

CHAMBER ACTION

1 The Committee on State Administration 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

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24 | arises due to a failure to comply with the act; requiring
25 | implementation by state agencies utilizing existing
26 | personnel and resources; authorizing agencies to utilize
27 | call center services; providing criteria for submission of
28 | a budget amendment; repealing s. 110.1082, F.S., relating
29 | to telephone voice mail systems and telephone menu options
30 | systems; providing an effective date.

31

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

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

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

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

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

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

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

59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 Section 1. Section 282.108, Florida Statutes, is created
63 to read:

64 282.108 State agency automated telephone answering
65 systems.--

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

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

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

76 (c) "Menu" means the first time during a telephone call
77 answered by an automated telephone answering system when the

78 caller is asked to choose from two or more options, regardless
 79 of whether those options are referred to as a menu or router or
 80 by any other term.

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

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

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

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

104 (3) An employee of a state agency or an agent may not use
 105 an automated telephone answering system when the employee is at

106 his or her regularly assigned work station if his or her
 107 telephone is functional and available for use, unless:
 108 (a) The telephone is in use; or
 109 (b) The automated telephone answering system transfers the
 110 caller to someone appropriate to respond to the caller or
 111 provides the caller with an option of promptly reaching an
 112 employee of a state agency or agent who can direct the caller to
 113 someone appropriate to respond to the caller.
 114 (4) Each state agency shall submit an annual report to the
 115 State Technology Office as provided for in this subsection. The
 116 State Technology Office shall:
 117 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54 by
 118 January 1, 2005, requiring each state agency on behalf of itself
 119 and its agents to submit a written report to the office on July
 120 31, 2005, and annually thereafter, which relates to the previous
 121 fiscal year and which describes actions taken to ensure
 122 compliance with this section, documents average on-hold times,
 123 and sets forth a plan for future action that will be taken to
 124 reduce average on-hold times in the event the average exceeds 5
 125 minutes.
 126 (b) Provide a written report to the Governor, the
 127 President of the Senate, and the Speaker of the House of
 128 Representatives by September 30, 2005, and annually thereafter,
 129 summarizing compliance by state agencies and agents with this
 130 section and indicating the average on-hold time of each state
 131 agency and agent during the previous fiscal year.

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

135 Section 2. Section 1 of this act shall be implemented by
 136 state agencies using existing personnel and within existing
 137 resources.

138 Section 3. Each agency is authorized to utilize call
 139 center services. Call center services providers are encouraged
 140 to meet the following criteria for participation in providing
 141 services to state or governmental agencies:

142 (1) The provider may engage the services of call center
 143 workers in this state.

144 (2) The provider may engage the services of
 145 developmentally disabled workers, disadvantaged workers, or
 146 people who are unable to work in a traditional workplace
 147 setting.

148 (3) The provider may provide the services at a cost less
 149 than current costs.

150
 151 If the criteria in subsections (1)-(3) are met, a budget
 152 amendment may be submitted for approval by the President of the
 153 Senate and the Speaker of the House of Representatives shifting
 154 funding from salary categories and related expenses categories
 155 to a contract service category.

156 Section 4. Section 110.1082, Florida Statutes, is
 157 repealed.

158 Section 5. This act shall take effect July 1, 2004.