

**IN THE SUPREME COURT OF FLORIDA**

**IN RE:**

**STATEWIDE GRAND JURY**  
\_\_\_\_\_ /

**CASE NO: SC22-\_\_\_\_\_**

**PETITION FOR ORDER TO IMPANEL**  
**A STATEWIDE GRAND JURY**

Petitioner, Ron DeSantis, Governor of the State of Florida, respectfully petitions this Court under section 905.33, Florida Statutes (2022), for an order to impanel a statewide grand jury. As grounds for the petition, Petitioner offers the following:

Jurisdiction

1. Petitioner, Ron DeSantis, is the Governor of the State of Florida.
2. This Court has jurisdiction over this matter under section 905.33(1), which provides:

Whenever the Governor, for good and sufficient reason, deems it to be in the public interest to impanel a statewide grand jury, she or he may petition in writing to the Supreme Court for an order impaneling a statewide grand jury. . . . The Supreme Court may order the impaneling of a statewide grand jury, in accordance with the petition, for a term of 12 calendar months.

3. Petitioner has consulted with the Attorney General and the statewide prosecutor regarding this petition. The statewide

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prosecutor will serve as the legal adviser to the statewide grand jury. See § 905.36, Fla. Stat.

4. For the good and sufficient reasons described below, Petitioner has determined that it is in the public interest to impanel a statewide grand jury and that the crimes and wrongs to be investigated, as also set forth below, are of a multicircuit nature. See § 905.33(1), Fla. Stat.

#### Factual Background

5. The federal government, medical associations, and other experts have created an expectation that receiving a COVID-19 vaccine is an ethical or civic duty and that choosing not to get vaccinated against COVID-19 is selfish and harmful to others.<sup>1</sup> As one politician in another state put it, if a person chooses not to receive a vaccine, they

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<sup>1</sup> *E.g.*, Joan Bregstein, *Think about getting vaccinated like voting. It's your civic duty*, The Washington Post (Dec. 28, 2020, 12:54 PM), [tinyurl.com/3uh9zsh7](https://www.washingtonpost.com/archive/local/2020/12/28/3uh9zsh7/); President Joseph Biden, *Remarks by President Biden Laying Out the Next Steps in Our Effort to Get More Americans Vaccinated and Combat the Spread of the Delta Variant*, The White House (July 29, 2021), [tinyurl.com/47tx46v2](https://www.whitehouse.gov/the-press-office/2021/07/29/biden-remarks-next-steps-covid-19) (President Biden stated, “[g]et vaccinated — for yourself, for the people you love, for your country.”); Press Release, Major Health Care Professional Organizations Call for COVID-19 Vaccine Mandates for All Health Workers, Ass’n. of Am. Med. Colls. (July 26, 2021), [tinyurl.com/yckbyyh7](https://www.aamacoll.org/press-releases/2021/07/26/major-health-care-professional-organizations-call-for-covid-19-vaccine-mandates-for-all-health-workers/).

might “go home and kiss [their] grandmother and wind-up killing [their] grandmother.”<sup>2</sup>

6. While Florida rejected vaccine mandates and passports, some Floridians made the choice to receive the COVID-19 vaccine because they believed that receiving the vaccine would prevent them from spreading COVID-19 to others.

7. The widespread belief that the COVID-19 vaccines prevented the disease from spreading became so pervasive that the President of the United States himself believed it to be true. He sought to impose a variety of vaccine mandates on the American people, including healthcare workers and members of the military, which were premised on the notion that “unvaccinated people spread the virus” and “the best way to slow the spread of COVID-19 and to prevent infection by the Delta variant or other variants is to be vaccinated.”<sup>3</sup>

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<sup>2</sup> Houston Keene, *Cuomo warns unvaccinated people could kill grandmas*, Fox News (May 3, 2021, 9:05 PM), [tinyurl.com/bdhn8ppr](https://www.tinyurl.com/bdhn8ppr).

