

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR HIGHLANDS COUNTY, FLORIDA**

REPUBLICAN PARTY OF FLORIDA,

Plaintiff,

v.

Case No.: _____

FLORIDA DEMOCRATIC PARTY;
JOSE JAVIER RODRIGUEZ; DAVID
JOLLY; ANNETTE TADDEO; WFTV LLC,
a Delaware limited liability company; **HEARST**
PROPERTIES, INC., a Delaware corporation;
GRAHAM MEDIA GROUP, ORLANDO,
INC., a Delaware corporation; **FOX**
TELEVISION STATIONS LLC, a Delaware
limited liability company; **NEW WORLD**
COMMUNICATIONS OF TAMPA, INC., a
Delaware corporation; **NEXSTAR MEDIA**
INC., a Delaware corporation; **TEGNA EAST**
COAST BROADCASTING LLC, a limited
liability company; **SCRIPPS BROADCASTING**
HOLDINGS LLC, a Nevada limited liability
company; and **ION MEDIA LICENSE**
COMPANY LLC, a limited liability company,

Defendants.

_____ /

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF,
INCLUDING AN EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff, the Republican Party of Florida (“RPOF” or “Plaintiff”), sues Defendants Florida Democratic Party (“FDP”), and Jose Javier Rodriguez, David Jolly, and Annette Taddeo (together, the “Candidate Defendants”) and WFTV LLC, Hearst Properties, Inc., Graham Media Group, Orlando, Inc., Fox Television Stations, LLC, New World Communications of Tampa, Inc., Nexstar Media, Inc., Tegna East Coast Broadcasting LLC, Scripps Broadcasting Holdings LLC, and ION Media License Company LLC (the “Licensee Stations”) (together, “Defendants”) and alleges:

Introduction

1. This action seeks to prevent the broadcast of a political advertisement paid for by FDP and approved by the Candidate Defendants that repeats the contents of a confidential Leon County grand jury presentment that the First District Court of Appeal has ordered expunged in its entirety.

2. In its October 7, 2026 opinion, the First District held that the presentment exceeded the grand jury's lawful authority and that its disclosure violated section 905.28, Florida Statutes. *In re Leon Cnty. Grand Jury Presentment, Fall of 2025*, No. 1D2026-2435, 2026 WL 3014957, at *9 (Fla. 1st DCA Oct. 7, 2026).

3. Section 905.27(2), Florida Statutes, makes it unlawful for any person knowingly to broadcast the content, gist, or import of testimony of a witness examined before a grand jury. The advertisement does exactly that. It tells viewers that “a leaked grand jury report found” that “\$10 million was misappropriated”—a conclusion the First District held was wrong as a matter of law, based on a document that no longer lawfully exists.

4. RPOF placed the Licensee Stations on notice of these facts by letter dated October 16, 2026, and asked the Licensee Stations to cease and desist from airing the advertisement. RPOF now asks this Court to declare that the broadcast would be unlawful and to enjoin Defendants from broadcasting the advertisement or causing or permitting it to be broadcast.

Parties

5. Plaintiff RPOF is the state executive committee of the Republican Party in Florida and a political party within the meaning of chapter 103, Florida Statutes. RPOF nominates, supports, and advocates for Republican candidates for state office in the 2026 general election, including the candidate the advertisement targets. RPOF's candidate is a target of the political advertisement in question.

6. Defendant FDP is the state executive committee of the Democratic Party in Florida and a political party within the meaning of chapter 103, Florida Statutes. FDP paid for the Advertisement and provided it to the Licensee Stations for broadcast.

7. Defendant Jose Javier Rodriguez is a candidate for Florida Attorney General in the 2026 General Election. Rodriguez approved the Advertisement.

8. Defendant David Jolly is a candidate for Florida Governor in the 2026 General Election. Jolly approved the Advertisement.

9. Defendant Annette Taddeo is a candidate for Florida Chief Financial Officer in the 2026 General Election. Taddeo approved the Advertisement.

10. Based upon information and belief, Defendant WFTV, LLC is a limited liability company organized under the laws of Delaware that owns and operates television broadcast stations WFTV and WRDQ licensed by the Federal Communications Commission. Based upon information and belief, the stations broadcast into Highlands County, Florida, and maintains its principal station operations at 490 East South Street, Orlando, Florida 32801.

11. Based upon information and belief, Defendant Hearst Properties Inc. is a corporation organized under the laws of Delaware that owns and operates television broadcast stations WESH and WKCF, licensed by the Federal Communications Commission. Based upon information and belief, the stations broadcast into Highlands County, Florida, and maintains its principal station operations at 1021 North Wymore Road, Winter Park, Florida 32789.

12. Based upon information and belief, Defendant Graham Media Group, Orlando, Inc. is a corporation organized under the laws of Delaware that owns and operates television broadcast station WKMG-TV, licensed by the Federal Communications Commission. Based upon information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at 4466 North John Young Parkway, Orlando, Florida 32804.

13. Based upon information and belief, Defendant Fox Television Stations, LLC is a limited liability company organized under the laws of Delaware that owns and operates television broadcast station WOFL, licensed by the Federal Communications Commission. Based upon information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at 35 Skyline Drive, Lake Mary, Florida 32746.

14. Based upon information and belief, Defendant New World Communications of Tampa, Inc. is a corporation organized under the laws of Delaware that owns and operates television broadcast station WTVT, licensed by the Federal Communications Commission. Based upon information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at 3213 West Kennedy Boulevard, Tampa, Florida 33609.

15. Based upon information and belief, Defendant Nexstar Media Inc. is a corporation organized under the laws of Delaware that owns and operates television broadcast stations WFLA-TV and WTTA licensed by the Federal Communications Commission. Based upon information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at 200 South Parker Street, Tampa, Florida 33606.

16. Based upon information and belief, Defendant TEGNA East Coast Broadcasting, LLC is a limited liability company organized under the laws of Delaware that owns and operates television broadcast station WTSP, licensed by the Federal Communications Commission. Based upon information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at Gandy Boulevard, St. Petersburg, Florida 33702.

17. Based upon information and belief, Defendant Scripps Broadcasting Holdings LLC is a limited liability company organized under the laws of Nevada that owns and operates television broadcast station WFTS-TV, licensed by the Federal Communications Commission. Based upon

information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at 4045 North Himes Avenue, Tampa, Florida 33607.

18. Based upon information and belief, Defendant ION Media License Company, LLC is a limited liability company that owns and operates television broadcast station WXPX-TV, licensed by the Federal Communications Commission. Based upon information and belief, the Station broadcasts into Highlands County, Florida, and maintains its principal station operations at 200 S. Parker Street, Tampa, Florida 33606.

Jurisdiction and Venue

19. This is an action for declaratory relief under chapter 86, Florida Statutes, and for temporary and permanent injunctive relief under Florida Rule of Civil Procedure 1.610 and this Court's equitable jurisdiction.

20. This Court has subject-matter jurisdiction under article V, section 5(b) of the Florida Constitution and sections 26.012 and 86.011, Florida Statutes.

21. This Court has personal jurisdiction over the Licensee Stations because they are organized in, maintain their principal places of business in, or conduct substantial and continuous business in Florida, and because the threatened broadcasts are occurring and will continue to occur in Florida. This Court has personal jurisdiction over FDP, a Florida political party that operates throughout the state of Florida, including in Highlands County, and over the Candidate Defendants, each of whom resides in Florida and each who is a candidate for statewide office in Florida.

22. Venue is proper in Highlands County under sections 47.011, 47.021, and 47.051, Florida Statutes, because the Licensee Stations broadcast into this county and because the cause of action accrues here, where the Advertisement is scheduled to air. Where defendants reside in different counties, an action may be brought in any county in which any defendant resides. § 47.021, Fla. Stat.

23. All conditions precedent to this action have occurred, or have been performed.

General Allegations

A. The Settlement and the Grand Jury Investigation

24. In September 2024, state officials resolved, before any lawsuit was filed, allegations that Centene Corporation had overcharged Florida's Medicaid program. *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *1.

25. Of Centene's \$67,048,611 settlement, the State received \$57,048,611, and a separate \$10 million was paid by Centene to the Hope Florida Foundation as a third-party donation. *Id.*

26. In August 2025, a Leon County grand jury began investigating the disbursement of the settlement. It returned no indictment. *Id.*

27. Instead, on January 28, 2026, the grand jury issued a 116-page "Presentment" summarizing confidential witness testimony and evidence. *Id.* The Presentment concluded that the \$10 million was "misappropriated as part of a sophisticated scheme to fund political activities," while conceding that there was insufficient evidence to charge anyone criminally. *Id.*

28. On January 28 and 29, 2026, the State Attorney for the Second Judicial Circuit distributed the confidential Presentment by two mass emails to at least forty-nine recipients, including persons not entitled to receive it. *Id.* at *2, *7.

29. On July 29, 2026, the circuit court repressed and expunged roughly 112 of the 116 pages of the Presentment and ordered the parties to keep the Presentment confidential pending appeal. *Id.* at *2.

30. On August 25, 2026, the First District issued a writ enjoining the State Attorney for the Second Judicial Circuit from disclosing the grand jury matters to any person pending further order of that court. *Id.* The next day, August 26, 2026, a Miami-based news organization published an unredacted copy of the Presentment. *Id.*

B. The First District Orders the Presentment Expunged in Its Entirety

31. On October 7, 2026, the First District reversed the circuit court’s denial of full expungement and remanded with directions to expunge the Presentment in its entirety. *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *1, *9.

