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GUIDELINES
FOR
ATTESTATION SERVICES
RELATING TO
QUARTERLY LOBBYING FIRM
COMPENSATION REPORTS

Joint Legislative Auditing Committee
As adopted on November 4, 2013
and subsequently revised on November 2, 2015; December 12, 2019;
December 2, 2021; and March 13, 2023

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Joint Legislative Auditing Committee

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Substantive Changes Made to the Guidelines on March 13, 2023

- Addresses lobbying firms' documentation:
 - Clarifies language relating to documentation for monetary compensation (Page 5 (III.D.))
 - Adds language relating to documentation for nonmonetary items of value (such as meals and refreshments or similar items) provided by principals, and provides examples of types of documentation (Page 5 (III.E.))
- Requires CPA firms to include an observation, rather than a finding, in the agreed-upon procedures report if detailed records are not maintained and the lobbying firm fails to provide a written statement regarding nonmonetary items of value provided by clients (\$250 value or less during the quarter) to the CPA firm before field work begins. (Pages 10-12 (VI.C.3.f))

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I. Introduction

A. Purpose

Chapter 2005-359, *Laws of Florida*, mandates the filing of quarterly lobbying firm compensation reports that must be prepared and filed by both legislative branch and executive branch lobbying firms as defined in law.¹ The law also requires the Joint Legislative Auditing Committee (Committee) to adopt guidelines to govern random audits and field investigations of the quarterly compensation reports filed by lobbying firms in accordance with Sections 11.045 and 112.3215, *Florida Statutes*.

The purpose of these Guidelines is to provide direction to the lobbying firms and the Florida-licensed certified public accountants (CPAs) in Florida-licensed public accounting firms (CPA firms) selected to perform the attestation services specified herein relating to the compensation reports filed by lobbying firms in accordance with Sections 11.045 and 112.3215, *Florida Statutes*. The Guidelines also describe the types of compensation-related records that should be maintained by the lobbying firms and made available to the CPAs during the performance of the attestation services. These Guidelines are intended to supplement, rather than replace, the judgment of the independent CPAs performing the attestation services.

In all cases, decisions and judgments by the CPAs should be made based upon applicable attestation standards established by the American Institute of Certified Public Accountants, provisions of the *Florida Statutes*, and direction given in these Guidelines. Also, for background purposes, the CPAs should become familiar with Joint Rule One of the *Joint Rules of the Florida Legislature* and Chapter 34-12, *Florida Administrative Code* (Rules of the Florida Commission on Ethics), as they relate to lobbying and compensation reporting requirements for the legislative branch and executive branch, respectively. Further guidance, including a frequently-asked questions document, will address issues and questions that may arise during the performance of the attestation services or from lobbying firms complying with the reporting requirements.

These Guidelines govern attestation services relating to quarterly compensation reports. The procedures described in section VI.C. below will be performed on each quarterly compensation report filed by the randomly selected lobbying firm for the preceding calendar year.

¹ Sections 11.045, 11.40, and 112.3215, *Florida Statutes*.

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B. Responsible Parties

The Lobbyist Registration Office (Office) within the Office of Legislative Services administers lobbyist registrations for the legislative branch. The Commission on Ethics (Commission) administers lobbyist registrations for the executive branch. The Commission has co-located Commission employees in the Office. The Office maintains and provides this information to legislators, staff, public agencies, and the public. The lobbying firms are required to file quarterly lobbying firm compensation reports electronically with the Office. The Office is responsible for maintaining the electronic filing system and ensuring that all of the lobbyist registration and authorization documentation and compensation reports are available for public inspection and duplication, if requested. The Office is also responsible for ensuring that the documentation and reports filed with the Office are reasonably available on the Internet in an easily understandable and accessible format.

The Legislative committee charged with administrative responsibility for the process mandated in Chapter 2005-359, *Laws of Florida* (now Section 11.40(3), *Florida Statutes*), is the Joint Legislative Auditing Committee (Committee).

C. Committee Contact

The Committee Coordinator is assigned to act as liaison to the CPAs performing the attestation services relating to the quarterly lobbying firm compensation reports and can be contacted as follows:

Telephone: (850) 487-4110

Email: jlac@leg.state.fl.us

D. Questions

Questions concerning the attestation services specified in these Guidelines, report formats, or special situations or circumstances encountered during the performance of the attestation services are encouraged from the CPAs. All such questions should be directed to the Committee contact at the telephone number or email listed above.

All other questions should be directed to the Committee contact, preferably in writing, at the email listed above.

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II. Definitions

The following are definitions of terms used throughout these guidelines:

Committee - the Joint Legislative Auditing Committee established by Joint Rule 4.1, *Joint Rules of the Florida Legislature*, or its successor committee.