<sup>3</sup> Exec. Order No. 14,043, 86 Fed. Reg. 50,989 (Sept. 9, 2021), [tinyurl.com/3ru3ncuf](https://www.tinyurl.com/3ru3ncuf); Press Briefing, President Joseph Biden, *Remarks by President Biden on Fighting the COVID-19 Pandemic*, The White House (Sept. 9, 2021), [tinyurl.com/45zeps2](https://www.tinyurl.com/45zeps2); President Joseph Biden, *Remarks by President Biden Laying Out the Next Steps in Our Effort to Get More Americans Vaccinated and Combat the Spread of the Delta Variant* (July 29, 2021), [tinyurl.com/47tx46v2](https://www.tinyurl.com/47tx46v2).

He even stated that “[y]ou’re not going to get Covid if you have these vaccinations.”<sup>4</sup>

8. Florida’s prohibitions on vaccine requirements could not prevent all federal vaccine requirements, such as those for military members. Many Floridians serving in Florida and abroad were forced to submit to COVID-19 vaccination as a condition of employment. These mandates were imposed even as evidence surfaced of increased cases of myocarditis and pericarditis in those vaccinated.<sup>5</sup>

9. Various state and federal health authorities, including the Centers for Disease Control and Prevention (CDC), held the belief that the vaccines prevented transmission, and in turn issued guidance recommending the vaccines as effective at “limiting the spread of the virus that causes it.”<sup>6</sup> The CDC’s website stated the vaccines were “safe and effective as determined by data from the manufacturers,” but that statement was later removed.<sup>7</sup> The CDC also advised that

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<sup>4</sup> Daniel Hale and Tara Subramaniam, *Fact check: Biden makes false claims about Covid-19, auto prices and other subjects at CNN town hall*, CNN (July 22, 2021, 3:40 PM), [tinyurl.com/yy7nzjy2](https://www.tinyurl.com/yy7nzjy2).

<sup>5</sup> See *infra* ¶ 22.

<sup>6</sup> *Ensuring COVID-19 Vaccine Safety in the US*, Ctrs. for Disease Control & Prevention (July 19, 2022), [tinyurl.com/2zy4w75c](https://www.tinyurl.com/2zy4w75c).

<sup>7</sup> *Ensuring the Safety of COVID-19 Vaccines in the United States*, Ctrs. for Disease Control & Prevention (Dec. 22, 2020),

“COVID-19 vaccination can reduce the spread of disease overall, helping protect people around you.”<sup>8</sup> Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, unequivocally asserted that the vaccines prevented transmission.<sup>9</sup> And the White House issued a press briefing just last year, only days before Christmas, threatening “the unvaccinated” with “a winter of severe illness and death.”<sup>10</sup>

10. It is impossible to imagine that so many influential individuals came to this view on their own. Rather, it is likely that individuals and companies with an incentive to do so created these perceptions for financial gain.

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<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety.html> [tinyurl.com/wsvvx636].

<sup>8</sup> *COVID-19 Vaccines Work*, Ctrs. for Disease Control & Prevention (August 12, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness/work.html> [tinyurl.com/52x68e53].

<sup>9</sup> Speaking on CBS’s “Face the Nation,” in May 2021, Fauci said that the vaccinated were “dead ends” for the virus. He added that “[w]hen you get vaccinated, you not only protect your own health and that of the family, but also you contribute to the community health by preventing the spread of the virus throughout the community.” *Transcript: Dr. Anthony Fauci on “Face the Nation,”* CBS News (May 16, 2021, 8:57 AM), [tinyurl.com/2p98nsha](https://www.cbsnews.com/news/transcript-dr-anthony-fauci-on-face-the-nation/).

<sup>10</sup> *Press Briefing by White House COVID-19 Response Team and Public Health Officials*, The White House (Dec. 17, 2021), [tinyurl.com/ubbd9db6](https://www.whitehouse.gov/briefing-room/recordings-and-transcripts/2021/12/17/20211217-press-briefing-by-white-house-covid-19-response-team-and-public-health-officials/).