32. The First District rested its decision on two independent grounds: the Presentment exceeded the grand jury’s lawful authority, and its disclosure violated section 905.28, Florida Statutes. *Id.* at *9.

33. The First District explained that the Presentment’s central premise—that the \$10 million was “misappropriated” in violation of sections 45.062 and 216.216, Florida Statutes—is a legal conclusion that is unsupported by the Presentment’s own facts and declares a violation the grand jury didn’t charge. *Id.* at *3.

34. The court concluded that sections 45.062(1) and 216.216 reach only court actions and court settlements, that section 45.062(5) reaches only moneys paid to the State, and that none of those provisions applied because the matter settled before any civil action was filed and the \$10 million was never expended or received by the State. *Id.* at *4.

35. The First District also stated that the \$10 million “was never public money,” that it “neither reimbursed the State for losses from Centene’s overcharges nor ever became the property of the State of Florida,” and that the Florida Legislature “has not made such action illegal.” *Id.* at *5 n.6.

36. The First District described the Presentment as “careless in its grammar, mistaken in its law, and unfaithful to its own record.” *Id.* at *1 n.1.

37. The court added that pronouncing a lawful exercise of executive discretion a “misappropriation” undertaken as part of a “sophisticated scheme” was inconsistent with the separation of powers. *Id.* at *8.

38. Quoting the Florida Supreme Court, the First District underscored the harm such a document causes: it “accuses, but furnishes no forum for denial,” and “[t]he damage is done. The injury it may unjustly inflict may never be healed.” *Id.* at *5 (quoting *State ex rel. Brantigam v. Interim Rep. of Grand Jury*, 93 So. 2d 99, 102 (Fla. 1957) (quoting *People v. McCabe*, 266 N.Y.S. 363, 367 (Sup. Ct. 1933))).

39. The First District also observed that the media’s “disclosure of the confidential Presentment may itself have violated section 905.27(1) and (2), Fla. Stat.,” while expressing no view on the lawfulness of the Presentment’s publication by the press. *Id.* at *7 n.8.

C. The FDP Advertisement

40. Based upon information and belief, FDP paid for, and provided to the Stations for broadcast, a political advertisement (the “Advertisement”), which is available in full here <https://youtu.be/XWps9M2nrJk?feature=shared> (last accessed October 16, 2026).

41. The disclaimer at the bottom of the Advertisement’s final frame states that the FDP paid for the advertisement, stating: “Pd. Pol. Adv. Paid for by the FDP, 201 S. Monroe Street, Suite 300, Tallahassee, FL 32301. The FDP endorses Jose Javier Rodriguez, Democrat, for Florida Attorney General, David Jolly, Democrat, for Florida Governor and Annette Taddeo, Democrat, for Chief Financial Officer. Approved by Jose Javier Rodriguez, David Jolly, and Annette Taddeo.”



42. Based on information and belief, this Advertisement is set to be broadcast on or is currently being broadcast on Defendant Stations’ airwaves.

43. Each Candidate Defendant—Jose Javier Rodriguez, candidate for Attorney General; David Jolly, candidate for Governor; and Annette Taddeo, candidate for Chief Financial Officer—approved the Advertisement.

44. The Advertisement states, in part from :04-:16

VO: But a **leaked grand jury report found** taxpayer money was quietly moved into a dark money political committee that James Uthmeier controlled not to Florida Families.

VO: **They found** \$10 million was **misappropriated**.

45. James Uthmeier is a Republican candidate supported by RPOF in the 2026 General Election.

46. Every factual assertion in the Advertisement is drawn from, and expressly attributed to, the expunged Presentment. The Advertisement relays the content, gist, and import of the confidential witness testimony and evidence the Presentment summarized.

47. The Advertisement’s assertions are false. The First District has held that the \$10 million was never public money, that no statute the grand jury invoked was violated, and that the “misappropriation” conclusion was legally erroneous and beyond the grand jury’s authority. *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *3–5 & n.6.

48. The Advertisement’s statement that a grand jury “found” anything is independently false and misleading, because it presents to the public, as an authoritative finding, a document that an appellate court has ordered expunged in its entirety because of its manifold errors, misstatements, and lack of legal basis.

D. RPOF’s Notice to the Licensee Stations

49. On October 16, 2026, RPOF, through counsel, delivered a letter to the Licensee Stations (the “Notice Letter”) enclosing the First District’s opinion, explaining that broadcasting the Advertisement would violate section 905.27(2), and asking the Licensee Stations to cease and desist

from airing it. A true and correct copy of the Notice Letter, with its enclosure, is attached as **Exhibit A**.

50. Because the Licensee Stations have received the Notice Letter and the First District's opinion, any broadcast of the Advertisement is made with knowledge that it relays the content of a confidential, expunged grand jury presentment and with knowledge of, or reckless disregard for, the falsity of its assertions.

51. FDP and the Candidate Defendants likewise know that the Advertisement relays the contents of the expunged Presentment. The Advertisement itself attributes its claims to "a leaked grand jury report." The First District issued its opinion ordering that report expunged on October 7, 2026.

52. Upon information and belief, FDP and the Candidate Defendants knew of the First District's opinion when they approved and placed the Advertisement, and they have actual knowledge of it, and of the Notice Letter, upon service of this Complaint.

53. To date, based on information and belief, the Licensee Stations have not agreed to refrain from airing the Advertisement and intends to continue broadcasting it, and neither FDP nor any Candidate Defendant has withdrawn it.

E. Section 315 of the Communications Act Does Not Authorize the Broadcast

54. The Licensee Stations may contend that section 315(a) of the Communications Act, 47 U.S.C. § 315(a), protects the broadcast. It does not.

55. Section 315(a), as construed in *Farmers Educational & Cooperative Union of America v. WDAY, Inc.*, 360 U.S. 525, 531–35 (1959), shields a licensee from state-law libel liability for candidate uses that the licensee is forbidden to censor.

56. Section 315(a) does not authorize a licensee to violate a state criminal statute protecting grand jury secrecy, and *WDAY* did not so hold.

57. Section 315(a) also imposes no duty on a licensee to carry an advertisement. The statute provides that “[n]o obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate.” 47 U.S.C. § 315(a). The decision whether to air the Advertisement is the Stations’ own.

58. All conditions precedent to this action have been performed, waived, or satisfied.

COUNT I – DECLARATORY JUDGMENT (Chapter 86, Florida Statutes)

59. RPOF realleges paragraphs 1 through 58 as if fully set forth here.

60. Section 905.24, Florida Statutes, provides that grand jury proceedings are secret.

61. Section 905.28(1), Florida Statutes, provides that a presentment relating to an individual that is not accompanied by a true bill or indictment is confidential and shall not be made public or be published until the individual concerned has received a copy and has had fifteen days to move to repress or expunge it.

62. Section 905.27(2), Florida Statutes, provides that “[i]t is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person, in any manner whatsoever, any testimony of a witness examined before the grand jury, or the content, gist, or import thereof,” subject to exceptions for court-ordered disclosures that do not apply here. Fla. Stat. § 905.27(2).

63. A person who violates section 905.27 commits a misdemeanor of the first degree, and the violation also constitutes criminal contempt of court. Fla. Stat. § 905.27(4)–(5).

64. The Presentment summarizes confidential grand jury witness testimony and evidence, and the First District has ordered it expunged in its entirety.

65. The Advertisement communicates the content, gist, or import of that testimony and evidence. By paying for, approving, and providing the Advertisement to the Licensee Stations for

broadcast, FDP and the Candidate Defendants knowingly cause or permit that content to be broadcast.

66. A bona fide, actual, present, and practical need exists for a declaration of the parties' rights and obligations. RPOF contends that the Licensee Stations may not lawfully broadcast the Advertisement and that FDP and the Candidate Defendants may not lawfully cause or permit its broadcast. Defendants, upon information and belief, contend otherwise, including on the theory that 47 U.S.C. § 315 requires or permits the broadcast.

67. The controversy concerns a present, ascertained state of facts, the parties have actual, present, adverse, and antagonistic interests in the subject matter, and the relief sought is not merely the giving of legal advice or the answer to questions propounded from curiosity.

68. RPOF has a direct and substantial interest in the controversy. The Advertisement targets a candidate RPOF has nominated and supports, is designed to influence the outcome of the 2026 General Election in which RPOF's candidates are on the ballot, and would publicly and falsely attribute criminal-type wrongdoing to RPOF's candidate on the strength of an expunged, unlawfully disclosed grand jury document.

WHEREFORE, RPOF respectfully requests that this Court enter a declaratory judgment that:

- (a) the Presentment at issue in the First District's opinion is confidential under sections 905.24 and 905.28, Florida Statutes, and has been ordered expunged in its entirety;
- (b) the Stations' knowing broadcast of the Advertisement, or of any other material relaying the content, gist, or import of the expunged testimony and evidence summarized in the Presentment, would violate section 905.27(2), Florida Statutes;
- (c) FDP's and the Candidate Defendants' knowingly causing or permitting such a broadcast violates section 905.27(2), Florida Statutes; and

- (d) 47 U.S.C. § 315 neither requires the Licensee Stations to broadcast the Advertisement nor authorizes the Licensee Stations to broadcast material whose broadcast is prohibited by section 905.27(2).

RPOF further asks that this Court award it taxable costs and grant such further relief as the Court deems just and proper, including supplemental relief under section 86.061, Florida Statutes.