Compensation² - a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity. [Sections 11.045(1)(b) and 112.3215(1)(c), *Florida Statutes*]

Independent contract auditor - a state-licensed certified public accountant or firm with which a state-licensed certified public accountant is currently employed or associated who is actively engaged in the accounting profession. [Section 11.40(3)(a), *Florida Statutes*]

Lobbies/Lobbying - seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. [Section 112.3215(1)(f), *Florida Statutes*]; influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. [Section 11.045(1)(e), *Florida Statutes*]

Lobbying firm - any business entity, including an individual contract lobbyist, which receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist. [Sections 11.045(1)(f) and 112.3215(1)(g), *Florida Statutes*]

Lobbyist - a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. [Sections 11.045(1)(g) and 112.3215(1)(h), *Florida Statutes*]

Principal - the person, firm, corporation, or other entity which has employed or retained a lobbyist. [Sections 11.045(1)(i) and 112.3215(1)(i), *Florida Statutes*]

Workpapers - documentation developed or obtained by the CPAs during the course of the attestation engagement as a basis for, and in support of, the agreed-upon procedures report. Such documentation is the record of procedures performed, relevant evidence

² It should only include compensation for lobbying before the Florida Legislature and state officials. It should not include compensation for lobbying local (i.e., counties, municipalities, special districts, universities, colleges, district school boards, etc.), or federal officials or officials of other states.

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obtained, and conclusions reached by the CPAs. It may include letters of confirmation and representation, schedules, copies of relevant documents, and correspondence concerning issues and questions that arise during the engagement. The workpapers are governed by standards adopted by the Florida Board of Accountancy. Ownership of such workpapers and the CPAs' responsibilities related to communications with clients³ and confidential client information are set forth in Sections 473.316 and 473.318, *Florida Statutes*, and Chapter 61H1-23, *Florida Administrative Code* (Rules of the Florida Board of Accountancy). Additionally, such workpapers are confidential and exempt from disclosure pursuant to Sections 112.3215(8)(d) and 11.0431(2)(a) and (i), *Florida Statutes*.

III. Compensation-Related Records to be Maintained

Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers and other documents and records necessary to substantiate compensation. [Sections 11.045(2)(e) and 112.3215(5)(e), *Florida Statutes*] The lobbying firm's bookkeeping and accounting system need not be sophisticated; however, the lobbying firm should be using a reasonably systematic method of accounting for its financial transactions.

Records that should be maintained by the lobbying firm to document compensation received from or owed by a principal may include, but are not limited to, the following:

- A. Agreements and/or contracts for lobbying (however termed) between the lobbying firm and each principal by calendar year, including any amendments to such agreements or contracts. If any of the agreements and/or contracts are verbal, a written statement or other form of documentation which outlines the payment terms should be maintained.
- B. Agreements and/or contracts between the lobbying firm and other lobbying firms or lobbyists that are working on a subcontractor basis with the lobbying firm for the purpose of lobbying (however termed), including any amendments to such agreements or contracts. If any of the agreements and/or contracts are verbal, a written statement or other form of documentation which outlines the payment terms should be maintained.
- C. A schedule of contracted compensation by principal that indicates the payment schedule for such compensation (i.e., as services are rendered and billed, monthly, quarterly, lump sum at beginning of contract period, lump sum at end of contract period, etc.).

³ For purposes of these guidelines, client is defined as both the Legislature and the lobbying firms.

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- D. Payment records by principal, including original receipts documentation for monetary compensation. Such payment records should include: principal name, date of each payment, amount of each payment, and any amounts billed but not yet received. Original receipts documentation should include: receipts, invoices, or copies of the payment check; and deposit slips or other bank records that indicate that payments received from principals were deposited.
- E. If the compensation reported includes amounts for items such as meals or other nonmonetary items of value provided by a principal, then documentation to substantiate such must be maintained. Such documentation could include:
 - 1. Meals: A copy of the menu, including prices, with item(s) circled or otherwise marked, and the date provided; or
 - 2. Refreshments or similar items: If the estimated value is \$100 or less, a written statement regarding the items provided, including a description of such, the estimated value, and date provided,.
- F. If the compensation reported includes any reimbursements received, then documentation to substantiate the reimbursement must be maintained. Such documentation could include receipts or invoices describing the goods or services for which reimbursement was requested, cancelled checks, and credit card receipts.
- G. Records to document any allocation of compensation from a principal.

The Committee recognizes that a reasonable, common sense approach is necessary when any allocation is required. Therefore, in calculating such allocated amounts, any reasonable, fact-based method of calculation is acceptable.

One method that could be utilized is allocating the compensation based on percentage of time spent on activities. For example, actual time spent (hours or minutes) multiplied by the hourly rate of pay (for each lobbyist or support staff working on each activity).

It is imperative, however, that documentation be maintained to support both the method and any percentages used to determine amounts allocated to the following areas:

- 1. Lobbying services versus non-lobbying services
- 2. Florida legislative branch lobbying versus executive branch lobbying
- 3. Florida legislative or executive branch lobbying versus lobbying any level or branch of a local, other state, or federal government.