11. For example, on November 30, 2020, the Chief Executive Officer of Moderna told the public that a study “confirms the ability of our vaccine to prevent COVID-19 disease with 94.1% efficacy.”<sup>11</sup>

12. Pfizer similarly stated that its vaccine was “highly effective with 91.3% vaccine efficacy observed against COVID-19 . . . through up to six months after the second dose.”<sup>12</sup> Pfizer’s CEO, Albert Bourla, stated that its “COVID-19 vaccine was 100% effective” in preventing cases in South Africa.<sup>13</sup>

13. Moderna promoted an article on its Twitter page titled “10 Common Vaccine Myths Busted,” which stated that “[g]etting vaccinated is like wearing a mask—it isn’t just about protecting you, but also your community” and “[t]he more people who are vaccinated, the fewer chances a disease has to spread.”<sup>14</sup>

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<sup>11</sup> Press Release, Moderna Announces Primary Efficacy Analysis in Phase 3 COVE Study For Its COVID-19 Vaccine Candidate and Filing Today With U.S. FDA for Emergency Use Authorization, Moderna, Inc. (Nov. 30, 2020), [tinyurl.com/4rfmd9hm](https://tinyurl.com/4rfmd9hm).

<sup>12</sup> Press Release, Pfizer and BioNTech Confirm High Efficacy and No Serious Safety Concerns Through Up to Six Months Following Second Dose in Updated Topline Analysis of Landmark COVID-19 Vaccine Study, Pfizer Inc. (April 1, 2021), [tinyurl.com/bdh8jvzh](https://tinyurl.com/bdh8jvzh).

<sup>13</sup> @AlbertBourla, Twitter (April 1, 2021, 9:41 AM), [tinyurl.com/3drthd8s](https://tinyurl.com/3drthd8s).

<sup>14</sup> @moderna\_tx, Twitter (August 31, 2022, 7:00 AM), [tinyurl.com/yc6jzvxxz](https://tinyurl.com/yc6jzvxxz); *10 Common Vaccine Myths Busted*, Univ. of

14. Both Pfizer and Moderna use their websites to promote the theory that their COVID-19 vaccines help develop “herd immunity.” According to Moderna, herd immunity is the “indirect group protection from an infectious disease that happens when a population is immune through either vaccination or previous infection.”<sup>15</sup> Moderna’s website states that “[t]o safely achieve herd immunity against COVID-19, a large amount of a population needs to be vaccinated” and that this “help[s] protect those who cannot get vaccinated.”<sup>16</sup> Moderna recommends COVID-19 vaccination “even if you are healthy” because a vaccine may “[a]dd to the number of people in the community who are protected from getting COVID-19, contributing to herd immunity.”<sup>17</sup>

15. Pfizer’s website asserts that “[w]hen enough people are vaccinated, everyone—including those who are too young or too sick to be immunized—receives some protection from the spread of

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Md. Med. Sys., [tinyurl.com/y5d68ydp](https://tinyurl.com/y5d68ydp) (last visited December 13, 2022).

<sup>15</sup> *Your vaccination questions answered*, Moderna, Inc., [tinyurl.com/ynwcdccv](https://tinyurl.com/ynwcdccv) (last visited December 13, 2022).

<sup>16</sup> *E.g., id.*

<sup>17</sup> *Id.*

diseases.”<sup>18</sup> Pfizer’s Twitter page states that “[t]he ability to vaccinate at speed to gain herd immunity and stop transmission is our highest priority” and that “[v]accination remains the best tool we have to help protect lives and achieve herd immunity.”<sup>19</sup>

16. Some representations by the pharmaceutical manufacturers even suggested that the vaccines would help end the pandemic.<sup>20</sup>

17. In January 2021, Moderna CEO Stephane Bancel stated, “[t]he antibody decay generated by the vaccine in humans goes down very slowly” and “[w]e believe there will be protection potentially for a couple of years.”<sup>21</sup> Yet not even a year later, Bancel announced that

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<sup>18</sup> *What is Herd Immunity and How Does it Work?*, Pfizer Inc., [tinyurl.com/hp3vrvxr](https://tinyurl.com/hp3vrvxr) (last visited Dec. 13, 2022).