**COUNT II – EX PARTE TEMPORARY RESTRAINING ORDER AND TEMPORARY
AND PERMANENT INJUNCTION**

69. RPOF realleges paragraphs 1 through 58 as if fully set forth here.

70. RPOF has a substantial likelihood of success on the merits. The Advertisement relays the content, gist, and import of a confidential grand jury presentment that an appellate court has ordered expunged; section 905.27(2) expressly prohibits knowingly broadcasting such content, or knowingly causing or permitting it to be broadcast; and Defendants have actual knowledge of the First District's opinion.

71. RPOF will suffer irreparable harm absent a temporary injunction. That harm flows from three related sources, each sufficient on its own: the Advertisement repeats false and misleading accusations that an appellate court has held are wrong on the law and unsupported by the facts; repeating them by broadcast is a crime under Florida law; and the broadcast would distort the public record on the eve of an election, to the detriment of RPOF and its candidates. None of these harms can be undone once the Advertisement airs.

72. *Repetition of discredited accusations.* The Advertisement presents as established fact accusations that the First District has rejected on the law and the facts. The court held that the Presentment's "misappropriated" conclusion is a legal conclusion that the Presentment's own facts do not support and that declares a violation the grand jury did not charge. *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *3. It held that the statutes the grand jury invoked did not reach the \$10 million, *id.* at *4, that the money "was never public money," *id.* at *5 n.6, and that the Presentment

was “unfaithful to its own record,” including in Finding 14, which is internally contradictory, *id.* at *1 n.1.

73. Every repetition of those accusations compounds an injury that Florida courts have long recognized cannot be repaired. A Presentment of this kind “wins the importance of a judicial document; yet it lacks its principal attributes—the right to answer and to appeal. It accuses, but furnishes no forum for denial.” *Id.* at *5 (quoting *State ex rel. Brautigam v. Interim Rep. of Grand Jury*, 93 So. 2d 99, 102 (Fla. 1957)). “The damage is done. The injury it may unjustly inflict may never be healed.” *Id.* (quoting *Brautigam*, 93 So. 2d at 102).

74. The First District has already found that this harm occurred and is irreparable. It held that the earlier illegal publication of the unredacted Presentment “realized precisely that harm”—public discussion founded on the Presentment’s baseless factual assertions, one-sided presentation of evidence, and faulty legal analysis. *Id.* And it held that the unlawful disclosure “has caused irreparable harm.” *Id.* at *8. Broadcasting the Advertisement to a television audience would repeat and magnify that same harm to RPOF’s candidates.

75. *Criminal conduct.* Knowingly broadcasting the content, gist, or import of grand jury testimony, or knowingly causing or permitting it to be broadcast, is unlawful. Fla. Stat. § 905.27(2). A violation is a misdemeanor of the first degree and constitutes criminal contempt of court. *Id.* § 905.27(4)–(5). The First District itself noted that the media’s disclosure of this very Presentment “may itself have violated section 905.27(1) and (2).” *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *7 n.8. Defendants, now on notice of the First District’s opinion, threaten the same conduct: the Licensee Stations by broadcasting the Advertisement and FDP and the Candidate Defendants by causing it to be broadcast.

76. Indeed, the Florida Legislature criminalized such broadcasts because the harm they cause cannot be remedied after the fact. Grand jury proceedings are secret, Fla. Stat. § 905.24, and a

presentment unaccompanied by an indictment is confidential, *id.* § 905.28(1), because “no comparable means of vindication exists for one whose character is impugned in a report unaccompanied by indictment.” *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *5 (quoting *Miami Herald Publ’g Co. v. Marko*, 352 So. 2d 518, 520 (Fla. 1977)). Grand jury secrecy exists in part to “assure that persons who are accused but exonerated by the grand jury will not be held up to public ridicule.” *Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 219 (1979). And the Florida Supreme Court has recognized that the disclosure of confidential, “‘cat out of the bag’ material that could be used to injure another person or party,” *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 94 (Fla. 1995), inflicts injury of an irreparable nature. A later prosecution or contempt proceeding against the Licensee Stations would punish the broadcast, but it could not unring it.

77. *Distortion of the public record before an election.* The First District ordered the Presentment expunged in its entirety, *Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, at *9, and observed that “[o]nly expungement from the court’s records remains a meaningful remedy,” *id.* at *8. The Advertisement undoes that remedy. It tells voters that a grand jury “found” that taxpayer money was moved and “found \$10 million was misappropriated,” presenting as an authoritative judicial finding a document the courts have erased. It does not tell voters that the Presentment was expunged or that the First District held its central conclusion legally erroneous.

78. The timing makes the distortion irreparable. The General Election will be held on November 3, 2026, vote-by-mail ballots are already in voters’ hands, and early voting starts in many counties as soon as Monday. Voters who cast ballots on the strength of the Advertisement can’t recast them. As courts have recognized, once an election occurs, “there can be no do-over and no redress.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014). Neither RPOF nor its candidates have any forum before Election Day to answer accusations clothed in the authority of a grand jury, and no post-election correction, prosecution, or damages award can restore a fair contest.

79. The injury falls directly on RPOF. RPOF's core function is to nominate, support, and elect its candidates. The Advertisement falsely attributes criminal-type wrongdoing—"conspiracy, concealment, corruption"—to an RPOF candidate under color of a grand jury finding, injures the electoral prospects of RPOF and its candidates, and forces RPOF to divert resources in the final weeks of the campaign to correct a record that an appellate court has already corrected.

80. RPOF has no adequate remedy at law. Money damages cannot compensate for the loss of a fair election contest or for the public dissemination of expunged grand jury content, and section 315 may be invoked to bar after-the-fact libel remedies against the Licensee Stations.

81. The threatened injury to RPOF outweighs any harm an injunction may cause Defendants. Section 315(a) imposes no obligation on the Licensee Stations to air the Advertisement, and no Defendant has a legitimate interest in broadcasting, or causing the broadcast of, material whose broadcast Florida law prohibits.

82. An injunction will serve the public interest by protecting the integrity of the grand jury process and the confidentiality that chapter 905 guarantees, by giving effect to the First District's expungement mandate, and by preventing the dissemination of false statements of fact to voters on the eve of an election.

83. The relief requested is narrowly tailored. RPOF does not ask the Court to restrain commentary on the candidates, the settlement, or the First District's opinion; it asks only that Defendants be enjoined from broadcasting, or causing or permitting the broadcast of, the Advertisement and other material relaying the content, gist, or import of the expunged Presentment.

84. Because the General Election is imminent and the Advertisement may air at any time or is already airing, RPOF requests that the Court set an expedited hearing on its contemporaneously filed motion for temporary injunction. RPOF is prepared to post a bond in an amount the Court deems proper under Florida Rule of Civil Procedure 1.610(b).

85. *Ex parte relief.* RPOF also requests that this Court immediately enter a temporary injunction without notice (a “temporary restraining order”) to remain in effect until this Court can hear the motion for temporary injunction with Defendants present. Florida law authorizes that relief. A temporary injunction “may be granted without written or oral notice to the adverse party” when “it appears from the specific facts shown by affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition,” and the movant’s attorney “certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required.” Fla. R. Civ. P. 1.610(a)(1)(A)–(B).

86. Both requirements are met. This Complaint is verified, and its specific facts show that the injury will occur before Defendants can be heard. Upon information and belief, FDP has already provided the Advertisement to the Licensee Stations for broadcast, and the Licensee Stations have not informed RPOF that it has agreed to refrain from airing it. The Advertisement may air at any moment or is already airing. Each broadcast is a completed violation of section 905.27(2) that no later order can undo. Vote-by-mail ballots are already in voters’ hands, early voting starts on Monday in many counties, and the General Election will be held on November 3, 2026. The time required to notice and hold even an expedited hearing would itself permit the very injury RPOF seeks to prevent. Counsel’s certification under Rule 1.610(a)(1)(B) follows the signature block.

87. *Ex parte relief* is appropriate under these circumstances. RPOF seeks an order of the shortest possible duration, limited to the Advertisement and other material relaying the expunged Presentment, pending a hearing at the Court’s earliest availability. RPOF has given notice of its position to the Stations through the Notice Letter, and its counsel will make every reasonable effort to notify all Defendants of this filing and of any hearing so that they may participate.

88. Any order entered without notice should be endorsed with the date and hour of entry, define the injury, state the Court’s findings why the injury may be irreparable, and give the reasons

why the order was granted without notice. Fla. R. Civ. P. 1.610(a)(2). RPOF will submit a proposed order containing those findings and is prepared to post a bond in an amount this Court deems proper. Fla. R. Civ. P. 1.610(b).

WHEREFORE, RPOF respectfully requests that the Court:

- (a) immediately enter, without notice, a temporary restraining order under Florida Rule of Civil Procedure 1.610(a)(1) prohibiting Defendants, their officers, agents, employees, and all persons in active concert or participation with them who receive actual notice of the order, from broadcasting, or causing or permitting the broadcast of, the Advertisement or any other advertisement or material that relays the content, gist, or import of the testimony and evidence summarized in the expunged Presentment, to remain in effect until the Court hears RPOF's motion for temporary injunction;
- (b) after notice and hearing, enter a temporary injunction, and upon final hearing a permanent injunction, prohibiting Defendants, their officers, agents, employees, and all persons in active concert or participation with them who receive actual notice of the order, from broadcasting, or causing or permitting the broadcast of, the Advertisement or any other advertisement or material that relays the content, gist, or import of the testimony and evidence summarized in the expunged Presentment, including by placing, distributing, or providing any such advertisement to a broadcast station for airing;
- (c) set this matter for an expedited hearing;
- (d) award RPOF its taxable costs; and
- (e) grant such further relief as the Court deems just and proper.