The lobbying firm may choose to keep records of all Florida legislative or executive branch lobbying activities separate from the records of all other such lobbying and non-lobbying activities. If this is the case, then the lobbying firm is not required to

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make any documents related to any other lobbying or non-lobbying activities available as part of the attestation engagement. However, if the lobbying firm has chosen to keep records and accounts which ordinarily and customarily integrate both Florida legislative and/or executive branch lobbying activities and all other such lobbying and non-lobbying activities, then such integrated records must be made available during the attestation engagement if they are necessary to document all or a portion of the compensation amounts included on the quarterly compensation reports.

The types of documentation that may be used to support an allocation of compensation include, but are not limited to, the following:

- 1) Signed time sheets or other records for each lobbying firm staff member that reflect the actual time spent (in hours or minutes) on lobbying activities for a principal, including reports generated by a time-reporting system using a coding or other system to identify time spent on lobbying activities with respect to a principal for purposes of billing for lobbying services;
- 2) Salary information that indicates the hourly rate of pay for each lobbying firm staff member who worked on lobbying activities for a principal;
- 3) Written contract or agreement for lobbying services signed by the parties specifying a fixed amount for lobbying services or providing for an agreed-upon allocation of compensation using specified percentages or other agreed-upon allocation;
- 4) Written statement(s), signed by a management-level employee of either or both the lobbying firm and the principal, that describes the specific reasons for allocating compensation using specified percentages (i.e., 60% legislative branch and 40% executive branch or 70% lobbying services and 30% non-lobbying services).

An allocation method may be adjusted if the lobbying firm determines that such adjustments need to be made to accurately reflect current activity. Documentation as discussed above should be maintained to support any such adjustments.

IV. Record Redaction

The Committee recognizes that records maintained by a lobbying firm and used to substantiate compensation may contain privileged or confidential information, the disclosure of which is not necessary for the CPAs to perform the attestation procedures specified herein. A lobbying firm may redact information that is privileged or confidential so long as such redaction does not prevent the CPAs from using the records to substantiate the accuracy of the compensation reported, the principal owing or providing the compensation, and the related time period.

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If a lobbying firm refuses to provide documentation or if the lobbying firm provides redacted documentation that prevents the CPAs from substantiating the compensation reported, the CPAs should contact the Committee Coordinator for assistance.

V. Records Retention

The records retention requirements are established in Sections 11.045(2)(e) and 112.3215(5)(e), *Florida Statutes*. Each lobbying firm and each principal is required to preserve for a period of **4 years** “all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.”

VI. Objectives and Requirements for Attestation Services

A. Objectives

The legislative objective of the process mandated in Section 11.40(3), *Florida Statutes*, is to obtain a timely attestation report from CPAs, licensed by the Florida Board of Accountancy. The attestation engagement is to be conducted and the attestation report is to be prepared in accordance with the applicable attestation standards established by the American Institute of Certified Public Accountants as adopted by the Florida Board of Accountancy in Chapter 473, *Florida Statutes*. The specific procedures performed on the randomly selected lobbying firm’s quarterly compensation reports will be as agreed upon between the Legislature and the CPAs selected to perform such procedures. Such procedures are described in section VI.C. below and have been adopted by the Committee as authorized by Section 11.40(3)(h), *Florida Statutes*.

B. Confidentiality of Records and Other Matters

Workpapers developed by the CPAs during the course of the attestation engagement as a basis for, and in support of, the agreed-upon procedures (AUP) report, are governed by standards adopted by the Florida Board of Accountancy. Ownership of such workpapers and the CPAs’ responsibilities related to communications with clients and confidential client information are set forth in Sections 473.316 and 473.318, *Florida Statutes*, and Chapter 61H1-23, *Florida Administrative Code* (Rules of the Florida Board of Accountancy).⁴ Such workpapers and draft reports of the CPAs are confidential, but a final report submitted by the CPAs to a client is not. Therefore, the AUP report is confidential until it is issued.

⁴ A CPA may not disclose any confidential information in the course of a professional engagement, except with the consent of the client.

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Records of a lobbying firm that are associated with the attestation engagements relating to the quarterly compensation reports are confidential and exempt from public record disclosure requirements, unless there is a finding of probable cause that the audit reflects as a violation of the reporting laws. (See Sections 112.3215(8)(d) and 11.0431(2)(a) and (i), *Florida Statutes*)

The CPAs contracted to perform the attestation engagement may be required to appear before various committees of the Legislature or the Florida Commission on Ethics, as applicable, to make oral presentations of the completed AUP report. If such appearance is required, the individuals involved will be paid based on the fee schedule that will be included in the contract with the CPAs.

C. Agreed-Upon Procedures to be Performed

The agreed-upon procedures (AUP) to be performed by the CPAs selected to perform the attestation engagement are described below. Revisions to such procedures may be made if determined to be necessary by the Committee or by joint agreement of the presiding officers. Such revisions must be agreed upon in writing by the Committee or joint agreement of the presiding officers and the CPAs contracted to perform such services. No oral agreements shall be valid or binding.

