

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 681 w/CS Automatic Telephone Answering Systems

**SPONSOR(S):** Davis

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 558

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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>	<u></u>	<u>Brazzell</u>	<u>Everhart</u>
3) <u>Subcommittee on Commerce &amp; Local Affairs</u> <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
4) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 681 w/CS requires that use of an automated telephone answering system by state agencies or certain of their agents meet guidelines which provide, among other things, for access to human attendants.

The bill grants rulemaking authority to the State Technology Office relating to reporting of the state agencies' and agents' compliance with the provisions of the act.

The bill provides that implementation 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:** h0681b.sa.doc

**DATE:** April 9, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |  |   |
|--------------------------------------|---|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input 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:

This bill requires the adoption of new rules and the submission of a new report. In the longer term, this may require additional positions and increase the cost of certain contracts.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background:**

In 1999, the Legislature enacted s. 110.1082, F.S., to prohibit a state employee from using a voice mail system when he or she is at the 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 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 executive branch entities 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 deletes s. 110.1082, F.S., relating to state employees, and moving its provisions to ch. 282, F.S., relating to communications and data processing.

The bill establishes legislative findings regarding citizen access to government and the use of automated telephone answering systems.

It provides definitions for the terms "agent", "automated telephone answering system", "menu", "on-hold time", and "state agency".

It provides that no employee or agent of a state agency may use an automated telephone answering 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 the telephone is in use or the telephone answering system prompts or transfers a caller to someone who can respond to the caller.

It requires that beginning January 1, 2005, during regular business hours, each state agency and agent that receives calls answered by an automated telephone answering system must provide within the first minute a telephone menu option that permits a caller to reach an individual who can answer basic inquiries. The also provides that state agencies or agents must dedicate a minimum of two lines to handle callers opting through the menu to access an individual to answer basic inquiries and that calls placed on hold shall be monitored with an average on-hold time for any caller of five minutes or less. The bill allows automated telephone answering systems to be exclusively used outside of hours of operation. However, 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) regarding compliance reporting. The STO is to adopt rules by January 1, 2005, which require each state agency to submit annually to the STO a report on behalf of itself and its agents regarding their compliance. The report is to relate to the previous fiscal year and 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.

C. SECTION DIRECTORY:

Section 1 creates s. 282.108, F.S., providing definitions, establishing requirements for the use of automated telephone answering systems, and providing for reports regarding compliance with the section.

Section 2 requires that the act be implemented within existing resources.

Section 3 provides for a July 1, 2004, effective date.

## 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:

These requirements may raise the costs to the state for contracts whose contractors must comply with this section.

While the bill provides that state agencies are to use existing personnel and resources to comply with the bill's requirements, the following state agencies submitted fiscal impact analyses to the Senate:

- The Capital Collateral Regional Counsels for the Middle Region estimate that they 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 bill requires the STO to 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 and 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.

The bill was reported favorably with a committee substitute.