Dated: October 16, 2026.

Respectfully submitted,

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Counsel for Plaintiff, Republican Party of Florida

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and that the facts stated in it are true, except as to matters alleged on information and belief, which I believe to be true. *See* Fla. Stat. § 92.525.



Name: Evan Power

Title: Chairman of the
Republican Party of Florida

Date: October 16, 2026



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Exhibit A

October 16, 2026

SENT VIA EMAIL

Re: Political Advertisement Based on the Expunged Leon County Grand Jury Presentment

Dear Station Manager:

I write this letter on behalf of my client, the Republican Party of Florida (“RPOF”). We do so to ask that you cease and desist from airing a proposed political advertisement paid for by the Florida Democratic Party (“FDP”) and approved by Jose Javier Rodrigues candidate for Attorney General, David Jolly, candidate for Governor, and Annette Taddeo, candidate for Chief Financial Officer. The advertisement accuses one of RPOF’s candidates of “misappropriation” of state funds, moving “taxpayer money,” and other malfeasance based on the content of the leaked Leon County grand jury presentment that was the subject of *In re Leon County Grand Jury Presentment, Fall of 2025*, No. 1D2026-2435 (Fla. 1st DCA Oct. 7, 2026). In light of the First District’s decision, airing an advertisement referencing confidential material from the now-expunged grand jury Presentment would violate the criminal provisions in section 905.27(2), Florida Statutes, which you should be aware of. To that end, by copy of this letter, RPOF is referring this matter to the Florida Department of Law Enforcement and relevant prosecutorial authorities for consideration.

Specifically, the FDP advertisement, which has been provided to you for airing, states the following:

“VO: But **a leaked grand jury report found** taxpayer money was quietly moved into a dark money political committee that James Uthmeier controlled not to Florida Families.

VO: **They found** \$10 million was misappropriated.

VO: James Uthmeier: conspiracy, concealment, corruption.”

Our concern here is threefold.

First, the statements in FDP’s advertisement rely on a confidential Presentment that the First District has expunged, and whose disclosure and broadcast Florida law criminalizes. Broadcasters may

face significant criminal liability if they publish or broadcast advertisements relaying the content of the now-expunged Presentment that the First District determined was factually and legally erroneous—a holding with statewide effect. *Second*, the accusations contained within the Presentment are demonstrably false: a Florida appellate court has now held that the money at issue was never State money and that no statute was violated—so a licensee that airs claims based on the now-expunged Presentment does so with knowledge of their falsity or, at a minimum, with reckless disregard for the truth. *Third*, 47 U.S.C. § 315 affords no shelter to licensees for FDP’s advertisement; the statute doesn’t protect the broadcast of confidential and since expunged grand jury material.

We therefore ask you immediately cease and desist from airing FDP’s advertisement. Our concerns are more fully detailed below.

Background

By way of background, here are the facts drawn entirely from the opinion of the First District Court of Appeal in *In re Leon County Grand Jury Presentment, Fall of 2025*, No. 1D2026-2435 (Fla. 1st DCA Oct. 7, 2026), a copy of which is enclosed.

In September 2024, state officials resolved—before any lawsuit was filed—allegations that Centene had overcharged Florida Medicaid. Of the \$67,048,611 settlement, the State received \$57,048,611. A separate \$10 million was paid by Centene directly to the Hope Florida Foundation as a third-party donation.

Beginning in August 2025, a Leon County grand jury investigated the matter. It returned no indictment. On January 28, 2026, it nonetheless issued a 116-page “Presentment” concluding that the \$10 million had been “misappropriated as part of a sophisticated scheme to fund political activities,” while conceding that there was insufficient evidence to charge anyone criminally.

On January 28 and 29, 2026, the State Attorney distributed the confidential Presentment by mass email to at least forty-nine recipients, including people not entitled to receive it. The circuit court repressed roughly 112 of the 116 pages and ordered that the document remain confidential pending appeal. On August 25, 2026, the First District issued a writ enjoining disclosure. On August 26, 2026, however, a Miami-based news organization published an unredacted copy.

On October 7, 2026, the First District reversed and remanded the appeal from the circuit court’s order with directions to expunge the Presentment in its entirety, on two independent grounds: the Presentment exceeded the grand jury’s lawful authority, and its disclosure violated section 905.28, Florida Statutes.

First DCA's Decision

Notably, the First District Court of Appeal addressed the “misappropriated” conclusion directly and held that it is a legal conclusion that fails for two independent reasons: it is unsupported by the Presentment’s own facts, and it declares a violation that the grand jury didn’t charge.

On the statutes the grand jury invoked, the court held that sections 45.062 and 216.216 of the Florida Statutes only reach court actions and court settlements and money received or expended by the State. *In re Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, *4. **Neither statute was triggered.** That’s because the matter was settled before any civil action was filed, and the \$10 million passed from Centene directly to the Hope Florida Foundation; it was never received or expended by the State. In footnote 6, the court plainly stated that the \$10 million “was never public money.” *Id.* at *5 n.6. This sum neither reimbursed the State nor became State property, and the Legislature hasn’t made such third-party settlement payments illegal. Indeed, as the court noted, Florida attorneys general executed 107 such settlements between 1996 and 2020. *Id.*

The First District further observed that the grand jury relied on the “spirit” of the statutes and urged the Florida Legislature to enact new legislation—an implicit admission that existing law didn’t forbid the conduct. *Id.* at *4. The court went on to describe the Presentment as “careless in its grammar, mistaken in its law, and unfaithful to its own record,” and noted that Finding 14 is internally contradictory: it claimed the State “only recovered \$56,248,611” and that \$800,000 was not recovered, when in fact the State recovered \$800,000 more than that figure. The court also held that pronouncing a lawful exercise of executive discretion a “misappropriation” in a “sophisticated scheme” violated the Florida Constitution’s separation-of-powers principles. *Id.* at *1 n.1, 8. In short, the Presentment’s facts are erroneous and internally consistent, its legal conclusions are wrong as a matter of law, and the publication of the Presentment in the first place was a gross abuse of process.

The harm that follows from an accusation of this kind, published without any charge to answer, is precisely what Florida law guards against. As one of the cases the First District relied on said: such a presentment “accuses, but furnishes no forum for denial,” and so “[t]he damage is done” with the “injury it may unjustly inflict” “never” “healed.” *State ex rel. Brautigam v. Interim Report of Grand Jury*, 93 So. 2d 99, 102 (Fla. 1957); see also *Miami Herald Publ’g Co. v. Marko*, 352 So. 2d 518, 520–21 (Fla. 1977) (explaining that section 905.28 protects those whose character is impugned in a report unaccompanied by an indictment).

Finally, two important footnotes. In footnote 7, the First District found that the State Attorney’s clumsy “[d]isclosures to persons the Presentment does not impugn . . . constitute[d] the violation of section 905.28.” *In re Leon Cnty. Grand Jury Presentment*, 2026 WL 3014957, *7 n.7. And in footnote 8, the First District observed that the media’s “disclosure of the confidential Presentment may itself have violated section 905.27(1) and (2).” Because the parties hadn’t formally challenged “the

lawfulness of [the Presentment's] publication by the press," the First District declined to formally express its view on that question. *Id at* n.8.

Ban on Using Confidential Presentment

To be sure, however, "grand jury proceedings are secret." § 905.24, Fla. Stat. And section 905.28(1) provides that a presentment relating to an individual that is not accompanied by an indictment "is confidential" and "shall not be made public or be published" until the individual has received a copy and has had fifteen days to move to repress or expunge it.

Section 905.27(2) is broader still. It provides that "[i]t is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, in any manner whatsoever, any testimony of a witness examined before the grand jury, or the content, gist, or import thereof, except when such testimony is or has been disclosed in [a court proceeding]."

A violation of these grand jury statutes is a first-degree misdemeanor and can be treated as criminal contempt. § 905.27(4), Fla. Stat.

Three points are most relevant for our purposes. The Presentment at issue summarizes confidential witness testimony and evidence. The grand-jury statute expressly reaches anyone who knowingly "broadcast[s]" that content—that clearly includes broadcast stations. And the document at issue has now been ordered expunged in its entirety.

The law then is straightforward: knowingly broadcasting advertisements built on the contents of the confidential Presentment is criminal conduct in Florida.

False Accusations and Actual Malice

Separate and apart from the grand jury statutes, the statements in FDP's advertisement are defamatory. RPOF's candidate is a public figure. Public figures are defamed where a statement was published with knowledge of its falsity or with reckless disregard of whether it was false. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964). Reckless disregard is shown where the publisher in fact entertained serious doubts as to the truth of the publication. *St. Amant v. Thompson*, 390 U.S. 727, 731 (1968). Purposeful avoidance of the truth will likewise support a finding of actual malice. *Harte-Hanks Commc'ns, Inc. v. Connaughton*, 491 U.S. 657, 692 (1989).

Knowing or reckless falsehoods enjoy no constitutional protection, *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964), because "there is no constitutional value in false statements of fact," *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340 (1974). Florida law is to the same effect. *See Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008) (setting out the elements of defamation, including actual malice where the plaintiff is a public figure); *Campbell v. Jacksonville Kennel Club*, 66 So. 2d 495, 497 (Fla. 1953) (statements imputing the commission of a crime are defamatory per se).

Any advertisement stating that RPOF's candidate "misappropriated state funds," or otherwise misused the funds, is not opinion. It's a verifiable factual assertion of criminal-type wrongdoing, and it imputes a crime. A Florida appellate court has now held that the money was never state funds, that no statute was violated, and that the grand-jury process (together with the Presentment itself) were legally improper. Any assertions to the contrary are false.