1. Documentation to be Obtained

a) Obtain the following documentation from the Committee office:

- 1) all of the quarterly lobbying firm compensation reports for the calendar year that the lobbying firm filed with the Office;⁵
- 2) documentation to support the lobbyists registered and associated with the lobbying firm; and
- 3) documentation to support the lobbying firm's authorization to represent each principal.

b) Inquire of the lobbying firm whether it filed any amended compensation reports for the calendar year with the Office subsequent to the time the Committee office obtained the compensation reports noted in VI.C.1.a above, but prior to the start of audit fieldwork. If the lobbying firm indicates that it did file an amended compensation report for one or more quarters, obtain a copy of the amended compensation report(s) directly from the Office's website to verify that such amended compensation report(s) were properly filed.

⁵ The quarterly compensation reports are also available on the Office's website: (<https://www.floridalobbyist.gov/CompensationReportSearch/>).

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2. Comparison of Documents Filed with the Office

- a) Compare the lobbyist(s) registered for the lobbying firm per the registration documentation obtained in VI.C.1.a.2 above to the lobbyists listed on the quarterly lobbying firm compensation reports, noting any differences. Obtain a detailed explanation from the lobbying firm for any differences and document the explanation in the workpapers.
- b) Compare the principal(s) listed for each lobbyist of the lobbying firm per the authorization documentation obtained in VI.C.1.a.3 above to the principal(s) listed on the quarterly lobbying firm compensation reports, noting any differences. Obtain a detailed explanation from the lobbying firm for any differences and document the explanation(s) in the workpapers.

A finding must be included in the AUP report if:

- the explanations are not sufficiently documented,
- a lobbyist or a principal was included on a compensation report but the lobbyist was not registered or the authorization was not obtained from the principal, or
- compensation appears to have been received from a third party neither identified as a principal in a registration and applicable compensation report(s) nor identified as a prime contractor firm in applicable compensation report(s).

In addition, a statement should be included in the AUP report if the lobbying firm filed an amended compensation report as a result of a finding.

3. Comparison of Documents Filed with Lobbying Firm Records

Request access from the lobbying firm to the documentation that supports all of the compensation amounts reported on the quarterly lobbying firm compensation reports, including \$0 amounts (i.e., applicable agreements and/or contracts for lobbying services, payment records, and original receipts). If agreeable to the lobbying firm, such original documentation may be shipped to/from the CPA's office. In addition, if preferred by the lobbying firm, a review of such documentation may be performed on site at the lobbying firm's office(s). If problems relating to access of such records and documentation are encountered, contact the Committee Coordinator for assistance.

- a) Review all agreements and/or contracts for lobbying (however termed) between the lobbying firm and each principal that cover the calendar year, including any amendments, notes, or other documentation provided by the lobbying firm which outline the payment terms of any verbal agreement(s)/contract(s). Also request and review all agreements and/or

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contracts between the lobbying firm and other lobbying firms or lobbyists that are working on a subcontractor basis with the lobbying firm for the purpose of lobbying, including any amendments, notes, or other documentation provided by the lobbying firm which outline the payment terms of any verbal agreement(s)/contract(s).

- b) Review the agreements/contracts obtained in section VI.C.3.a above and verify that none are contingency fee based,⁶ unless an exception is provided in law (i.e., related to a claim bill (both legislative and executive); compensation or commission of a salesperson as part of a bona fide contractual relationship with company paying the compensation or commission (executive only)). A finding must be included in the AUP report if it is determined that an agreement or contract was based on a contingency fee in violation of law.

- c) Using the above-noted agreements and/or contracts and notes or other documentation provided for verbal agreement(s)/contract(s), prepare (or obtain from the lobbying firm, if available) a schedule of the contracted compensation by principal, noting the payment schedule for such compensation (i.e., as services are rendered and billed, monthly, quarterly, lump sum at beginning of contract period, lump sum at end of contract period, etc.).

If the schedule is prepared by the lobbying firm, compare all compensation amounts per the schedule to the agreements and/or contracts. Resolve any differences, documenting the explanations provided by the lobbying firm in the workpapers.

- d) Compare the principals per the schedule in section VI.C.3.c above to the principals noted in VI.C.2. above. Resolve any differences, documenting the explanations provided by the lobbying firm in the workpapers.

- e) Compare all of the compensation reported as provided or owed to the lobbying firm from each principal per the quarterly lobbying firm compensation reports to the schedule in section VI.C.3.c above. Resolve any differences, documenting the explanations provided by the lobbying firm (e.g., timing, etc.) in the workpapers.

- f) In order to verify the reported amounts, compare all of the compensation amounts provided or owed to the lobbying firm by each principal to the applicable client (principal) payment records, original receipts documentation as described in section III.D. above, or other documentation,

⁶ See Sections 11.047 and 112.3217, *Florida Statutes*, relating to contingency fees.