<sup>19</sup> @pfizer, Twitter (January 13, 2021, 1:24 PM), [tinyurl.com/4dd33uwy](https://tinyurl.com/4dd33uwy); @pfizer, Twitter (January 7, 2022, 11:00 AM), [tinyurl.com/bd4yrwjm](https://tinyurl.com/bd4yrwjm).

<sup>20</sup> Moderna issued a press release in February 2021 stating that “[o]ur goal is to bring our vaccine to as many people as possible around the world to help end this pandemic.” Press Release, U.S. Government Purchases Additional 100 Million Doses of Moderna’s COVID-19 Vaccine, Moderna, Inc. (Feb. 11, 2021), [tinyurl.com/43fdhb9p](https://tinyurl.com/43fdhb9p). Pfizer’s website states, “Pfizer is firmly committed to equitable and affordable access to the Pfizer-BioNTech COVID-19 vaccine to help bring an end to the pandemic for everyone, everywhere.” *Working To Reach Everyone, Everywhere*, Pfizer Inc., [tinyurl.com/2bzhxrzp](https://tinyurl.com/2bzhxrzp) (last visited Dec. 13, 2022).

<sup>21</sup> *Moderna CEO says vaccine likely to protect for 'couple of years'*, Reuters (Jan. 7, 2021 3:37 AM), [tinyurl.com/43pbpfsf](https://tinyurl.com/43pbpfsf).



clinical studies indicating an increased risk of breakthrough infections “illustrates the impact of waning immunity and supports the need for a booster to maintain high levels of protection.”<sup>22</sup>

18. Only months ago, a Pfizer executive confirmed at a hearing in front of the European Parliament that the company did not test its COVID-19 vaccines before they entered the market to determine whether they prevented the transmission of COVID-19.<sup>23</sup>

19. On December 29, 2020, the World Health Organization’s chief scientist, Dr. Soumya Swaminathan, stated that there was a lack of evidence “to be confident that it’s going to prevent people from actually getting the infection and therefore being able to pass it on.”<sup>24</sup>

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<sup>22</sup> Press Release, Moderna Highlights New Clinical Data on its COVID-19 Vaccine, Moderna, Inc., (Sept. 15, 2021), [tinyurl.com/3pbxj22a](https://tinyurl.com/3pbxj22a).

<sup>23</sup> During a hearing on the European Union’s COVID-19 response, when asked if the Pfizer vaccine was tested on stopping the transmission of the virus before it entered the market, Pfizer’s president of international developed markets stated “[n]o . . . we have to really move at the speed of science to really understand what is taking place in the market . . . and from that point of view we had to do everything at risk.” *Special Committee On COVID-19 Pandemic*, Eur. Parl. (Oct. 10, 2022), [tinyurl.com/ku2w7u3z](https://tinyurl.com/ku2w7u3z); [news.com.au](https://news.com.au), Pfizer did not know whether Covid vaccine stopped transmission before rollout (Oct. 12, 2022), Youtube, [tinyurl.com/4f4vam8z](https://tinyurl.com/4f4vam8z).

<sup>24</sup> Sky News Australia, *WHO Doesn’t have evidence vaccines prevent people transmitting virus to others*, Youtube (Dec. 28, 2020), [tinyurl.com/zyeuefzu](https://tinyurl.com/zyeuefzu).

