

1 WHEREAS, while many state agencies use automated
2 telephone answering systems to decrease costs and increase
3 efficiency, there are times when it is important that an
4 employee rather than an automated system answer the telephone,
5 and

6 WHEREAS, the people of this state, including business
7 owners, visitors, and legislators, have expressed concern that
8 some state agencies improperly rely on voice mail and other
9 automated telephone answering systems to screen calls and
10 direct callers, and

11 WHEREAS, some telephone systems operated by state
12 agencies require callers to proceed through several menus in
13 order to finally reach an individual extension, which is an
14 arrangement that can be intimidating to the caller, and

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

17 WHEREAS, as a consequence, individuals who call a state
18 agency become frustrated in their attempts to obtain
19 information and are trapped in a voice-mail loop, and

20 WHEREAS, while automated telephone systems and voice
21 mail are intended to improve efficiency, the first duty of
22 state government is to serve the people, and efficiency should
23 not impede the average member of the public in attempting to
24 contact a state agency for service or information, NOW,
25 THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 282.108, Florida Statutes, is
30 created to read:

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1 282.108 State agency automated telephone answering
2 systems.--

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

4 (a) "Agent" means any person answering incoming
5 telephone calls from the public on behalf of a state agency
6 pursuant to a contract executed or renewed on or after January
7 1, 2008.

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

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

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

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

26 (2)(a) On or before January 1, 2008, each state agency
27 and agent during regular hours of operation shall make
28 available, during the first minute of any telephone call
29 answered by an automated telephone answering system, a menu
30 option that permits callers to reach an employee of the state
31 agency or an agent who is trained to answer basic inquiries or

1 to otherwise direct the caller to someone appropriate to
2 respond to the caller. Each state agency and agent shall
3 allocate a minimum of two telephone lines to handle the
4 responsibilities under this paragraph and shall monitor
5 on-hold times during regular hours of operation, with the goal
6 of an average on-hold time of 5 minutes or less per telephone
7 call. During nonoperational hours, the state agency or agent
8 may rely exclusively upon an automated telephone answering
9 system.

10 (b) This subsection does not apply to any "511"
11 traveler information system operated by the Department of
12 Transportation.

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

17 (a) Telephone is in use; or

18 (b) Automated telephone answering system transfers the
19 caller to, or provides the caller with an option of promptly
20 reaching an employee of a state agency or agent who can direct
21 the caller to, someone appropriate to respond to the caller.

22 (4) The State Technology Office shall:

23 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54
24 by January 1, 2008, requiring each state agency on behalf of
25 itself and its agents to submit a written report to the office
26 on July 31, 2008, and annually thereafter, which relates to
27 the previous fiscal year and which describes actions taken to
28 ensure compliance with this section, documents average on-hold
29 times, and sets forth a plan for future action that will be
30 taken to reduce average on-hold times in the event this
31 average exceeds 5 minutes; and

1 (b) Provide a written report to the Governor, the
2 President of the Senate, and the Speaker of the House of
3 Representatives by September 30, 2008, and annually
4 thereafter, summarizing compliance by state agencies and
5 agents with this section and indicating the average on-hold
6 time of each state agency and agent during the previous fiscal
7 year.

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

11 Section 2. This act shall be implemented by state
12 agencies using existing personnel and within existing
13 resources.

14 Section 3. Section 110.1082, Florida Statutes, is
15 repealed.

16 Section 4. This act shall take effect July 1, 2007.

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19 SENATE SUMMARY

20 Requires each state agency to provide a menu option on
21 each automated telephone answering system to allow the
22 public to talk to an agency employee during normal
23 business hours. Provides exceptions for telephone calls
24 received after business hours and on weekends. Provides
25 that state employees may not use an automated telephone
 answering system except under specified circumstances.
 Provides dates for implementing the act. Requires the
 State Technology Office to adopt rules to implement the
 system. Provides for reports to the Governor and the
 Legislature.