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which could include allowable written statement(s), as described in sections III.E. and III.F. above. Prepare a schedule to document the results and notes to describe the procedures performed and the records utilized.

Any differences noted while performing the procedures specified in this section (VI.C.3.) must be discussed with the lobbying firm, and explanations obtained and documented. A finding must be included in the AUP report if the explanations are not sufficiently documented, unless an exception noted below applies. In addition, a statement should be included in the AUP report if the lobbying firm filed an amended compensation report as a result of a finding. [Note: If, during the course of the AUP engagement, questions arise as to whether an unusual item noted should be included as a finding in the AUP report, please contact the Committee Coordinator for assistance.]

Exceptions:

- More than one lobbyist in a lobbying firm registers for the same principal; however, there are inconsistencies in how each lobbyist entered the principal's name in the Lobbyist Registration System (i.e., one lobbyist entered "Inc." in association with the principal's name and another lobbyist did not). Providing that all compensation was correctly reported under only one occurrence of the principal's name, and any other occurrences of the principal's name report \$0 compensation, this will be reported as an observation rather than a finding. The observation must explain what occurred.
- A lobbying firm receives and accurately reports as compensation an amount of \$250 or less for reimbursement-type expenses; however, the contract does not contemplate such expenses. This will be reported as an observation rather than a finding. The observation must provide the amount and purpose of the reimbursement.
- A lobbying firm receives payment from a third-party vendor that the principal has contracted with to provide bill-paying services rather than directly from the principal. As long as the lobbying firm has a contract or other documentation that adequately supports this contractual arrangement, this will be reported as an observation rather than a finding.
- A lobbying firm is provided and accurately reports as compensation from a principal an amount of \$250 or less during the quarter for meals or other nonmonetary items of value, but does not have documentation or allowable written statement(s) to substantiate such as described in sections III.E. and III.F. above. As long as the lobbying firm provides a written statement regarding these items of value to the audit firm, this will be reported as an

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observation rather than a finding. The observation must include the amount, frequency, and items of value that were provided to the lobbying firm.

4. Allocation of Compensation

Documentation, as discussed in section III.F. above, must be maintained to support both the method and any percentages used to determine any amounts allocated.

If any compensation amounts have been allocated between any of the following categories of services: (1) lobbying services versus non-lobbying services, (2) Florida legislative branch lobbying versus executive branch lobbying, (3) Florida legislative or executive branch lobbying versus lobbying any level or branch of a local, other state, or federal government, then:

- a) Verify that the explanation(s) and documentation provided by the lobbying firm for each allocation is in accordance with either the allocation determined and documented by the lobbying firm or the default methodology described below for each applicable category.
- b) Using the schedule in section VI.C.3.c above, verify that the allocated compensation amounts were correctly included or omitted from the quarterly lobbying firm compensation reports in order to verify the reported amounts.
- c) Prepare a schedule to document the results and include any documentation provided by the lobbying firm in the workpapers. As described below, certain findings must be included in the AUP report. Any finding must include a description of the amount allocated and any explanation provided by the lobbying firm as to why the allocation method was not documented.

• **Lobbying services versus non-lobbying services**

If the lobbying firm provided non-lobbying services to the principal, the compensation for the non-lobbying services must be excluded from the compensation report.

If the lobbying firm has not utilized and documented a reasonable allocation method between compensation from a principal for lobbying versus non-lobbying services, then the CPAs will probably need to look at additional records maintained by the lobbying firm in order to determine that only compensation for lobbying services was included on the quarterly compensation reports.

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If there is not sufficient documentation to determine that the amounts reported on the quarterly compensation reports are only for lobbying services rendered, then a finding must be included in the AUP report.

- **Florida legislative branch lobbying versus executive branch lobbying**

If the lobbying firm is providing both Florida legislative branch and executive branch lobbying services, there must be no double reporting of compensation on the legislative branch and the executive branch quarterly compensation reports.

If the lobbying firm has not utilized and documented a reasonable allocation method between compensation for such legislative branch versus executive branch lobbying services rendered, then the assumption will be that the compensation should be equally split (50-50) between the two categories of lobbying services.

A finding must be included in the AUP report if the compensation reported on the quarterly compensation reports is not accurate based on either the allocation records maintained by the lobbying firm or the assumption applied, in the case where no allocation method was utilized and sufficiently documented by the lobbying firm.

- **Florida legislative or executive branch lobbying versus lobbying any level or branch of a local, other state, or federal government**

If the lobbying firm lobbied any level or branch of a local, other state, or federal government, the compensation for these lobbying services must be excluded from the compensation report.

If the lobbying firm has not utilized and documented a reasonable allocation method between compensation received for Florida legislative branch lobbying or executive branch lobbying services versus lobbying any level or branch of a local, municipal, other state, or federal government, then the assumption will be that the compensation should be equally proportioned between the categories of lobbying services described in the contract, agreement or other document that denotes the lobbying services to be provided by the lobbying firm.