Airing such advertisements would be knowing or, at a minimum, reckless. Nor does repetition insulate a station: one who republishes defamatory material may be held liable in the same manner as the original publisher.

One point deserves further emphasis. Because the Presentment has been ordered expunged in its entirety, an advertisement telling viewers that a grand jury "found" anything, presents to the public, as authoritative, a finding that is expunged and legally void. That characterization is false on its own terms, independent of the merits of the underlying accusation.

Section 315 Doesn't Protect the Advertisement at Issue

We note that 47 U.S.C. § 315(a) offers no blanket protection here.

As construed in *Farmers Educational & Cooperative Union of America v. WDAY, Inc.*, 360 U.S. 525 (1959), section 315 shields licensees from state defamation and libel liability because they are forbidden to censor candidate speech. *WDAY* thus addressed libel. It didn't hold that section 315 authorizes a licensee to violate a state criminal statute protecting grand jury secrecy. In this way, section 315 is a licensee's shield against defamation liability, *not* a license to broadcast confidential grand jury material that Florida law independently prohibits from being broadcast, that an appellate court has specifically expunged, and that Florida law criminalizes.

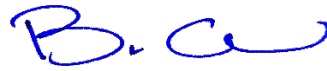
In addition, section 315 imposes no duty to carry a candidate's advertisement by itself. The statute specifically says that "[n]o obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate." 47 U.S.C. § 315(a). The clearance decision remains the licensee's own. So does the potential criminal liability for airing material that is secret by law, whose reliability has been undercut by the First District, and that has been expunged.

* * *

RPOF therefore asks that you cease and desist from airing FDP's advertisement that accuses one of the RPOF's candidates of "misappropriation" of state funds, moving "taxpayer money," and other malfeasance based on the content of the leaked Leon County grand jury presentment that was the subject of *In re Leon County Grand Jury Presentment, Fall of 2025*, No. 1D2026-2435 (Fla. 1st DCA Oct. 7, 2026).

Thank you for your attention to this matter.

Sincerely,



Benjamin J. Gibson
Counsel for Republican Party of Florida

Enclosure: Opinion, In re Leon County Grand Jury Presentment, Fall of 2025, No. 1D2026-2435 (Fla. 1st DCA Oct. 7, 2026)

CC: Evan Power, Chairman, Republican Party of Florida

Larry Keefe, Commissioner, Florida Department of Law Enforcement
Brad McVay, Statewide Prosecutor
State Attorney William Gladson, Florida's 5th Judicial Circuit
State Attorney Bruce Bartlett, Florida's 6th Judicial Circuit
State Attorney RJ Larizza, Florida's 7th Judicial Circuit
State Attorney Brian Haas, Florida's 10th Judicial Circuit
State Attorney Ed Brodsky, Florida's 12th Judicial Circuit
State Attorney Suzy Lopez, Florida's 13th Judicial Circuit
State Attorney Alexia Cox, Florida's 15th Judicial Circuit
State Attorney Harold Pryor, Florida's 17th Judicial Circuit
State Attorney William Scheiner, Florida's 18th Judicial Circuit
State Attorney Thomas Bakkedahl, Florida's 19th Judicial Circuit
State Attorney Amira Fox, Florida's 20th Judicial Circuit

2026 WL 3014957

Only the Westlaw citation is currently available.

NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION IN THE PERMANENT LAW REPORTS. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

District Court of Appeal of Florida, First District.

IN RE: LEON COUNTY GRAND JURY
PRESENTMENT, FALL OF 2025.

No. 1D2026-2435

|

October 7, 2026

On appeal from the Circuit Court for Leon County. [James Lee Marsh](#), Judge.

Attorneys and Law Firms

[Jesse Panuccio](#) and [David Costello](#) of Boies Schiller Flexner LLP, Fort Lauderdale, for Katie Strickland.

Alan Lawson of Lawson Huck Gonzalez, PLLC, Tallahassee, for Mark Wilson, Frank Walker, and Secure Florida's Future.

[Joseph W. Jacquot](#) of Gunster, Yoakley & Stewart, P.A., Jacksonville, for Andrew Sheeran.

[Christopher Kise](#) of Continental PLLC, Tallahassee, for James Uthmeier.

[Thomas E. Bishop](#) of Bishop & Page PLLC, Jacksonville, for Jason Weida.

[John M. Guard](#), pro se.

[Bradford L. Thomas](#), Acting Attorney General; Jeffrey P. DeSousa and Jason J. Muehlhoff, Chief Deputy Solicitors General, Tallahassee, for the State of Florida.

Opinion

[Neff, J.](#)

*1 This case concerns the limits of a grand jury's power. A grand jury may investigate and report, but it may not declare conduct unlawful and then decline to charge it, and it may not condemn people by name without indicting them. Nor may the State release a confidential presentment

before those it impugns have had the opportunity Florida law guarantees to seek its repression or expungement. Here, a Leon County grand jury investigating a \$10 million payment arising from a pre-suit Medicaid settlement declared the payment “misappropriated” as part of a “sophisticated scheme” and named those it held responsible, yet returned no indictment, conceding it lacked sufficient evidence to charge anyone. The State then distributed the confidential Presentment beyond those entitled to receive it. Exercising jurisdiction under [section 905.28\(2\), Florida Statutes](#), we reverse the circuit court's July 29, 2026, Order on Motions Regarding Publication of Presentment to the extent it denied full expungement, remand with directions to expunge the Presentment in full, and reverse the Notification Orders.

I. Background

In September 2024, state officials resolved allegations that Centene Corporation had overcharged Florida's Medicaid program. Of Centene's \$67,048,611 settlement, the State received \$57,048,611, and a separate \$10 million was paid as a third-party donation from Centene to the Hope Florida Foundation, a direct-support organization. The settlement was reached before any civil action was filed in any court. Hope Florida then approved separate \$5 million grants to Secure Florida's Future and Save Our Society From Drugs, both section 501(c)(4) organizations, which in turn donated to Keep Florida Clean, a political committee opposing a proposed recreational-marijuana amendment.

In August 2025, a Leon County grand jury began investigating the disbursement of the settlement. It returned no indictment. Instead, on January 28, 2026, it issued a 116-page document—a nineteen-page body followed by ninety-seven pages of exhibits—later called a “Presentment,” summarizing confidential witness testimony and evidence. The Presentment concluded that the \$10 million was “misappropriated as part of a sophisticated scheme to fund political activities,” relying on [sections 45.062 and 216.216, Florida Statutes](#), yet conceded that there was insufficient evidence to charge anyone criminally and recommended that the Legislature enact a law to prevent the situation from recurring. Its sixteen numbered Findings named several individuals and, on their own terms, were internally inconsistent.¹

*2 On January 28 and 29, 2026, the State Attorney distributed the Presentment by two mass emails to at

least forty-nine recipients. In February 2026, the named movants moved to repress and expunge under [section 905.28](#). Meanwhile, the circuit court permitted a news organization and its director to intervene for a limited purpose and, by orders entered March 25, July 8, and August 6, 2026, directed the State Attorney to notify the intervenors of any appeal.

On July 29, 2026, after a hearing, the circuit court repressed and expunged “The Witnesses” section, the witnesses’ names and titles, all ninety-seven pages of attachments, and several findings—roughly 112 of the 116 pages—but denied repression and expungement in full. It held that the redactions did not change the Presentment’s tenor and that the Presentment did not allege that any named individual committed a crime. The court did not address the movants’ argument that the misappropriation conclusion was itself legally erroneous. The court ordered the parties to maintain the confidentiality of the Presentment pending appeal, and this appeal followed.²

On August 12, 2026, the movants petitioned this court for emergency relief from the notification orders. The next day, this court stayed those orders, and on August 25, 2026, it granted the petition and issued a writ. *In re Leon Cnty. Grand Jury Presentment, Fall of 2025*, No. 1D2026-2369. The State Attorney was personally served with the writ enjoining him from disclosing the grand jury matters to the putative intervenors or any other person pending further order of this court. The following day, August 26, 2026, a Miami-based news organization published an unredacted copy of the Presentment.³

II. Standard of Review

Under [section 905.28\(1\)](#), a grand jury report or presentment unaccompanied by an indictment is confidential, and an individual may move to repress or expunge any portion that is “improper and unlawful.” Whether a statement is improper and unlawful is a question of law subject to plenary review, and on that question our review is confined to the four corners of the presentment,⁴ with no deference to the circuit court’s ruling. *In re Grand Jury Investigation of Fla. Dep’t of Health & Rehab. Servs.*, 659 So. 2d 347, 349–50 (Fla. 1st DCA 1995) (citing *Moore v. 1986 Grand Jury Rep. on Pub. Hous.*, 532 So. 2d 1103, 1105 (Fla. 3d DCA 1988)); *State v. Womack*, 127 So. 3d 839, 841 (Fla. 2d DCA 2013). The separate question of whether the Presentment was published

in violation of the statute’s notice protections, addressed in Part IV.D, does not turn on the four corners of the document. It necessarily rests on record facts about the Presentment’s distribution. Our supreme court has construed the statutory terms: “unlawful” means a report “outside the lawful ambit of grand jury authority,” and “improper” connotes a report of matters which lack a factual foundation in the record. *Miami Herald Publ’g Co. v. Marko*, 352 So. 2d 518, 520–21 (Fla. 1977). See also *Appeal of Untreiner*, 391 So. 2d 272, 274 (Fla. 1st DCA 1980).

