers opting through the menu to access an employee or appropriate individual to answer basic inquiries; calls placed on-hold shall be monitored with an average on-hold time for any caller of five minutes or less, (3) during non-operational hours automated telephone answering systems may exclusively be used. Additionally, these provisions do not apply to any "511" Department of Transportation traveler information system.

The bill grants rulemaking authority to the State Technology Office (STO) relating to reporting of the executive branch units and agents compliance with the provisions of the act. The STO is to provide a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30, 2005, and annually thereafter summarizing compliance of the units and agents with the bill. Implementation of this act shall be accomplished by using existing personnel and within existing resources.

This act takes effect July 1, 2004.

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

**STORAGE NAME:** h0681a.br.doc

**DATE:** April 1, 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:

##### BACKGROUND

In 1999, the Legislature enacted s. 110.1082, F.S., to prohibit a state employee from utilizing a voice mail system when an 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.

##### PROPOSED CHANGES

The bill creates s. 282.108, F.S. HB 681 w/CS 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's 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:

- (a) "Agent" means any person answering incoming telephone calls from the public on behalf of a state agency pursuant to a contract executed or renewed on or after January 1, 2005.
- (b) "Automated telephone answering system" means a software application that is used by a state agency or agent to answer incoming telephone calls from the public; that accepts voice telephone or touch-tone keypad input; and that provides responses in the form of a voice, fax, callback, e-mail, or other media response.
- (c) "Menu" means the first time during a telephone call answered by an automated telephone answering system when the caller is asked to choose from two or more options, regardless of whether those options are referred to as a menu, router, or by any other term.

- (d) "On-hold time" means the amount of time that a caller is not speaking with an employee of a state agency or agent or is not interacting with options provided by the automated telephone answering system.
- (e) "State agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government.

HB 681 w/CS provides that no employee or agent of a state agency may use an automated telephone answering system when an 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 telephone is in use; or (b) the telephone answering system prompts or transfers a caller to someone who can respond to the caller

Beginning January 1, 2005, during regular business hours, each state agency and agent that receives calls answered by an automated telephone answering system must: (1) provide within the first minute a telephone menu option that permits a caller to either reach an employee, or other appropriate individual, who can answer basic inquiries, (2) dedicate a minimum of two lines to handle callers opting through the menu to access an employee, or appropriate individual to answer basic inquiries; calls placed on-hold shall be monitored with an average on-hold time for any caller of five minutes or less, (3) during non-operational hours automated telephone answering systems may exclusively be used. Additionally, these provisions do not apply to any "511" Department of Transportation traveler information system.

The bill grants rulemaking authority to the State Technology Office (STO) relating to compliance reporting. The STO shall adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., by January 1, 2005. The rules are to require each state agency, on behalf of itself and its agents, to submit a report annually, beginning July 31, 2005, to the STO. The report is to relate to the previous fiscal year and it is to demonstrate compliance with section 1 of the bill, including average on-hold times. If the average on-hold time exceeds five minutes, the report is to set forth plans to reduce the average time.

The STO is to compile a summarized written report beginning September 30, 2005, and annually thereafter, for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report is to document compliance by state agencies and agents with the bill, including reporting of the average on-hold time of each state agency and agent during the previous fiscal year.

Implementation of this act shall be accomplished by using existing personnel and within existing resources. No cause of action is created by failure of state agency or agent to comply with the provisions of the bill.

This act takes effect July 1, 2004.

#### C. SECTION DIRECTORY:

None.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

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 or agent.

D. FISCAL COMMENTS:

Based on the provisions of the bill, the following executive branches submitted to the Senate projected fiscal impact analyses:

- Capital Collateral Regional Counsels for the Middle Region estimates that it would need one position at an annual cost of \$24,000.
- 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 would need 5 positions at an annual cost of \$235,404, in order for the Division of Agent and Agency Services to comply with the five minutes or less on-hold time.
- The Department of Juvenile Justice estimates that reprogramming its telephone system would result in a one-time cost of \$7,500.
- The Department of Revenue (DOR) reports it receives an average of 1.4 million inbound call attempts per month, so it may need to shift existing resources to comply with the bill. Shifts in resources may impact federal performance measures resulting in a loss of federal dollars. Additionally, the DOR supplements traditional customer service venues with electronic self-service systems for tax and child support information such as the Child Support Enforcement Automated Payment Line. Callers using these systems are assigned pin numbers and may access payment and account data via a call menu.
- The State Technology Office indicates that it would need two additional positions.
- The Agency for Workforce Innovation, the Parole Commission, Department of Citrus, Law Enforcement, Management Services, Military Affairs, and Department of Transportation reported that no fiscal impact will be incurred.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill grants rulemaking authority to the State Technology Office (STO) relating to reporting compliance. The STO shall adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., by January 1, 2005.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 29, 2004, the Committee on Business Regulation adopted a strike-all amendment. The amendment made the following changes to the bill:

- Requires entities and agents of the executive branch that answer telephone calls from the public pursuant to a contract executed or renewed on or after January 1, 2005, to provide a menu option on each automated telephone answering system to allow the public to talk to an agency employee during normal business hours.
- Provides exceptions for telephone calls received after business hours and on weekends.
- Provides that state employees may not use an automated telephone answering system except under specified circumstances.
- Provides dates for implementing the act.
- Requires state agencies to submit annual reports to the STO. Authorizes the STO to adopt rules for the submission of such reports.
- Provides for reports from the STO to the Governor, Senate President, and Speaker of the House.