A finding must be included in the AUP report if the compensation reported on the quarterly compensation reports is not accurate based on either the allocation records maintained by the lobbying firm or the assumption applied, in the case where no allocation method was utilized and sufficiently documented by the lobbying firm.

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5. Representation Letters

- a) Obtain a representation letter from the lobbying firm as the responsible party, indicating that the lobbying firm has provided full and complete records to the CPAs, including all pertinent contracts and/or agreements for lobbying services provided during the calendar year and related supporting documentation. A sample representation letter is included as Appendix A. Request that the lobbying firm provide the signed representation letter within seven (7) days of the request date. If the signed representation letter is not received within the timeframe requested, include a finding in the AUP report regarding such and contact the Committee Coordinator for assistance.
- b) Obtain a representation letter from the Committee as the engaging party. An example of the representation letter is included as Appendix B.

6. Written Statement of Explanation or Rebuttal from the Lobbying Firm

Inquire if the lobbying firm would like to provide a written statement of explanation or rebuttal concerning any or all of the auditor's findings for inclusion in the AUP report. Request that the lobbying firm provide such written statement(s) within seven (7) days of the date requested. Include any such written statement of explanation or rebuttal for a finding in the AUP report, as either a paragraph below the applicable finding or an appendix to the AUP report.

7. Preparation of Agreed-Upon Procedures (AUP) Report

Prepare an AUP report in accordance with attestation standards promulgated by the American Institute of Certified Public Accountants as adopted by the Florida Board of Accountancy. A sample report shell is included as Appendix C. Copies of the quarterly lobbying firm compensation reports (original and amended, if any) must be included as an appendix of the AUP report.

Pursuant to the requirements of Section 11.40(3)(f), *Florida Statutes*, a schedule must be prepared and included as an appendix to the AUP report that states the name, address, and title, if any, of any individual in the lobbying firm who failed to fully, voluntarily, and promptly participate in the attestation engagement process, or to provide any reasonably relevant documentation requested by the CPAs in the course of conducting the attestation engagement.

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8. Distribution of Agreed-Upon Procedures (AUP) Report

The AUP report, which includes copies of the quarterly lobbying firm compensation reports (original and amended, if any)⁷ as an appendix, and the schedule prepared in VI.C.7. above, if applicable, must be distributed as follows:

- a) If the AUP report is of a legislative branch lobbying firm, as soon as the engagement is completed, provide an electronic copy of the report to the Committee and to the lobbying firm. In addition, once all engagements have been completed, provide three bound copies of each AUP report to the Committee. The Committee will provide the AUP reports to the President of the Florida Senate and to the Speaker of the Florida House of Representatives.
- b) If the AUP report is of an executive branch lobbying firm, as soon as the engagement is completed, provide an electronic copy of the AUP report to the Committee and to the lobbying firm. In addition, once all engagements have been completed, provide two bound copies of each AUP report to the Committee. The Committee will provide the AUP reports to the Florida Commission on Ethics.

⁷ The “original” quarterly lobbying firm compensation reports refer to the versions that were used by the CPA firm for the agreed-upon procedures. In most cases, it will be the versions provided to the CPA firm by Committee staff. However, if the lobbying firm amended any of the applicable quarterly lobbying firm compensation reports after the date Committee staff printed the reports, but prior to the beginning of the field work by the CPA firm, this version must be used for the engagement and is considered the original report. An “amended” quarterly lobbying firm compensation report refers to the version that was submitted to the Office by the lobbying firm to correct reporting errors found by the CPA firm.

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**APPENDIX A – SAMPLE REPRESENTATION
LETTER FROM LOBBYING FIRM**

[Date]

To [CPA Firm’s Name and Address]

In connection with your engagement to apply agreed-upon procedures to the [legislative branch/executive branch] Quarterly Compensation Reports of [Name of Lobbying Firm] for the [20__] calendar year, we confirm, to the best of our knowledge and belief, the following representation made to you during your engagement.

1. We acknowledge that we are responsible for our [20__] calendar year [legislative branch/executive branch] Quarterly Compensation Reports.
2. We have provided you with all:
 - a) Contracts and/or agreements with principals for lobbying services provided during the [20__] calendar year.
 - b) Contracts and/or agreements with other lobbying firms or lobbyists that are working on a subcontractor basis with [me/us] for the purpose of lobbying during the [20__] calendar year.
 - c) All related documentation necessary to support the total amount of compensation for lobbying activities on each quarterly compensation report and all allocations of compensation received from principals for lobbying activities, including payment records and original receipts documentation.
3. We have disclosed to you all known matters contradicting any information on our [20__] calendar year [legislative branch/executive branch] Quarterly Compensation Reports.
4. We have disclosed to you any communications from the Florida Legislature affecting our [20__] calendar year [legislative branch/executive branch] Quarterly Compensation Reports, including communications received between the date of these [20__] Quarterly Compensation Reports and the date of your report, [Date of CPA Firm’s Report].
5. We are not aware of any material misstatements in our [20__] calendar year [legislative branch/executive branch] Quarterly Compensation Reports.

