

## CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to automated telephone answering systems;  
7 creating s. 282.108, F.S.; defining terms; requiring state  
8 agencies and agents acting on behalf of a state agency to  
9 provide during specified hours an option, during the first  
10 minute of a call answered by an automated telephone  
11 answering system, that permits callers to reach an  
12 employee or agent; requiring allocation of at least two  
13 telephone lines for certain responsibilities; requiring  
14 on-hold times to be monitored during certain hours;  
15 providing an exception for the 511 traveler information  
16 system; prohibiting a state agency or agent employee from  
17 using an automated telephone answering system except under  
18 specified circumstances; requiring state agencies to  
19 submit annual reports to the State Technology Office;  
20 requiring the State Technology Office to adopt rules for  
21 the submission of such reports; requiring the State  
22 Technology Office to submit annual reports to the Governor  
23 and the Legislature; providing that no cause of action

HB 681

2004  
CS

24 | arises due to a failure to comply with the act; requiring  
25 | implementation by state agencies utilizing existing  
26 | personnel and resources; repealing s. 110.1082, F.S.,  
27 | relating to telephone voice mail systems and telephone  
28 | menu options systems; providing an effective date.  
29 |

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

33 | WHEREAS, while many state agencies use automated telephone  
34 | answering systems to decrease costs and increase efficiency,  
35 | there are times when it is important that an employee rather  
36 | than an automated system answer the telephone, and

37 | WHEREAS, the people of this state, including business  
38 | owners, visitors, and legislators, have expressed concern that  
39 | some state agencies improperly rely on voice mail and other  
40 | automated telephone answering systems to screen calls and direct  
41 | callers, and

42 | WHEREAS, some telephone systems operated by state agencies  
43 | require callers to proceed through several menus in order to  
44 | finally reach an individual extension, which is an arrangement  
45 | that can be intimidating to the caller, and

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

48 | WHEREAS, as a consequence, individuals who call a state  
49 | agency become frustrated in their attempts to obtain information  
50 | and are trapped in a voice mail loop, and

HB 681

2004  
CS

51 WHEREAS, while automated telephone answering systems and  
 52 voice mail are intended to improve efficiency, the first duty of  
 53 state government is to serve the people, and efficiency should  
 54 not impede the average member of the public in attempting to  
 55 contact a state agency for service or information, NOW,  
 56 THEREFORE,

57  
 58 Be It Enacted by the Legislature of the State of Florida:

59  
 60 Section 1. Section 282.108, Florida Statutes, is created  
 61 to read:

62 282.108 State agency automated telephone answering  
 63 systems.--

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

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

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

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

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

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

86        (2)(a) On or before January 1, 2005, each state agency and  
 87 agent during regular hours of operation shall make available,  
 88 during the first minute of any telephone call answered by an  
 89 automated telephone answering system, a menu option that permits  
 90 callers to reach an employee of the state agency or an agent who  
 91 is trained to answer basic inquiries or to otherwise direct the  
 92 caller to someone appropriate to respond to the caller. Each  
 93 state agency and agent shall allocate a minimum of two telephone  
 94 lines to handle the responsibilities under this paragraph and  
 95 shall monitor on-hold times during regular hours of operation,  
 96 with the goal of an average on-hold time of 5 minutes or less  
 97 per telephone call. During nonoperational hours, the state  
 98 agency or agent may rely exclusively upon an automated telephone  
 99 answering system.

100        (b) This subsection does not apply to any 511 traveler  
 101 information system operated by the Department of Transportation.

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

106        (a) The telephone is in use; or

107        (b) The automated telephone answering system transfers the  
 108 caller to someone appropriate to respond to the caller or  
 109 provides the caller with an option of promptly reaching an  
 110 employee of a state agency or agent who can direct the caller to  
 111 someone appropriate to respond to the caller.

112        (4) Each state agency shall submit an annual report to the  
 113 State Technology Office as provided for in this subsection. The  
 114 State Technology Office shall:

115            (a) Adopt rules pursuant to ss. 120.536(1) and 120.54 by  
 116 January 1, 2005, requiring each state agency on behalf of itself  
 117 and its agents to submit a written report to the office on July  
 118 31, 2005, and annually thereafter, which relates to the previous  
 119 fiscal year and which describes actions taken to ensure  
 120 compliance with this section, documents average on-hold times,  
 121 and sets forth a plan for future action that will be taken to  
 122 reduce average on-hold times in the event the average exceeds 5  
 123 minutes.

124            (b) Provide a written report to the Governor, the  
 125 President of the Senate, and the Speaker of the House of  
 126 Representatives by September 30, 2005, and annually thereafter,  
 127 summarizing compliance by state agencies and agents with this  
 128 section and indicating the average on-hold time of each state  
 129 agency and agent during the previous fiscal year.

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

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

HB 681

2004  
CS

135 |           Section 3. Section 110.1082, Florida Statutes, is  
136 | repealed.  
137 |           Section 4. This act shall take effect July 1, 2004.