Nearly a year later, World Health Organization officials admitted that the vaccines did “not fully prevent transmission.”<sup>25</sup> Indeed, various studies have seriously undermined the narrative that vaccination prevents the transmission of COVID-19, especially the delta and omicron variants.<sup>26</sup> This calls into question the accuracy of pharmaceutical manufacturers’ representations that their vaccines would stop transmission, develop herd immunity, and help end the pandemic.

20. For children ages 5 through 17, Moderna states that the known risks and possible severe complications of COVID-19

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<sup>25</sup> *Covid-19 Virtual Press conference transcript*, WHO (Nov. 24, 2021), [tinyurl.com/753x25ky](https://tinyurl.com/753x25ky).

<sup>26</sup> See, e.g., Günter Kampf, *The epidemiological relevance of the COVID-19-vaccinated population is increasing*, 11 *The Lancet Reg'l Health, Eur.* 100272 (2021), [tinyurl.com/2jftptbar](https://tinyurl.com/2jftptbar); Anika Singanayagam, et al., *Community transmission and viral load kinetics of the SARS-CoV-2 delta (B.1.617.2) variant in vaccinated and unvaccinated individuals in the UK: a prospective, longitudinal, cohort study*, 22 *The Lancet, Infectious Diseases* 183 (2022), [tinyurl.com/2p98x53e](https://tinyurl.com/2p98x53e); Carlos Franco-Paredes, *Transmissibility of SARS-CoV-2 among fully vaccinated individuals*, 22 *The Lancet, Infectious Diseases* 16 (2022), [tinyurl.com/yp5d3r66](https://tinyurl.com/yp5d3r66); Lihong Liu, et al., *Striking Antibody Evasion Manifested by the Omicron Variant of SARS-CoV-2*, 602 *nature* 676 (2022), [tinyurl.com/mf9dn358](https://tinyurl.com/mf9dn358); David W. Eyre, et al., *The impact of SARS-CoV-2 vaccination on Alpha & Delta variant transmission*, *medRxiv* (Oct. 15, 2021), [tinyurl.com/34tr2wkp](https://tinyurl.com/34tr2wkp).

outweigh the potential risks of “having a rare, adverse reaction to vaccination.”<sup>27</sup> Bourla tweeted that severe COVID-19 was “rare in children” while urging that “widespread vaccination is a critical tool to stop transmission.”<sup>28</sup> But just three months later, Bourla said the Delta variant posed a “substantial threat” to children.<sup>29</sup>

21. On the contrary, the Florida Department of Health recognized reduced COVID-19 vaccine efficacy in children and a limited risk of severe illness from COVID-19 in healthy children.<sup>30</sup> The Florida Department of Health issued guidance recommending that healthy children may not benefit from the COVID-19 vaccine and recognizing that the risk of myocarditis, particularly for adolescents 16 to 17 years of age, may outweigh the benefit of COVID-19 vaccination.<sup>31</sup>

22. In April 2021, increased cases of myocarditis and pericarditis were reported in individuals in the United States after receiving the

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<sup>27</sup> *Supra* note 15.

<sup>28</sup> @AlbertBourla, Twitter (June 8, 2021, 8:27 AM), [tinyurl.com/2nwr57z4](https://tinyurl.com/2nwr57z4).

<sup>29</sup> Press Release, Pfizer and BioNTech Announce Positive Topline Results From Pivotal Trial of COVID-19 Vaccine in Children 5 to 11 Years, Pfizer, Inc. (September 20, 2021), [tinyurl.com/majcdv8a](https://tinyurl.com/majcdv8a).

<sup>30</sup> Press Release, Florida Department of Health Issues New Guidance Regarding COVID-19 Vaccination Recommendations for Children, Fla. Dept. of Health (Mar. 8, 2022), [tinyurl.com/mexkrmx2](https://tinyurl.com/mexkrmx2).