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6. We have disclosed to you all known events occurring subsequent to December 31, [20__] to the date of this letter and the date of your report, [**add Date of CPA Firm's Report**], that would have a material effect on our [20__] calendar year [**legislative branch/executive branch**] Quarterly Compensation Reports.

(Signature of Lobbying Firm Executive Officer)

(Printed Name of Lobbying Firm Executive Officer)

(Title of Lobbying Firm Executive Officer)

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**APPENDIX B – SAMPLE REPRESENTATION
LETTER FROM COMMITTEE**

[Date]

To **[CPA Firm’s Name and Address]**

In connection with your engagement to apply agreed-upon procedures to the **[legislative branch/executive branch]** Quarterly Compensation Reports of **[Name of Lobbying Firm]** for the **[20__]** calendar year, we confirm, to the best of our knowledge and belief, the following representations made to you during your engagement.

1. We acknowledge that **[Name of Lobbying Firm]** is responsible for the information included in its Quarterly Compensation Reports for the **[20__]** calendar year in accordance with **[if legislative branch compensation: Section 11.045, *Florida Statutes, Lobbying before the Legislature; registration and reporting; exemptions; penalties* or [if executive branch compensation: Section 112.3215, *Florida Statutes, Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission*].**
2. We are responsible for selecting the procedures and for determining that such procedures are appropriate for our purposes.
3. We have provided you with all relevant information and access under the terms of our agreement.
4. We are not aware of any material misstatements in the **[20__]** calendar year **[legislative branch/executive branch]** Quarterly Compensation Reports of the lobbying firm identified above.
5. We have disclosed to you all known matters contradicting the **[20__]** calendar year **[legislative branch/executive branch]** Quarterly Compensation Reports of the lobbying firm identified above.
6. We have disclosed to you all known communications from the Florida Legislature to the identified lobbying firm affecting the lobbying firm’s **[20__]** calendar year **[legislative branch/executive branch]** Quarterly Compensation Reports, including communications received between the date of these **[20__]** Quarterly Compensation Reports and the date of your report, **[Date of CPA Firm’s Report]**.

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7. We have disclosed to you all information of which we are aware, including all known events occurring subsequent to December 31, [20__], that would have a material effect on the Joint Legislative Auditing Committee's *Guidelines for Attestation Services Relating to Quarterly Lobbying Firm Compensation Reports*.

(Signature of Legislature's Contract Manager)

(Printed Name of Legislature's Contract Manager)

(Title of Legislature's Contract Manager)

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APPENDIX C – SAMPLE AGREED-UPON PROCEDURES REPORT

**INDEPENDENT ACCOUNTANT’S REPORT
ON APPLYING AGREED-UPON PROCEDURES**

To the President of the Senate and the Speaker of the House of Representatives
(For legislative branch compensation reports)

or

To the Florida Commission on Ethics
(For executive branch compensation reports)

[Introductory Paragraphs]

We have performed the procedures enumerated below on the **[legislative branch/executive branch]** Quarterly Compensation Reports of the lobbying firm, **[Name of Lobbying Firm]**, for the **[20__]** calendar year. Management of **[Name of Lobbying Firm]** is responsible for compliance with those requirements.

The Florida Legislature, Joint Legislative Auditing Committee, has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of evaluating **[Name of Lobbying Firm]**’s compliance with the requirements set forth in the *Florida Statutes* relating to the **[legislative branch/executive branch]** lobbying firm Quarterly Compensation Reports for the **[20__]** calendar year. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and any associated findings and observations are included in the table on pages **[xx-xx]**.

We were engaged by the Florida Legislature, Joint Legislative Auditing Committee, to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on **[Name of Lobbying Firm]**’s compliance with the requirements set forth in the *Florida Statutes* relating to the **[legislative branch/executive branch]** lobbying firm Quarterly Compensation Reports for the **[20__]** calendar year.

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Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of **[Name of Lobbying Firm]** and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

[Add only if applicable] Pursuant to the requirements of Section 11.40(3)(f), *Florida Statutes*, we were required to prepare a schedule and include such as an appendix to this report that states the name, address, and title, if any, of any individual in the lobbying firm or associated with a principal of the lobbying firm who failed to fully, voluntarily, and promptly participate in the attestation engagement process, or to provide any reasonably relevant documentation requested by our CPA firm in the course of conducting the agreed-upon procedures engagement. Such schedule is included as Appendix 1 to this report.

