

STORAGE NAME: h1047.grr
DATE: February 11, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL RULES & REGULATIONS
ANALYSIS**

BILL #: HB 1047 (PCB GRR 00-02)

RELATING TO: Florida Customer Service Standards Act

SPONSOR(S): Committee on Governmental Rules & Regulations; Representative Wallace & Others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL RULES & REGULATIONS YEAS 6 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This proposed committee bill (PCB) creates the Florida Customer Service Standards Act which delineates measures by which state departments and agencies are directed to comply with regarding customer service. Such measures include the following:

- identifying an ombudsman or other designated employee of the agency and providing telephonic or direct electronic access to that person;
- providing available information and accurate responses to questions and requests for assistance in a prompt manner;
- eliciting customer feedback and utilizing the information collected to improve customer service and to conduct management and budget planning activities;
- creating a uniform departmental grievance process for customers whose issues were not resolved through normal administrative channels;
- implementing a merit plan to reward good customer assistance by employees and providing training to employees on improving customer service; and
- conducting interagency discussion on methods of providing and improving customer service.

The act directs departments and agencies to implement its provisions utilizing available resources and to enforce provisions through existing disciplinary policies.

The bill provides that failure to comply with this act does not constitute a cause of action.

This PCB has a minimal fiscal impact and becomes effective on October 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

State departments and agencies are directed to implement measures outlined in this bill.

B. PRESENT SITUATION:

In an era where the public's access to information has been facilitated at a rate comparable to no other time in history, there has been a growing distrust of government by the public. In 1963, the national public's confidence level rated 75 percent compared to 1993, in which confidence levels rated as low as 17 percent. Some claim that a part of this distrust and lack of confidence stems from a difficulty in or inability to communicate with and receive information from governmental departments and agencies.

Many of Florida's departments and agencies utilize departmental customer service standards, have established grievance processes, ombudsmen offices, and track actual calls as well as volume and speed with which customer requests and complaints are resolved. Several agencies utilize computer database tracking systems to monitor such things as customer correspondence, nature of complaint, resolution, and date of resolution. This tracking allows departments to prepare analyses with which to identify trends or problem areas, allow proactive planning and the streamlining of processes, and facilitate other activities, through the use of empirical data.

C. EFFECT OF PROPOSED CHANGES:

The PCB creates the "Florida Customer Service Standards Act" which provides the following measures with which state departments and agencies are directed to comply regarding customer service, utilizing available resources and existing disciplinary policies:

- Provide an ombudsman, designated facilitator, consumer advocate, or other designated employee of the department or agency who shall be responsible for facilitating the resolution of complaints and problems not resolved through normal administrative channels and ensure that the contact point for this person is readily identifiable by the customer.
- Provide available information and accurate responses to questions and requests for assistance in a prompt manner and utilize telephonic or electronic methods to facilitate delivery of information or assistance to the customer.

- Acknowledge receipt of a telephonic or electronic inquiry by the end of the next business day.
- Provide direct local or toll-free telephonic or direct electronic access to the department or agency ombudsman, designated facilitator, consumer advocate, or designated employee.
- Employ mechanisms to elicit customer feedback regarding customer service and satisfaction.
- Employ a system by which customer service complaints, requests, and resolutions are tracked.
- Provide statistical data on customer service complaints, requests, and resolutions, as well as data obtained through the customer feedback mechanisms, in departmental and agency annual reports and other performance publications.
- Utilize data collected in customer feedback and tracking systems when conducting management and budgeting planning activities.
- Provide access to an employee's direct supervisor within five business days when a customer has received unsatisfactory treatment by a department or agency employee or has not received acknowledgment of receipt of a telephonic or electronic inquiry.
- Create a uniform departmental grievance process for customers whose issues were not resolved through normal administrative channels or by the ombudsman, designated facilitator, consumer advocate, or designated employee.
- Implement a merit plan, based on established criteria under customer service standards, to reward good customer assistance by employees.
- Provide training to employees on improving customer service and on the role of the ombudsman, designated facilitator, consumer advocate, or designated employee.
- Include in the departmental or agency strategic plan a program outline or goal regarding customer service.
- Conduct interagency discussion on methods of providing and improving customer service.

The bill defines "customer" as any member of the public who utilizes or requests services or information provided by a state department or who is required by statutory directive or mandate to interact with the department or agency, and exempts from the definition those persons currently under criminal prosecution or subject to administrative action, or incarcerated as the result of a criminal conviction.

The bill further stipulates that failure to comply with this act does not constitute a cause of action. For example, if a person is subject to a penalty and believes that the department did not comply with the measures set forth in this bill, the customer would not be relieved of paying the penalty by utilizing as an argument the agency's noncompliance with this section.

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The effective date of the bill is October 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The bill stipulates that measures must be implemented utilizing available resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not determinable.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require the counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

The bill directs state departments and agencies to enforce the provisions of this bill utilizing existing disciplinary policies.

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At the January 19, 2000, committee meeting, a "strike everything after the enacting clause..." amendment was adopted. New language includes the following:

- Directs state departments and agencies to implement the provisions of the act instead of "encourages."
- Expands the definition of "customer" to exclude those persons currently under criminal prosecution or subject to administrative action, or incarcerated as the result of a criminal conviction.
- Expands list of ombudsman-type positions to include "or some other designated employee of the agency."
- Requires departments and agencies to acknowledge receipt of a telephonic or electronic inquiry by the end of the next business day.
- Requires that when a customer has received unsatisfactory treatment by an employee or has not received acknowledgment of receipt of a telephonic or electronic inquiry, access to an employee's direct supervisor should be made within *five* business days.
- Requires interagency discussion on methods of providing and improving customer service.
- Directs that agencies should enforce the provisions of the act through existing disciplinary policies.

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VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

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