

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 558

SPONSOR: Appropriations Committee, Senators Bennett and Lynn

SUBJECT: Automated Telephone Answering Systems

DATE: March 30, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Kynoch</u>	<u>Hayes</u>	<u>AGG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	<u>Withdrawn: Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 110.1082, F.S., currently prohibits a state employee from utilizing a voice mail system when the employee is available to answer the phone and requires state agencies to provide telephone menu options that access nonelectronic attendants.

The proposed committee substitute would repeal s. 110.1082, F.S., and create a new s. 282.108, F.S., that would apply to executive branch entities and agents who answer public telephone calls on behalf of these entities pursuant to contracts executed or renewed on or after January 1, 2005.

With regard to state agencies and agents, the bill requires: (a) telephone menu options to permit a caller within the first minute of a call to reach an employee who is trained to answer basic inquiries or to refer the caller to someone appropriate to respond to the caller’s request; (b) dedication of at least two phone lines to implement the section’s responsibilities; (c) employees to answer the phone whenever available, rather than use an automated telephone answering system; (d) on-hold times to be monitored, with the goal of an average on-hold time of five minutes or less; and (e) the State Technology Office (STO) to annually report to the Legislature and Governor on state agency and agent compliance with the bill’s requirements.

This bill creates s. 282.108 of the Florida Statutes and repeals s. 110.1082 of the Florida Statutes.

II. Present Situation:

In 1999, the Legislature enacted s. 110.1082, F.S.,¹ to prohibit a state employee from utilizing a voice mail system when the employee is at his or her regularly assigned work station and where his or her telephone is functional and available for use, unless: (a) the device is in use; (b) the voice mail system alerts the caller to, and provides the caller with access to a nonelectronic attendant; or (c) the voice mail system automatically transfers the caller to a nonelectronic attendant. Further, this section of law requires that telephone menu option systems used by state agencies,² departments, or other state government units alert the caller to, and provide the caller with access to, a nonelectronic attendant. Agency heads are required to ensure compliance with the provisions of this section.

III. Effect of Proposed Changes:

Title: “Whereas” clauses provide that: (a) there are times when it is important that employees, rather than an automated system, answer the telephone at a state agency; (b) citizens of this state have expressed concern that state agencies improperly rely on voice mail and other automated telephone answering systems to screen calls and direct callers; (c) some systems require callers to proceed through several menus before finally reaching an individual extension or operator; and (d) while automated telephone systems are intended to improve efficiency, the state’s first duty is to serve the people and efficiency should not impede the public from contacting a state agency for a service or information.

Section 1. The bill creates s. 282.108, F.S. In subsection (1), the following definitions are provided:

- “Agent” means any person answering phone calls from the public on behalf of a state agency pursuant to a contract executed or renewed on or after January 1, 2005.
- “Automated telephone answering system” means a software application used to answer calls from the public; that accepts a voice telephone or touch-tone keypad input; and provides appropriate responses in the form of a voice, fax, callback, e-mail, or other media response.
- “Menu” means the first point in the telephone call at which the caller is asked to choose from two or more options, regardless of whether that choice is referred to as a menu, router, or other term.
- “On-hold time” means the amount of time that caller is not speaking with an employee or is not interacting with options provided by the automated telephone answering system.
- “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government.

¹ Chapter 99-255, L.O.F.

² For purposes of ch. 110, F.S., the term “state agency” or “agency” means, “any official, officer, commission, board, authority, council, committee, or department of the executive branch or the judicial branch of state government as defined in chapter 216.” Section 110.107(4), F.S.

In subsection (2), state agencies and agents are required, beginning January 1, 2005, to provide a menu option within the first minute of a call answered by an automated telephone answering system that permits a caller to reach an employee. The employee must be trained to respond to basic inquiries or to direct the caller to someone appropriate to respond to the caller's request. State agencies and agents are also: (a) required to allocate a minimum of two telephone lines to handle the section's responsibilities; (b) required to monitor on-hold times, with the goal of an average on-hold time of 5 minutes or less; and (c) permitted to rely exclusively upon an automated telephone answering system during nonoperational hours. The subsection further states that its requirements are not applicable to any "511" traveler information system operated by the Department of Transportation.

In subsection (3), the bill provides that an employee of a state agency or agent may not use automated telephone answering systems when the employee is at his or her work station if his or her telephone is functional and available, unless: (a) the telephone is in use; and (b) the automated telephone answering system transfers the caller to, or provides the caller with the option of promptly reaching an employee of the state agency or agent who can direct the caller to, someone appropriate to respond to the caller.

In subsection (4), the bill requires the State Technology Office to adopt rules by January 1, 2005, that require each state agency on behalf of itself and its agents to submit a written report on July 31, 2005, and annually thereafter, which relates to the previous fiscal year and which describes actions taken to ensure compliance with the section, documents average on-hold times, and sets forth a plan for future action that will be taken to reduce average on-hold times that exceed five minutes. Further, the State Technology Office is directed to submit a summary of these reports to the Governor and Legislature on September 30, 2005, and annually thereafter.

In subsection (5), the bill provides that no cause of action arises in favor of any person due to the failure of a state agency or agent to comply with the section.

Section 2. The bill provides that the act shall be implemented by state agencies using existing personnel and within existing resources.

Section 3. The bill repeals s. 110.1082, F.S., which currently addresses telephone answering by state agencies.

Section 4. The bill provides that it takes effect on July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may result in members of the public who call state agencies and agents being: (a) able to more quickly reach a state employee; and (b) on-hold for a shorter period of time.

C. Government Sector Impact:

The bill provides that its requirements are to be implemented with existing resources. Accordingly, it is not necessary for the Legislature to appropriate funds in order for this bill's provisions to be effective.

The following executive branch entities submitted fiscal analyses projecting impacts based on the bill in its original form. The Proposed Committee Substitute should not impact the fiscal analyses.

- Capital Collateral Regional Counsels for the Middle Region estimates that it would need to hire 1 position at a cost of \$24,000 annually.
- The Department of Business and Professional Regulation reports that if the option to dial zero to speak with an employee is selected by all callers that it would need from two to thirteen new positions to answer the incoming calls.
- The Department of Elder Affairs estimates it would need 34 positions at a cost of \$708,288 annually.
- The Department of Financial Services reports that it would need 5 positions at a cost of \$235,404 annually for the Division of Agent and Agency Services to comply with the bill's goal of average response times less than 5 minutes.
- The Department of Juvenile Justice estimates that reprogramming of their telephone system would result in a one-time cost of \$7,500.
- The Department of Revenue reports it may need to shift existing resources to comply with the intent of the bill. The department receives an average of 1.4 million inbound call attempts per month. Shifts in resources may impact federal performance measures resulting in a loss of federal dollars. Additionally, the department supplements traditional customer service venues with electronic self-service systems for Tax and Child Support information such as the Child Support Enforcement Automated Payment Line. Callers using these systems are assigned pin numbers and may access payment and account data via a call menu.
- The State Technology Office indicates that it would need to hire two positions.

- The Agency for Workforce Innovation, the Parole Commission, and Departments of Citrus, Law Enforcement, Management Services, Military Affairs reported that no fiscal impact will be incurred.
- The Departments of Transportation and Highway Safety and Motor Vehicles have submitted revised fiscal analyses reporting that no fiscal impact will be incurred.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