III. The Grand Jury’s Authority and Its Limits

***3** Florida grand juries are not confined to the indictment function. A grand jury holds broad inquisitorial power as “the guardian of all that is comprehended in the police power of the State,” and may investigate whether a public office “is being conducted according to law and good morals.” *In re Rep. of Grand Jury*, 11 So. 2d 316, 318 (Fla. 1943). It may report official incompetence or laxity even where no crime is charged, for public officials are “trustees of the people” who “may be called on at any time to render an account.” *Owens v. State*, 59 So. 2d 254, 256 (Fla. 1952). A fair report that incidentally reflects negatively on a responsible official is within the authorized power of a grand jury. *Ryon v. Shaw*, 77 So. 2d 455, 457 (Fla. 1955).

That power, however, has always carried limits so that a grand jury does not become an arbitrary power. *In re Rep. of Grand Jury*, 11 So. 2d at 318. A grand jury “will not be permitted to single out persons in civil or official position to impugn their motives, or by word, imputation, or innuendo hold them to scorn or criticism.” *Id.* When it finds the law violated, its duty is to indict, and when charges are unfounded, its duty is to exonerate. *Id.* A grand jury is not an autonomous agency with unlimited power and is “subject to reasonable corrective measures when it transcends bounds of law and reason.” *State v. Clemmons*, 150 So. 2d 231, 234 (Fla. 1963). A grand jury report may not “be so salacious or scurrilous or defamatory or so lacking in truth as to indicate a malicious exploitation of authority.” *Id.* Section 905.28 is the enforcement mechanism for such an abuse of authority. The statute serves as a brake on wild charges against persons which are either outside the scope of the grand jury’s lawful authority or entirely unsupported by any facts. *In re Grand Jury (Freeport Sch. Project) Winter Term 1988*, 544 So. 2d 1104, 1107 (Fla. 1st DCA 1989).

IV. Analysis of the Presentment

A. Misappropriation

The misappropriation conclusion is subject to a settled framework of review. A grand jury's findings of fact are not subject to reversal, and a reviewing court does not examine the evidence behind them. *Fla. Dep't of Health & Rehab. Servs.*, 659 So. 2d at 349. However, a factual finding must have a foundation in the presentment itself. *Moore*, 532 So. 2d at 1105. A legal conclusion, by contrast, is reviewed as a question of law. *Fla. Dep't of Health & Rehab. Servs.*, 659 So. 2d at 349–50. Two limits follow. First, a legal conclusion unsupported by a presentment's own recited facts “lack[s] a factual foundation in the record” and is on that account “improper” under section 905.28(1). *Marko*, 352 So. 2d at 520–21; *Freeport*, 544 So. 2d at 1106–07. Second, when a grand jury finds the law violated, its duty is to indict. A grand jury that declares the law broken yet returns no indictment acts outside “the lawful ambit of grand jury authority” and is on that account “unlawful.” *State ex rel. Brautigam v. Interim Rep. of Grand Jury*, 93 So. 2d 99, 101–03 (Fla. 1957); *Marko*, 352 So. 2d at 520.

The Presentment's central determination, that the \$10 million was “misappropriated” in violation of sections 45.062 and 216.216, is a legal conclusion, and it fails both tests. It is a legal characterization the Presentment's own facts do not support, and it declares a violation the grand jury did not charge. The Presentment framed the question in criminal terms from the outset, asking whether the spending constituted “criminal or irregular conduct” and “illegal conversion of monies,” and it recited the definitions of theft, stealing, and larceny before concluding that the funds were “misappropriated.” Having cast its accusation in the vocabulary of crime, the grand jury was bound by the rule that governs every grand jury: indict or exonerate. *In re Rep. of Grand Jury*, 11 So. 2d at 318; *Brautigam*, 93 So. 2d at 103.

*4 Section 45.062(1) and section 216.216 reach only court actions and court settlements. Section 45.062(1) bars, absent certain prerequisites, an agency settlement that requires expending state funds or forgoing state revenue above specified thresholds. Section 216.216 bars the expenditure of negotiated court-settlement funds absent a legislative appropriation and directs those settlement moneys the State receives to be placed in the General Revenue Fund or an appropriate trust fund. However, this matter settled before

any civil action was filed. Because no “civil action” had been commenced in court, *see, e.g., Fla. R. Civ. P. 1.050*, no “court settlement” had been reached. Section 45.062(5) also governs receipts and is not limited to court actions, but it reaches only moneys paid to the State. The \$10 million was paid to Hope Florida, not the State.

Each statutory provision fails on a common ground: the money was never expended or received by the State. It passed from Centene directly to Hope Florida. The grand jury conceded as much, resting on the statutes’ “purpose” and “spirit”⁵ and urging new legislation—an implicit admission that existing law did not forbid the conduct. A conclusion that misapplies the very statutes it invokes has no factual foundation in the report and lies outside the grand jury's authority. *See Freeport*, 544 So. 2d at 1107.

B. Castigation of Unindicted Persons

The Presentment's naming and condemnation of individuals independently exceeded the grand jury's authority. A report that claims criminal conduct “without at the same time filing indictments,” “goes far beyond any authority which, by judicial decision, has been conferred upon grand juries in this state.” *Brautigam*, 93 So. 2d at 101. The rule is binary in relation to assertions of criminal-like conduct: if the investigation showed willful, corrupt conduct, “it was its duty to return an indictment”; if “no such criminal conduct was disclosed, it had no further jurisdiction in the matter.” *Id.* at 103. It is “improper for a grand jury to present with words of censure and reprobation a public official or other person by name without presenting him for indictment,” and the person condemned may apply to have the matter expunged. *Id.* at 102.

The Presentment is such a report. It brands the named participants as members of a “sophisticated scheme” to misappropriate taxpayer funds, finds officials not credible or derelict in conducting due diligence, and identifies individuals as illicitly directing the funds, all while conceding the grand jury lacked evidence to criminally charge anyone. Having declined to indict, the grand jury retained no jurisdiction to publish individualized findings of criminal-like culpability. *Brautigam*, 93 So. 2d at 102. That the Presentment stops short of charging anyone criminally does not save it. Our supreme court in *Brautigam* rejected the same argument—that a report which does not charge a crime is beyond correction—and expunged the report. There, the

report effectively convicted the accused “of wrongdoing little short of a crime, inevitably blackening their reputations,” and did so “without indictment, without published evidence, without trial, and without due process of law.” *Id.* The same aberrant condemnation occurred here. The circuit court’s contrary rationale in denying relief—that no individual was alleged to have committed a crime—cannot be reconciled with the principle found in *Brautigam*.

*5 The concern with a grand jury engaging in such an action is structural. Because a presentment “emerges from a grand jury process which has operated in secrecy,” with no right to challenge witnesses or the way the evidence is presented, “no comparable means of vindication exists for one whose character is impugned in a report unaccompanied by indictment.” *Marko*, 352 So. 2d at 520. The subsequent disclosure and publication of the unredacted Presentment realized precisely that harm: public discussion of the matter founded on some of the Presentment’s baseless factual assertions, one-sided presentation of evidence, and faulty legal analysis.

Our supreme court long ago described the danger in terms that could have been written for this case. A presentment of this kind “wins the importance of a judicial document; yet it lacks its principal attributes—the right to answer and to appeal. It accuses, but furnishes no forum for denial.” *Brautigam*, 93 So. 2d at 102 (quoting *People v. McCabe*, 148 Misc. 330, 333, 266 N.Y.S. 363, 367 (Sup. Ct. 1933)). “An indictment may be challenged—even defeated. The presentment is immune.” *Id.* And the harm cannot be undone: “Before application can be made to suppress it, it is the subject of public gossip. The damage is done. The injury it may unjustly inflict may never be healed.” *Id.*; see also *In re Brevard Cnty. Grand Jury Interim Rep.*, Fall Term 1970, 249 So. 2d 709, 711 (Fla. 4th DCA 1971) (applying *Brautigam* and ordering expungement of a report criticizing an unindicted official).

C. The Findings Against Private Persons

The limitation on a grand jury’s power to censure protects persons and conduct outside the sphere of criminal activity and public office. A grand jury “has no legitimate or proper function to go beyond investigation of criminal activity or matters involving public officials and public monies and make any report that names, embarrasses, ridicules, criticizes, censures or defames any person,” where such statements “are unrelated to criminal activities or matters involving public

officials and public monies.” *Kelly v. Sturgis*, 453 So. 2d 1179, 1182 (Fla. 5th DCA 1984). See also *Freeport*, 544 So. 2d at 1106 (citing *Kelly*, 453 So. 2d at 1182). Where a person is not indictable and the comments relate neither to conduct as a public official nor to the use or misuse of public funds, the comments lie outside the lawful ambit of grand jury authority and must be repressed. *Kelly*, 453 So. 2d at 1182.

The findings against the private grant recipients run afoul of that limit. Finding 1 condemns Mark Wilson and Secure Florida’s Future, who are among the appellants. Finding 2 condemns Amy Ronshausen and Save Our Society From Drugs, who moved to repress below but did not appeal. The full expungement we direct reaches those findings as well. Wilson and Ronshausen are private persons, and their organizations are private section 501(c)(4) entities. None held public office in the transaction, and the Presentment recites that the grant monies passed to those entities from Hope Florida—not from the State.⁶ How a private section 501(c)(4) organization uses funds it has received is not, without more, a matter “involving public officials and public monies,” and such an organization may lawfully engage in political advocacy. The grand jury was free to report the movement of the funds insofar as it bore on the conduct of public officials and on Hope Florida, the direct-support organization that awarded the grants. It was not free to brand private recipients as participants in a “sophisticated scheme” to “misappropriate” funds—an accusation of quasi-criminal wrongdoing against unindicted private citizens that lies outside the lawful ambit of grand jury authority. *Brautigam*, 93 So. 2d at 102; *Kelly*, 453 So. 2d at 1182; *Freeport*, 544 So. 2d at 1106. Frank Walker, who is named in the Presentment, is impugned by association. The grand jury made no finding and returned no indictment against him, and as to him the limit on a grand jury’s power applies with even greater force.