[Signature of CPA Firm]

[Location of CPA Firm (City, State)]

[Report Date]

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PROCEDURE PERFORMED	RESULT
<p>1. Documentation to be Obtained:</p> <p>a) Obtain the following documentation from the Committee office:</p> <ol style="list-style-type: none"> 1) all of the quarterly lobbying firm compensation reports for the calendar year that the lobbying firm filed with the Office; 2) documentation to support the lobbyists registered and associated with the lobbying firm; and 3) documentation to support the lobbying firm's authorization to represent each principal. <p>b) Inquire of the lobbying firm whether it filed any amended compensation reports for the calendar year with the Office subsequent to the time the Committee office obtained the compensation reports noted in VI.C.1.a above, but prior to the start of audit fieldwork. If the lobbying firm indicates that it did file an amended compensation report for one or more quarters, obtain a copy of the amended compensation report(s) directly from the Office's website to verify that such amended compensation report(s) were properly filed.</p>	<p>We noted no exceptions as a result of performing this procedure <i>(or add description of exceptions and any written statement of explanation or rebuttal from the lobbying firm regarding such (or reference the appendix containing the written statement))</i>.</p> <p>We noted no exceptions as a result of performing this procedure <i>(or add description of exceptions and any written statement of explanation or rebuttal from the lobbying firm regarding such (or reference the appendix containing the written statement))</i>.</p>
<p>2. Comparison of Documents Filed with the Office:</p> <p>a) Compare the lobbyist(s) registered for the lobbying firm per the registration documentation obtained in 1.a.2 above to the lobbyists listed on the quarterly lobbying firm compensation reports, noting any differences. Obtain a</p>	<p>We noted no exceptions as a result of performing this procedure <i>(or add description of exceptions and any written statement of explanation or rebuttal from the lobbying firm regarding such (or reference the appendix containing the written statement))</i>.</p>

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PROCEDURE PERFORMED	RESULT
<p>detailed explanation from the lobbying firm for any differences and document the explanation in the workpapers.</p> <p>b) Compare the principal(s) listed for each lobbyist of the lobbying firm per the authorization documentation obtained in 1.a.3 above to the principal(s) listed on the quarterly lobbying firm compensation reports, noting any differences. Obtain a detailed explanation from the lobbying firm for any differences and document the explanation(s) in the workpapers.</p>	<p>We noted no exceptions as a result of performing this procedure <i>(or add description of exceptions and any written statement of explanation or rebuttal from the lobbying firm regarding such (or reference the appendix containing the written statement))</i>.</p>
<p>Continue to list each procedure and provide the result for each procedure [V.I.C.3. - 6. of the <i>Guidelines</i>]</p>	

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APPENDIX D – CHECKLIST FOR CPA FIRMS

Key Personnel	Ensure that any requests to revise Key Personnel are timely submitted to Committee staff. For additions, provide the resume, Florida CPA certificate, and role the individual(s) will have on the AUP engagement(s). All Key Personnel must be Florida-licensed CPAs. Those designated as a Manager/Supervisor must also have five years of experience performing AUP engagements or financial auditing services.
Report Due Date	All reports will have a due date of June 30 th on the initial Task Assignment Agreement. Ensure that any reasonable requests to extend the deadline are submitted prior to June 30 th and include an explanation. If additional extension(s) are necessary to complete the engagement, submit requests prior to any due date in effect.
Electronic copy of AUP Report	<p>Ensure that:</p> <ul style="list-style-type: none"> • If the report includes any findings, you provide the lobbying firm with an opportunity to provide a written statement of explanation or rebuttal concerning any or all of the findings for inclusion in the report. If provided, such statement may be included as either a paragraph below the applicable finding or an appendix to the report; • You have requested and received representation letters from both the lobbying firm and Committee staff; • The report includes an appendix with a copy of the lobbying firm’s quarterly compensation reports (original (used for engagement) and amended (revised based on CPA firm’s findings) if applicable) of the branch that was the subject of the engagement as an appendix; and • The report is emailed to both Committee staff and the lobbying firm. <p>If you have concerns about the report, you may submit a draft for Committee staff review.</p>

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Invoices	<p>Ensure that:</p> <ul style="list-style-type: none"> • The amounts billed do not exceed the authorized amounts on the Task Assignment Agreement; • The amount billed is not the maximum number of hours authorized, unless that was the number of hours actually required to perform the AUP engagement, as this is not a fixed fee engagement; • Any shipping costs billed are only for shipping between the CPA firm and the lobbying firm and receipts are provided to support such costs; • The AUP report was submitted by the due date on the Task Assignment Agreement; and • The invoices include the name, role, and number of hours of each of the Key Personnel who performed services for the AUP engagement. A daily record of hours is not necessary. <p>You may submit the invoice electronically to the Committee staff contact or by mail.</p>
Bound AUP Reports	<ul style="list-style-type: none"> • Submit two bound copies for each executive branch engagement. • Submit three bound copies for each legislative branch engagement. • All bound AUP reports may be submitted at the same time, once all AUP engagements have been completed. A cover letter or separate packaging is not necessary. It is not necessary to send overnight or expedited. • Send to: Joint Legislative Auditing Committee; 111 West Madison St., Rm. 876; Tallahassee, FL 32399-1400.