<sup>31</sup> *Id.*

Pfizer and Moderna COVID-19 vaccinations.<sup>32</sup> In June 2021, Moderna shared a press release via Twitter (which was later removed) and stated, “we have not established a causal association with [myocarditis and/or pericarditis and] our vaccine.”<sup>33</sup> Around the same time, a spokeswoman for Pfizer said that “a causal link to the vaccine has not been established” and that “with a vast number of people vaccinated to date, the benefit risk profile of our vaccine remains positive.”<sup>34</sup> But just four months later, both companies acknowledged the occurrence of myocarditis on their websites, representing that it is an “extremely” or “very” rare side effect.<sup>35</sup>

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<sup>32</sup> *Clinical Considerations: Myocarditis and Pericarditis after Receipt of mRNA COVID-19 Vaccines Among Adolescents and Young Adults*, Ctrs. for Disease Control & Prevention (last updated Sept. 29, 2022), [tinyurl.com/3m5557jr](https://tinyurl.com/3m5557jr).

<sup>33</sup> @moderna\_tx, Twitter (June 11, 2021), [tinyurl.com/yfav3hnm](https://tinyurl.com/yfav3hnm).

<sup>34</sup> Elizabeth Cohen, *A link between Covid-19 vaccination and a cardiac illness may be getting clearer*, CNN Health (June 10, 2021, 9:40 AM), [tinyurl.com/34j82s96](https://tinyurl.com/34j82s96).

<sup>35</sup> *What Can You Tell Me About Potential COVID-19 Vaccines in Children? Hear About Some of Pfizer’s Research*, Pfizer, Inc. (Oct. 20, 2021), [tinyurl.com/ytd5stdn](https://tinyurl.com/ytd5stdn); Press Release, Statement on Myocarditis and Pericarditis, Moderna, Inc. (Oct. 7, 2021), [tinyurl.com/2c4dhj5h](https://tinyurl.com/2c4dhj5h).

Moderna stated that myocarditis and pericarditis are “typically mild cases and individuals tend to recover within a short time.”<sup>36</sup>

23. The Florida Department of Health conducted its own analysis through a self-controlled case series to study mortality risk following mRNA COVID-19 vaccination and found an increase in the relative incidence of cardiac-related deaths among males 18-39 years old within 28 days following mRNA vaccination.<sup>37</sup>

24. Reports from other countries also indicate that there is a connection between COVID-19 vaccines and cardiovascular events, even death. French and Canadian studies recognize an increase in rates of myocarditis or pericarditis following receipt of COVID-19 mRNA vaccines.<sup>38</sup> A recent Swiss report recognized that only serious

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<sup>36</sup> Press Release, Statement on Myocarditis and Pericarditis, Moderna, Inc. (Oct. 7, 2021), [tinyurl.com/2c4dhj5h](https://tinyurl.com/2c4dhj5h).

<sup>37</sup> Press Release, State Surgeon General Dr. Joseph A. Ladapo Issues New mRNA COVID-19 Vaccine Guidance, Fla. Dept. of Health (October 7, 2022), [tinyurl.com/2m423a96](https://tinyurl.com/2m423a96); *Exploring the relationship between all-cause and cardiac-related mortality following COVID-19 vaccination or infection in Florida residents: a self-controlled case series study*, Fla. Dept. of Health (Oct. 7, 2022), [tinyurl.com/325dau9m](https://tinyurl.com/325dau9m).

<sup>38</sup> Sarah A. Buchan, et al., *Epidemiology of Myocarditis and Pericarditis Following mRNA Vaccination by Vaccine Product, Schedule, and Interdose Interval Among Adolescents and Adults in Ontario, Canada*, 5(6) *Jama Network Open* (June 24, 2022), [tinyurl.com/2jaj2afp](https://tinyurl.com/2jaj2afp); Stéphane Le Vu, et al., *Age and sex-specific*

cases of myocarditis requiring hospitalization are generally reported, suggesting the true incidence of myocardial damage would therefore “likely be much higher” in the general population.<sup>39</sup> A German study of autopsies performed on people who died unexpectedly at home within 20 days of receiving an mRNA COVID-19 vaccine indicated that myocarditis “can be a potentially lethal complication” following mRNA vaccination.<sup>40</sup> Furthermore, excess mortality from heart attacks rose significantly during the COVID-19 pandemic, especially among individuals ages 25 to 44.<sup>41</sup> These reports raise questions regarding whether the representations made by the pharmaceutical

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*risks of myocarditis and pericarditis following COVID-19 messenger RNA vaccines*, Nature Commc’ns 7 (Feb. 25, 2022), [tinyurl.com/6j4zpmvc](https://tinyurl.com/6j4zpmvc).

