

HB 0681

2004

1 A bill to be entitled
 2 An act relating to automated telephone answering systems;
 3 creating s. 282.108, F.S.; providing legislative intent
 4 with respect to automated telephone answering systems
 5 operated by state agencies; defining terms; requiring that
 6 each state agency provide an alternative menu option on
 7 each automated telephone answering system to allow the
 8 public to talk to an agency employee during normal
 9 business hours; providing exceptions for telephone calls
 10 received after normal business hours and on weekends and
 11 holidays; providing for dates of implementation by state
 12 agencies; exempting any 511 traveler information system
 13 operated by Department of Transportation; prohibiting a
 14 state employee from using an automated telephone answering
 15 system except under specified circumstances; requiring the
 16 State Technology Office to ensure the proper
 17 administration of automated telephone answering systems by
 18 state agencies; requiring the State Technology Office to
 19 adopt rules; requiring reports to the Governor and
 20 Legislature; providing for implementation; repealing s.
 21 110.1082, F.S., relating to telephone voice mail systems
 22 and telephone menu options systems; providing an effective
 23 date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

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

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29 282.108 State agency automated telephone answering
 30 systems.--

31 (1) The Legislature finds that:

32 (a) State agencies are appropriately concerned about
 33 making information accessible to the public and maintaining high
 34 standards of customer service. Nevertheless, while many state
 35 agencies use automated telephone answering systems to decrease
 36 costs and increase efficiency, there are times when it is
 37 important that an employee rather than an automated system
 38 answer the telephone at a state agency.

39 (b) The people of this state, including business owners,
 40 visitors, and legislators, have expressed concern that some
 41 state agencies improperly rely on voice mail and other automated
 42 telephone answering systems to screen calls and direct callers.
 43 Some telephone systems operated by state agencies require
 44 callers to proceed through several menus in order to finally
 45 reach an individual extension, which is an arrangement that can
 46 be intimidating to the caller. Many state telephone systems also
 47 make it difficult to reach an attendant or operator at the
 48 agency. As a consequence, individuals who call a state agency
 49 become frustrated in their attempts to obtain information and
 50 are trapped in a voice-mail loop.

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

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

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57 (a) "Automated telephone answering system" or "interactive
58 voice response system" means a software application that accepts
59 a combination of voice telephone input and touch-tone keypad
60 selection and provides appropriate responses in the form of a
61 voice, fax, callback, e-mail, or other media response.

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

66 (3)(a) Each state agency shall make available, as an
67 interactive voice response system or an automated telephone
68 answering system caller menu option, the option of promptly
69 reaching an agency employee who is trained to answer basic
70 inquiries or otherwise direct the caller to someone appropriate
71 to respond to the caller's request for information. Each agency
72 shall allocate a minimum of two telephone lines to handle its
73 responsibilities under this section and shall monitor on-hold
74 times, with the goal of an average response time of 5 minutes or
75 less.

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

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

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86 2. After January 1, 2005, a state agency may not install
87 or upgrade a telephone system with an interactive voice response
88 system or automated telephone answering system on any incoming
89 telephone system accessible by the public unless it complies
90 with paragraphs (a) and (b).

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

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

97 (a) The telephone is in use;

98 (b) The automated telephone answering system provides the
99 caller the option of promptly reaching an agency employee who
100 can direct the caller to someone appropriate to respond to the
101 caller's request; or

102 (c) The automated telephone answering system automatically
103 transfers the caller to someone appropriate to respond to the
104 caller's request.

105 (5) The State Technology Office shall:

106 (a) Adopt rules to establish standards for employees
107 answering telephones and require that automated telephone
108 answering systems provide the caller with the option of promptly
109 reaching an agency employee during the first part of the
110 automated menu.

111 (b) Ensure that each agency establishes or adopts an
112 internal procedure for answering telephone calls placed to the
113 agency during its regular business hours which complies with the
114 requirements of this section.

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115 (c) Report to the Governor, the President of the Senate,
116 and the Speaker of the House of Representatives by January 1,
117 2005, on the standards adopted under paragraph (a).

118 (d) Report to the Governor, the President of the Senate,
119 and the Speaker of the House of Representatives by July 1, 2005,
120 on the progress state agencies have made in reducing reliance on
121 automated telephone answering systems as required by this
122 section.

123 Section 2. This act shall be implemented by state agencies
124 using existing personnel and within existing resources.

125 Section 3. Section 110.1082, Florida Statutes, is
126 repealed.

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