

POST-EMPLOYMENT RESTRICTIONS FOR EXECUTIVE BRANCH EMPLOYEES
APPLICATION OF POST-EMPLOYMENT RESTRICTIONS TO FORMER SENIOR
PSYCHOLOGIST FOR THE FLORIDA DEPARTMENT OF CORRECTIONS

To: Name withheld at person's request (Orlando)

SUMMARY:

Section 112.3185(4), Florida Statutes would prohibit a former Senior Psychologist for the Florida Department of Corrections from performing work with a private company in connection with a contract that the company has with the Department of Corrections, for a period of two years following her vacation of her public position. Referenced are CEOs 11-24, 07-16, 03-8, and 01-6.

QUESTION:

Would the post-employment restrictions found in the Code of Ethics be violated were a former Senior Psychologist for the Florida Department of Corrections to perform work with a private company in connection with a contract that the company has with the Department of Corrections?

This question is answered in the affirmative.

In your inquiry, you indicate you previously worked as a Senior Psychologist with the Florida Department of Corrections (DOC), having left that position on January 17, 2025. You note that your role was classified as a Career Service System position. Now, you indicate you are exploring a job opportunity with a private company known as Centurion, a current vendor of DOC. Specifically, you note are interested in pursuing a role with Centurion to provide psychological services to inmates at Lake Correctional Institution (Lake CI).

Centurion has a single, statewide contract with DOC to provide correctional healthcare services, including medical, mental health, and dental care in all FDOC-managed facilities. This contract was entered into on July 1, 2023, and expires on June 30, 2028.

You note that you had no role in the procurement process of the Centurion/DOC contract while you were employed by DOC. However, you state that part of your responsibilities at DOC included auditing mental health care services performed by Centurion providers in DOC facilities.¹ Specifically, you mention that as part of these audits, you would travel to the facilities being audited to do on-site observations, and then provide education and feedback to the Centurion mental healthcare providers regarding how their performance could be improved. Against this backdrop, you ask if there are any provisions in the Code of Ethics that would prohibit you from performing work with Centurion to provide psychological services to inmates at Lake CI.

There are four statutes in the Code of Ethics that are relevant to your inquiry. The first provision is Section 112.3185(4), Florida Statutes. This provision, in relevant part, states:

¹ You indicate these audits of mental health services were initially performed as part of a settlement agreement between DOC and Disability Rights Florida. You note that the lawsuit was fully closed within a year before you left DOC, but the settlement agreement stipulated to "continued monitoring," which you also performed.

An agency employee may not, within 2 years after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his or her responsibility while an employee. . . .

Section 112.3185(4), Florida Statutes, bans, *for a two-year duration*, any former public employee from contracting with or working for a private business entity in connection with a contract that was within the employee's responsibility in his or her public position. The Commission on Ethics has previously determined that "within responsibility" includes situations in which one personally monitored services provided under a contract, as well as situations in which one's subordinates had monitoring or managing roles pertaining to a contract. See CEO 11-24, CEO 07-16, CEO 03-8, and CEO 01-6.

Here, it appears that the Centurion/DOC contract was "within your responsibility" while you were employed by DOC, inasmuch as you indicate you audited the performance of Centurion's mental healthcare providers at DOC facilities while you were employed by DOC. Specifically, you noted that during these audits, you would travel to DOC facilities, observe and monitor Centurion's mental healthcare providers, and provide them education and feedback to improve their performance.

As such, for a period of two years following your departure from DOC (through January 17, 2027), Section 112.3185(4) will prohibit you from performing work with Centurion *in connection to its contract with DOC*. However, it is important to note that during this time period, you would not be prohibited from assuming a role at Centurion that has *no connection to its contract with DOC*, as the prohibition in Section 112.3185(4) is specific to individual contracts, not companies.

The next provision relevant to your inquiry is Section 112.3185(3), Florida Statutes. This provision states:

An agency employee may not, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee. . . .

Section 112.3185(3), Florida Statutes, bans, *for an unlimited duration*, any former public employee from contracting with, or working for a private business entity in connection to a contract with which the public employee participated personally and substantially in its procurement.

Here, while the two-year ban pursuant to Section 112.3185(4) is applicable to your situation (as discussed above), it does not appear that the unlimited ban pursuant to Section 112.3185(3) will be applicable to your situation, as you indicate you were not involved in the procurement process of the Centurion/DOC contract in your role at DOC.

The third provision that is relevant to your inquiry is Section 112.313(9)(a)4., Florida Statutes. Section 112.313(9)(a)4. states:

An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

The term "employee," as it is used in Section 112.313(9)(a)4. is defined in Section 112.313(9)(a)2.a., Florida Statutes, to include, among others: "[a]ny person employed in the executive or legislative branch of government holding a position in the Senior Management Service [SMS] . . . or any person holding a position in the Selected Exempt Service [SES]. . . ."

Here, because you indicate you were employed in a Career Service position, rather than a SMS or SES position, you would not violate the prohibition found in Section 112.313(9)(a)4., Florida Statutes, were you to represent Centurion for compensation before DOC in the two-year period following your departure from DOC. To be clear, while Section 112.3185(4) will prohibit you from working for Centurion *in connection with its contract with DOC* until January 17, 2027, should you choose to take a different role with Centurion that does not involve its contract with DOC, this particular two-year representation ban will not prohibit you from engaging in representation of Centurion before DOC.

Lastly, you should be aware that Section 112.313(8), Florida Statutes, prohibits you from disclosing or using information not available to members of the general public and gained by reason of your position at DOC for a personal gain or benefit or for the personal gain or benefit of another person or business entity, including Centurion. While you did not supply any information to indicate you are at risk of violating this provision, we wanted to alert you to the requirement nonetheless.

Your question is answered accordingly.

ORDERED by the State of Florida Commission on Ethics meeting in public session on January 23, 2026, and **RENDERED** this 28th day of January 2026.

Jon M. Philipson, *Chair*