<sup>39</sup> Angelika Jacobs, *Temporary mild heart muscle cell damage after booster vaccination*, Universität Basel (Nov. 9, 2022), [tinyurl.com/yp3wtk7k](https://tinyurl.com/yp3wtk7k); Guillaume Le Pessec, et al., *Incidence non négligeable des myocardites après 3ème dose de vaccin à ARN messenger anti-COVID 19*, Cardio Online (Oct. 24, 2022), [tinyurl.com/mr2tmadz](https://tinyurl.com/mr2tmadz).

<sup>40</sup> Constantin Schwab, et al., *Autopsy-based histopathological characterization of myocarditis after anti-SARS-CoV-2-vaccination*, Clinical Research in Cardiology (Nov. 27, 2022), [tinyurl.com/3hsnvjej](https://tinyurl.com/3hsnvjej).

<sup>41</sup> Jee Hui Yeo, et al., *Excess risk for acute myocardial infarction mortality during the COVID-19 pandemic*, J. of Medical Virology (Sept. 29, 2022), [tinyurl.com/ydw4nj2z](https://tinyurl.com/ydw4nj2z).

industry with respect to the safety and risks of their COVID-19 vaccines have been true.

25. Florida law prohibits fraudulent practices, including the dissemination of false or misleading advertisements of a drug and the use of any representation or suggestion in any advertisement relating to a drug that an application of a drug is effective when it is not. § 499.0051(11), Fla. Stat. The pharmaceutical industry has a notorious history of misleading the public for financial gain.<sup>42</sup> Questions have been raised regarding the veracity of the representations made by the pharmaceutical manufacturers of COVID-19 vaccines, particularly with respect to transmission,

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<sup>42</sup> *E.g.*, Press Release, Justice Department Announces Largest Health Care Fraud Settlement in History, Pfizer to Pay \$2.3 Billion for Fraudulent Marketing, U.S. Dept. of Justice (Sept. 2, 2009), [tinyurl.com/4bnzhp2e](https://www.tinyurl.com/4bnzhp2e); Press Release, Attorney General Moody Secures Relief for Opioid Crisis, Off. of the Fla. Att’y Gen. (Jan. 18, 2022), [tinyurl.com/yd2w2n4y](https://www.tinyurl.com/yd2w2n4y); Press Release, Pfizer’s CEO rapped by regulator for making ‘misleading’ statements about children’s vaccines, The Telegraph (Nov. 26, 2022), [tinyurl.com/4hh42hsu](https://www.tinyurl.com/4hh42hsu); Press Release, GlaxoSmithKline to Plead Guilty and pay \$3 Billion to Resolve Fraud Allegations and Failure to Report Safety Data, Largest Health Care Fraud Settlement in U.S. History, U.S. Dept. of Justice (July 2, 2012), [tinyurl.com/26687nbe](https://www.tinyurl.com/26687nbe); Press Release, U.S. Pharmaceutical Company Merck Sharp & Dohme to Pay Nearly One Billion Dollars Over Promotion of Vioxx®, Merck to Pay \$950 Million for Illegal Marketing, U.S. Dept. of Justice (Nov. 22, 2011), [tinyurl.com/53x83rhe](https://www.tinyurl.com/53x83rhe).

prevention, efficacy, and safety. An investigation is warranted to determine whether the pharmaceutical industry has engaged in fraudulent practices. The people of Florida deserve to know the truth.