D. Statutory Pre-Publication Protections

*6 A second, independent reason supports the expungement of the entire Presentment. Section 905.28(1), Fla. Stat., states,

A report or presentment of the grand jury relating to an individual which is not accompanied by a true bill or indictment is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution

and shall not be made public or be published until the individual concerned has been furnished a copy thereof and given 15 days to file with the circuit court a motion to repress or expunge the report or that portion which is improper and unlawful.

Our supreme court has explained that [section 905.28\(1\)](#) was enacted to protect those “whose character is impugned in a [grand jury] report unaccompanied by indictment.” *Marko*, 352 So. 2d at 520. The reason for this statutory safeguard has been made clear:

These matters emerge from a grand jury process which has operated in secrecy, under the guidance of a prosecutor and the supervision of a judge to be sure, but where there has been no right to challenge witnesses or to be represented by counsel. It is possible, then, that the testimony and information presented to a grand jury, on which they must rely and report, is potentially one-sided and inaccurate. Thus, while one charged with the commission of a crime as a result of this process has a full opportunity for public clarification of misleading data and personal vindication through a public trial, no comparable means of vindication exists for one whose character is impugned in a report unaccompanied by indictment. It is undoubtedly for this reason that the legislature has now afforded an opportunity to prevent the publication of unfavorable material through the repression of matter that is “improper and unlawful”.

Id. at 520–21.

[Section 905.28\(1\)](#) thus protects a specific class of persons: those about whom a presentment makes derogatory comment. That class is not limited to a presentment's principal subjects.

A single derogatory reference suffices. See *Republic Props. Corp. v. Grand Jury Presentment on City of W. Palm Beach, Part A, Fall Term 2006*, 971 So. 2d 289, 292–93 (Fla. 4th DCA 2008) (holding that a report “relat[ed] to” a developer that the report linked to “irregular and illegal practices” in one sentence of its introduction and a footnote). But the class does not extend to persons the presentment does not impugn, and the disclosures at issue here went to recipients who fall outside it.

When a presentment is released in violation of [section 905.28](#), the remedy is expungement of the portions disparaging to the individual it impugns. *Philpitt v. Weintraub*, 377 So. 2d 247, 249 (Fla. 3d DCA 1979). That consequence does not follow from every premature disclosure, however. In *Freeport*, this court declined to order full expungement on a publication theory because, although the presentment had been divulged in violation of [section 905.28](#), “the state denied any wrongdoing” and “there was no showing that the state caused the premature publication.” 544 So. 2d at 1106. Responsibility for the disclosure is what separates the two cases.

*7 This case is comparable to *Philpitt*, not *Freeport*. As was the case in *Philpitt*, the premature disclosure here is directly attributable to the State. On January 28 and 29, 2026—while the matter remained confidential and before any individual concerned had been given the opportunity the statute guarantees—the State Attorney sent the Presentment by two mass emails to at least forty-nine recipients. The first went to persons he believed were entitled to a copy under [section 905.28\(1\)](#), including Representative Alex Andrade, the complaining witness. The second, though sent with the circuit court's permission, included two generic intake email addresses and a recipient mistakenly included who had nothing to do with the proceeding. None of those recipients—Representative Andrade, the generic addresses, or the misdirected recipient—was an individual concerned.⁷ Transmitting a sealed presentment to such non-concerned recipients was not statutory compliance. It was a disclosure of confidential material beyond what the statute authorizes—and, unlike the unattributed release in *Freeport*, it was the State's own doing.

That Representative Andrade received a copy illustrates the point: the Presentment does not impugn him, so he had no statutory interest to protect, and his inclusion did nothing to satisfy the duty the State Attorney owed the persons the Presentment did impugn. The State Attorney's error was

not a failure to notify those individuals. It was an overbroad handling of a confidential document that breached the statute's confidentiality requirement before the impugned individuals could be heard. The violation lies in the disclosure itself. *Philpitt* and *Republic Properties Corp.* each involved a failure to give the impugned person notice, but the protection they enforced is the one breached here: until the individuals concerned have received their copies and their fifteen days, a presentment is confidential and shall not “be made public,” § 905.28(1), Fla. Stat., and the statute authorizes its disclosure to no one else. That recipients of an unauthorized disclosure may themselves be bound not to disclose it further does not cure the breach. The statute protects those a presentment impugns by limiting who receives the document at all, not by trusting those who should never have received it to keep it secret. If the remedy for a breach depended on proof of later harm, or on a later showing that the material was improper or unlawful, that protection would become, as *Philpitt* warned, “meaningless.” 377 So. 2d at 249. Because the premature disclosure is attributable to the State, *Philpitt* applies and expungement is required. *Id.*; see also *Republic Props. Corp.*, 971 So. 2d at 293. How the unredacted copy reached the press is therefore immaterial to our conclusion.⁸ Its later publication only confirmed the harm.

The portions of the Presentment disparaging the movants are not discrete. They are the misappropriation finding and the other findings that flow from it. Expunging them leaves a report of a wholly different tenor, which requires expungement of the complete document. See *infra*, Part IV.F. And independent of section 905.28, this court retains the “inherent power to preserve the integrity of its records or to correct the action of one of its appendages.” *Brautigam*, 93 So. 2d at 103.

E. Separation of Powers

*8 The Presentment's defects carry a structural dimension as well. A grand jury is an arm of the courts. *State v. Dugman*, 294 So. 2d 325, 326 (Fla. 1974). The Florida Constitution commits the executive power to the executive branch, art. IV, §§ 1(a), 4(b), Fla. Const., and imposes a strict separation of powers that binds the judicial branch no less than the others, art. II, § 3, Fla. Const. The decision how to resolve the State's potential claims against Centene—including whether to accept a settlement that directed a third-party donation to Hope Florida—was a discretionary act of the executive

branch, whether attributed to the Agency for Health Care Administration or to the Attorney General.

To be sure, a grand jury may investigate executive offices and report what it finds, even where the report reflects adversely on an official. See *Ryon*, 77 So. 2d at 457; *Owens*, 59 So. 2d at 256; *Marko*, 352 So. 2d at 522. That reporting function is not what occurred here. The grand jury did not merely describe how the settlement was handled. It pronounced a lawful exercise of executive discretion, see *supra*, Part IV.A, to be a “misappropriation” undertaken as part of a “sophisticated scheme”—an authoritative judgment of wrongdoing and improper motive, rendered by an arm of the judiciary, as to conduct no statute forbids and that produced no indictment. A court may not pass judgment on the wisdom or motives of a lawful discretionary executive choice in that manner, and neither may its grand jury. See *In re Rep. of Grand Jury*, 11 So. 2d at 318 (grand jury may not “single out persons in civil or official position to impugn their motives”); *State v. Gleason*, 12 Fla. 190, 226 (1868); cf. *State v. Bloom*, 497 So. 2d 2, 3 (Fla. 1986) (the judiciary has no authority to interfere with the executive's discretion). The distinction is between reporting on an executive office, which the grand jury may do, and adjudicating the propriety of a valid discretionary executive act and branding it unlawful, which it may not.

This principle does not decide the appeal on its own, but it reinforces the conclusion that section 905.28(1) and *Brautigam* independently compel: a presentment that condemns a lawful exercise of executive discretion as a criminal act, without any law transgressed and without an indictment, lies outside the “lawful ambit of grand jury authority” and must be expunged. *Marko*, 352 So. 2d at 520.

F. Remedy

The remedy for an improper and unlawful presentment is expungement, under both the statute and the court's “inherent power to preserve the integrity of its records or to correct the action of one of its appendages.” *Brautigam*, 93 So. 2d at 103. Expungement may be partial where the offending matter can be excised cleanly. But where excising the offending portions “would result ... in a report that has a totally different tenor than the original report,” the entire report must be repressed. *Green v. Investigation of Liberty Cnty. Sch. Sys.—Rep. of Grand Jury*, 370 So. 2d 63, 64 (Fla. 1st DCA 1979).

This record calls for full expungement. The circuit court has already repressed and expunged roughly 112 of the 116 pages of the Presentment. Once the misappropriation conclusion and the individualized condemnations are also removed, little coherent substance remains, and what is left is a report of a wholly different tenor. Under *Green*, that requires removing the Presentment in full. *Id.* [Section 905.28\(1\)](#) affords two remedies—repression and expungement—but repression protects an individual by preventing publication, and here the Presentment has already been publicly disclosed. That unlawful disclosure has caused irreparable harm. Repression can no longer safeguard anyone whose character it impugns. Only expungement from the court's records remains a meaningful remedy. *See Brautigam*, 93 So. 2d at 103.

*9 The grand jury's institutional voice could have been heard had it properly reported on whether public offices were “conducted according to law and good morals,” *In re Rep. of Grand Jury*, 11 So. 2d at 318, reported findings of negligence or nonperformance, *Fla. Dep't of Health & Rehab. Servs.*, 659 So. 2d at 350, or merely recommended that the Legislature address the statutory gap it identified. *See Marko*, 352 So. 2d at 522–23 (noting that grand juries have the authority to make recommendations). The grand jury took none of those proper paths. Instead, it exceeded its authority by accusing people of criminal conduct without indicting them. Although the State's premature disclosure independently requires expungement, we do not rest on that ground alone. A decision resting solely on the disclosure would leave unaddressed the error-ridden Presentment's central wrong: its condemnation, without indictment, of people the grand jury chose not to charge.

