

1 A bill to be entitled
2 An act relating to automated telephone answering systems;
3 creating s. 282.108, F.S.; providing definitions;
4 requiring state agencies and agents acting on behalf of a
5 state agency to provide during specified hours an option,
6 during the first minute of a call answered by an automated
7 telephone answering system, which permits callers to reach
8 an employee; requiring allocation of at least two phone
9 lines for certain responsibilities; requiring on-hold
10 times to be monitored; providing exceptions for
11 nonoperational hours; providing an exception for the "511"
12 traveler information system; prohibiting a state agency or
13 agent employee from using an automated telephone answering
14 system except under specified circumstances; requiring the
15 State Technology Office to adopt rules that require the
16 submission of annual reports; requiring the State
17 Technology Office to submit annual reports to the Governor
18 and the Legislature; providing that no cause of action
19 arises due to a failure to comply with the act; repealing
20 s. 110.1082, F.S., relating to telephone voice mail
21 systems and telephone menu options; providing an effective
22 date.

23
24 WHEREAS, state agencies are appropriately concerned about
25 making information accessible to the public and maintaining high
26 standards of customer service, and

27 WHEREAS, while many state agencies use automated telephone
28 answering systems to decrease costs and increase efficiency,

HB 997

2007

29 | there are times when it is important that an employee rather
30 | than an automated system answer the telephone, and

31 | WHEREAS, the people of this state, including business
32 | owners, visitors, and legislators, have expressed concern that
33 | some state agencies improperly rely on voice mail and other
34 | automated telephone answering systems to screen calls and direct
35 | callers, and

36 | WHEREAS, some telephone systems operated by state agencies
37 | require callers to proceed through several menus in order to
38 | finally reach an individual extension, which can be intimidating
39 | to callers, and

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

42 | WHEREAS, as a consequence, individuals who call a state
43 | agency become frustrated in their attempts to obtain information
44 | and are trapped in a voice-mail loop, and

45 | WHEREAS, while automated telephone systems and voice mail
46 | are intended to improve efficiency, the first duty of state
47 | government is to serve the people, and efficiency should not
48 | impede the average member of the public in attempting to contact
49 | a state agency for service or information, NOW, THEREFORE,

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51 | Be It Enacted by the Legislature of the State of Florida:

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53 | Section 1. Section 282.108, Florida Statutes, is created
54 | to read:

55 | 282.108 State agency automated telephone answering
56 | systems.--

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

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

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

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

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

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

79 (2) (a) On or before January 1, 2008, each state agency and
80 agent during regular hours of operation shall make available,
81 during the first minute of any telephone call answered by an
82 automated telephone answering system, a menu option that permits
83 callers to reach an employee of the state agency or an agent who
84 is trained to answer basic inquiries or to otherwise direct the

85 caller to someone appropriate to respond to the caller. Each
86 state agency and agent shall allocate a minimum of two telephone
87 lines to handle the responsibilities under this paragraph and
88 shall monitor on-hold times during regular hours of operation,
89 with the goal of an average on-hold time of 5 minutes or less
90 per telephone call. During nonoperational hours, the state
91 agency or agent may rely exclusively upon an automated telephone
92 answering system.

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

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

99 (a) Telephone is in use; or

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

104 (4) The State Technology Office shall:

105 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54 by
106 January 1, 2008, requiring each state agency on behalf of itself
107 and its agents to submit a written report to the office on July
108 31, 2008, and annually thereafter, which relates to the previous
109 fiscal year and which describes actions taken to ensure
110 compliance with this section, documents average on-hold times,
111 and sets forth a plan for future action that will be taken to
112 reduce average on-hold times in the event this average exceeds 5

HB 997

2007

113 minutes; and

114 (b) Provide a written report to the Governor, the
115 President of the Senate, and the Speaker of the House of
116 Representatives by September 30, 2008, and annually thereafter,
117 summarizing compliance by state agencies and agents with this
118 section and indicating the average on-hold time of each state
119 agency and agent during the previous fiscal year.

120 (5) No cause of action shall arise in favor of a person
121 due to the failure of a state agency or agent to comply with
122 this 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 July 1, 2007.