### Nature and Scope of the Investigation

26. In light of the foregoing information, Petitioner has determined that there are good and sufficient reasons to deem it to be in the public interest to impanel a statewide grand jury to investigate criminal or wrongful activity in Florida relating to the development, promotion, and distribution of vaccines purported to prevent COVID-19 infection, symptoms, and transmission.

27. Specifically, such investigation should consider any crime or wrong listed or described in section 905.34 that relates to the following:

(a) Individuals, persons, and entities, including, but not limited to, pharmaceutical manufacturers (and their executive officers) and other medical associations or organizations involved in the design, development, clinical testing or investigation, manufacture, marketing, representation, advertising, promotion, labeling, distribution, formulation, packing, sale, purchase,



donation, dispensing, prescribing, administration, or use of vaccines purported to prevent COVID-19 infection, symptoms, and transmission;

(b) other criminal activity or wrongdoing that the statewide grand jury uncovers during the course of the investigation if it determines that pursuing the criminal activity or wrongdoing is in the best interests of the investigation.

28. A statewide grand jury is an appropriate vehicle to examine these matters, identify any deficiencies in current laws and enforcement methods, and recommend revised or additional laws and enforcement methods.

29. Pursuant to sections 905.33 and 905.34, the jurisdiction of the statewide grand jury will extend throughout the state to investigate crimes, return indictments, make presentments or direct issuance of reports, and otherwise perform all functions of a statewide grand jury with regard to any offense enumerated in section 905.34, including but not limited to:

(a) Any crime involving, or resulting in, fraud or deceit upon any person [e.g., Chapter 817 (false pretenses and frauds, generally)];

(b) Chapter 499 (crimes under Part I of the Florida Drug and Cosmetic Act);

(c) Chapter 895 (violations of the provisions of the Florida Racketeer Influenced and Corrupt Organization Act (RICO), including offenses listed under section 895.02); and

(d) Any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above.

30. The Florida Department of Law Enforcement will serve as the primary investigator, though the statewide grand jury may seek the assistance of any law enforcement entity or agency in Florida.

31. The investigation is not limited to any region of the state. Petitioner requests, however, that in the interest of convenience of prospective grand jury witnesses, law enforcement officers, and others, a region of the state should be designated as the base operating area. *See* § 905.37(2).

32. Prospective jurors should be drawn from that region.

33. Petitioner respectfully requests that this Court designate the Fifth, Sixth, Tenth, Twelfth, and Thirteenth Judicial Circuits as the base operating area in which the statewide grand jury should be


impaneled because of the region's central location within the state and its accessibility and convenience for grand jury participants.

34. Petitioner requests that the Chief Justice designate a circuit judge in one of the aforementioned judicial circuits to preside over the statewide grand jury. *See* § 905.33(2), Fla. Stat.

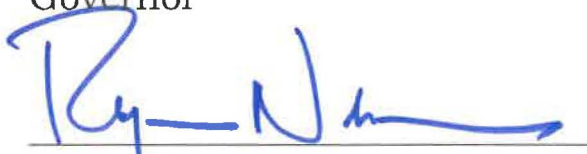
35. The statewide grand jury should be impaneled for a term of 12 calendar months, subject to an extension of up to six additional months as provided by law. *See* § 905.33(1), Fla. Stat.

For the foregoing reasons, Petitioner respectfully requests that this Court order that a statewide grand jury be impaneled.

Dated this 13th day of December, 2022.



Ron DeSantis  
Governor

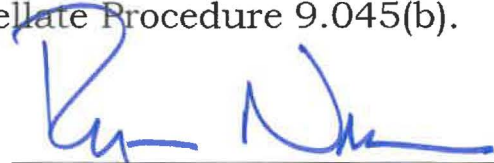


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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this Petition complies with the font requirements of Florida Rule of Appellate Procedure 9.045(b).



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Ryan Newman