V. The Notification Orders

Grand jury proceedings are secret under section 905.24, and that secrecy extends to matters ancillary to the grand jury session, including a motion to expunge a presentment. *Palm Beach Newspapers, Inc. v. Doe*, 460 So. 2d 406, 409 (Fla. 4th DCA 1984) (holding “that a hearing ancillary or related to a grand jury session constitutes a proceeding which comes within the protection of Section 905.24”). The March 25, July 8, and August 6, 2026 orders directing the State Attorney to notify outside intervenors of any appeal would disclose the very confidential proceeding Chapter 905 protects. This court has already enjoined those orders in Case No. 1D2026-2369. With the State agreeing and the point unopposed, the Notification Orders are reversed.

VI. Conclusion

Because the Presentment exceeded the grand jury's authority, and because its disclosure violated section 905.28—each an independent ground for full expungement—we reverse the order's denial of full relief and remand with directions to expunge the Presentment in its entirety. We also reverse the Notification Orders.

REVERSED and REMANDED with directions.

[M.K. Thomas](#), J., concurs; [Bilbrey](#), J., concurs in part and in result with opinion.

[Bilbrey](#), J., concurring in part and in result.

I agree that we are correct to order expungement of the Presentment but would do so just because the Presentment was improperly disclosed in violation of [section 905.28\(1\)](#), *Florida Statutes*, without reaching the substance of the Presentment.¹ Judge Neff discusses the violation of [section 905.28\(1\)](#) in part IV.D. of the majority opinion and correctly concludes that expungement is required. *See Philpitt v. Weintraub*, 377 So. 2d 247, 249 (Fla. 3d DCA 1979); *see also Republic Props. Corp. v. Grand Jury Presentment on City of W. Palm Beach, Part A, Fall Term 2006*, 971 So. 2d 289, 292–93 (Fla. 4th DCA 2008) (holding that when a presentment relates to an individual, the individual is entitled to due process before publication to protect the individual's reputation).

Not every person who is interested in the outcome of a grand jury investigation or who testifies before a grand jury is “the individual concerned” under [section 905.28\(1\)](#) and thereby entitled to prepublication notice and an opportunity to attempt “to repress or expunge the report or that portion which is improper and unlawful.” The report or presentment must be one “relating to an individual.” *Id.*; *Republic Props. Corp.*, 971 So. 2d at 291–92. [Section 905.28\(1\)](#) “provides individuals who ‘may be exposed to criticism, scorn, or recommendations unfavorable to their reputation’ a means to prevent publication of a presentment.” *State v. Womack*, 127 So. 3d 839, 842 (Fla. 2d DCA 2013) (quoting *Miami Herald Publ'g Co. v. Marko*, 352 So. 2d 518, 520 (Fla. 1977)).

*10 Here, various people, companies, and organizations who were not “the individual concerned” were given the

Presentment that was not related to them before actual related and concerned individuals had a chance to challenge the Presentment.² This violation of [section 905.28\(1\)](#) therefore requires expungement of the Presentment. *Republic Props. Corp.*, 971 So. 2d at 293; *Philpitt*, 377 So. 2d at 249.

All Citations

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Footnotes

- 1 The Presentment's defects are not confined to its internally inconsistent findings. It is careless in its grammar, mistaken in its law, and unfaithful to its own record. We address its legal errors in Part IV, *infra*. The drafting lapses include misspelling a witness's name, misnaming the law firm Liston & Deas as "Liston and Dees," and, in Finding 4, misattributing Chief Deputy Attorney General John Guard's review to "the State Attorney's Office" when he acted on behalf of the Attorney General's Office. The inattention to detail is best illustrated by Finding 14, which is internally contradictory. The Presentment's own "What Happened?" section describes a \$67,048,611 settlement paid in two parts, \$57,048,611 to the State and \$10,000,000 to Hope Florida, with nothing left uncollected. Finding 14 nonetheless asserts that the State "only recovered \$56,248,611" and that "\$800,000 of Medicaid reimbursement and taxpayer money was not recovered from Centene." Centene's offer of settlement letter, a publicly available record the State Attorney possessed and a part of the record on appeal, shows how the figure was built: \$19,465,790.40 (7,209,552 Florida pharmacy scripts for 2017–2018, at \$2.70 each, as reimbursement of alleged dispensing fees and discounts); \$36,782,821.24 (5.5% of \$668,778,568 in Florida pharmacy spend, as a proxy for return of margin); and \$10,800,000 for "any other potentially alleged damages ... and to otherwise incent" settlement. The first two components total \$56,248,611.64, and adding the \$10,800,000 yields \$67,048,611.64. The State received \$57,048,611.64 of that sum, and \$10,000,000 went to Hope Florida, so the State recovered \$800,000 more than the \$56,248,611.64 that Finding 14 treats as the full recovery, not \$800,000 less. The \$10,000,000 that reached Hope Florida was not a component of any identified Medicaid overcharge. It derived from the settlement's incentive and other-damages component. We note the discrepancy not to make factual findings of our own, which we do not, but because it illustrates one of several conclusions in the Presentment that cannot be reconciled with its own recitals.
- 2 The State Attorney appealed the expungement of portions of the Presentment but later, after the Presentment was published, voluntarily dismissed his appeal. The appeal that remains is the timely challenge the movants brought to the order's denial of full expungement. On appeal, the State is represented by specially appointed counsel performing the duties of the Acting Attorney General.
- 3 This court did not receive the record on appeal, which contains the unredacted Presentment, until September 9, 2026.
- 4 The four corners include any exhibits attached to the presentment.
- 5 Whatever "spirit" a statute has resides in the body of its text. Courts give statutory language the meaning that "a reasonable reader, fully competent in the language, would have understood the text [to have] at the time it was issued." *Ham v. Portfolio Recovery Assocs., LLC*, 308 So. 3d 942, 947 (Fla. 2020). A spirit summoned apart from that body is not statutory interpretation; it is hermeneutical necromancy. The point carries particular force where, as here, the accusation is of wrongdoing "little short of a crime," *Brautigam*, 93 So. 2d at 102, because penal provisions "shall be strictly construed" and, when "susceptible of differing constructions," must be "construed most favorably to the accused." § 775.021(1), Fla. Stat. Cf. *Hudson v. Marin*, 259 So. 3d 148,

160 (Fla. 3d DCA 2018) (“A finding of contempt requires ‘the violation of the letter of an order – not its spirit.’”) (quoting *Reder v. Miller*, 102 So. 3d 742, 744 (Fla. 2d DCA 2012)).

- 6 The \$10 million provided to Hope Florida in the Centene settlement was never public money. The money neither reimbursed the State for losses from Centene's overcharges nor ever became the property of the State of Florida, as the transfer of the funds was directly from Centene to Hope Florida. While some may question the propriety of settlements with payments to third parties, the Florida Legislature has not made such action illegal, as the grand jury's recommendations implicitly acknowledge. Indeed, Florida's attorneys general from 1996 to 2020 executed 107 settlements in which third-party payments were directed to entities other than the State. The federal government has also engaged in this practice. The practice was halted in June 2017 by the United States Attorney General. Memorandum from Jefferson B. Sessions III, Att'y Gen., to All Component Heads & U.S. Att'ys, *Prohibition on Settlement Payments to Third Parties* (June 5, 2017). However, Attorney General Merrick Garland, in May 2022, rescinded the 2017 prohibition. Memorandum from Merrick B. Garland, Att'y Gen., to Heads of Department Components & U.S. Att'ys, *Guidelines and Limitations for Settlement Agreements Involving Payments to Non-Governmental Third Parties* (May 5, 2022). Attorney General Pamela Bondi reinstated the prohibition in February 2025. Memorandum from Pamela Bondi, Att'y Gen., to All Department Employees, *Reinstating the Prohibition on Improper Third-Party Settlements* (Feb. 5, 2025).
- 7 The State Attorney had the authority, under the circuit court's order, to provide Senator Ashley Moody and the Florida Freedom Fund a copy of the Presentment. That authority, however, extended only to Senator Moody herself, an authorized representative of the Florida Freedom Fund, or their designated counsel—not to unknown recipients at generic intake email addresses. The disclosures that exceeded what [section 905.28\(1\)](#) permitted included the emails to the two generic intake addresses, the email to the recipient with no involvement in the proceeding, and the email to Representative Andrade, who was not an individual concerned. Disclosures to persons the Presentment does not impugn, not the furnishing of copies to the individuals concerned, constitute the violation of [section 905.28](#).
- 8 The disclosure of the confidential Presentment may itself have violated [section 905.27\(1\)](#) and [\(2\)](#), Fla. Stat. We express no view on the lawfulness of its publication by the press.
- 1 I also agree that we are correct to reverse the notification orders as discussed in section V. of the majority opinion.
- 2 For instance, a forensic accountant who assisted the grand jury in sorting through bank records was provided with a prepublication copy of the Presentment. There are no allegations anywhere in the Presentment concerning wrongdoing by the accountant. The Presentment described his testimony as “thorough, credible, and detail oriented.” Bank of America was also provided with a prepublication copy of the Presentment. It was not alleged to have been involved in anything improper other than being tardy in responding to subpoenas for bank records.