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MIAMI HERALD EDITORIAL

# Florida, stop warehousing disabled kids in nursing homes

No disabled child should grow up in a nursing home. That should be obvious — but in Florida, it's not.

For 10 long years, the state has been in court fighting litigation over its system of care for some of Florida's most severely disabled children. About 140 of these kids — “medically fragile” children — do, in fact, live in nursing homes. Another 1,800 are at risk of the same fate. Many of the children require constant care, and parents are forced to leave them in nursing homes. Some spend their entire lives there.

Families who want to bring their children home — and would be able to do so with government-paid, at-home nursing assistance and medical equipment — find themselves caught in what one federal judge called “a maze almost impossible for parents to escape.”

The state has a bewildering system of funding and care involving managed-care providers unaccountable to the state. Few parents in this situation have been able to bring children home, even if the child would be better off there and even if the cost would be similar to what the state spends to keep the child in a nursing-home bed.

## A ray of hope

Now, as the Miami Herald reported, U.S. District Judge Donald M. Middlebrooks has issued a ruling that offers the strongest hope so far that Florida's system might finally be reformed. He ordered that the state impose a series of changes that would require health administrators to provide the nursing that is “minimally necessary” for these children to go home and to keep a record of any failures to comply.

Medicaid generally pays for the care of medically complex children, and costs can run into the millions. The state's Agency for Health Care Administration, which oversees the state Medicaid program, has appealed Middlebrooks' ruling. In the



In an open living room at a pediatric nursing home in Plantation, Florida, Jose Buraschi talks to his son Alessio, sharing family news. Alessio, who has intractable seizures, was moved to Kidz Korner about one year ago. **MARSHA HALPER/MIAMI HERALD**

past, AHCA has argued that the failures to provide adequate care to severely disabled children are the fault of the managed-care companies that contract with the state to provide the services.

## Decade of battling

This long-running battle stems from a lawsuit that said Florida's reliance on nurs-

ing homes in this situation is a violation of the children's civil rights and runs counter to federal laws requiring disabled people to be housed in homes or community settings whenever possible.

As the judge wrote in his order, issued after a trial in May, Florida has made it so hard for parents to obtain the needed care and services outside of institutions that few manage it. In other words, it's

a trap. And one of the biggest problems apparently is that families aren't able to get enough hours of nursing care for their children. The judge suggested raising the wages of nurses as a basic step.

That would seem to be the least we can do, under the circumstances. “The difficulties facing the children and parents in this case are heart wrenching,” Middlebrooks noted. “The parents' love for their children is palpable, and their actions are heroic; they jeopardize their own health, employment and time with their other children in order to care for their medically fragile child in their home.”

The children stuck in nursing homes can find it to be an isolating, lonely and scary experience. Jade Quinones, who spent four years in a pediatric nursing home in Plantation, is now 19.

She communicates by tablet and is an enthusiastic reader. She wants to be a romance author: “I mean, what is not to love about love?”

But she also recounted times, during her nursing home stay, when caregivers didn't keep her clean. She said she felt “fear and panic” when her breathing equipment became dislodged and she had to wait for someone to help. She became depressed and didn't want to wake up, something that has changed now that she has become one of the lucky ones and gone home.

Florida must stop warehousing its most vulnerable children in nursing homes if there are other options. It must stop expecting parents of severely disabled kids, who are already in an unimaginably hard situation, to navigate ridiculous bureaucracy to get the help they need. And it must stop trying to shift the blame to managed-care companies.

This is a failure to do the right thing, and the state needs to take on the responsibility to fix it.

*This editorial reflects the opinion of the Miami Herald Editorial Board.*

## GUEST COLUMNIST

# Election fraud is alive and well in Florida

What if someone told you that the party elites have built-in systemic protections shielding them from competition in election season? You would think it's a conspiracy theory.

But this isn't a fantasy, it's a travesty.

In 1997, before I was even born, over 60% of Floridians cast their ballots up and down the peninsula in favor of opening the primaries when only one party was running candidates. The resulting Universal Primary Amendment requires that primaries must be open to all voters if the winner of the primary will face no opposition in the general election. It's just common sense that if the primary is the de facto general election, all voters should be able to participate. After all, if only Republicans or Democrats are running in a district, why should voters only in that party be able to pick who is going to represent everyone?

The Universal Primary would have solved that ... had it not been for party elites who started recruiting sham candidates. Three years after voters spoke, then Secretary of State Katherine Harris wrote an opinion that if even one person writes in a candidate from the opposing party, it could effectively close the primary again. Write-in candidates don't appear by name on the ballot, so when used nefariously, nobody knows to vote for that candidate except for the write-in candidate themselves. The Florida courts have refused to intervene.

This is the notorious write-in-loop-hole, and for the past 20 years operatives with both the Republican and Democratic parties have used it to close elections. The numbers are staggering. Recent research that looked just at state legislative races found that over 8 million voters — Republicans, Democrats, and independents — all have been shut out. This is not a partisan issue. It is affecting Floridians of every political persuasion. Over 100 races have been closed all over the state of Florida. Imagine how many other state and countywide races have been affected.

How legitimate are these write-in candidates? Most never spent a dime on their campaigns, and had no staff. These are largely paper candidates that Democrats and Republicans have put forth for no other reason than to control the outcome of elections and shut out voters.



**Dariel Cruz Rodriguez**

It's one of the greatest ongoing corruption scandals in the state of Florida.

One need look no further than our friends down south in Collier County, who were recently voting for members of their county commission, including District 4 in which Penny Taylor was an incumbent. Three other candidates from Taylor's party, Republicans, were also vying for the seat,

but no Democrats or third parties filed to run for this seat. This was a Republican-only primary, and in any correct interpretation of the 1997 amendment, it should have been open to all voters to vote. Taylor's opposition grew nervous that hyper-partisan politicking could not win in an election that other parties could vote in, so one supporter by the name of Bill Oppenheimer filed as a Democratic Party write-in candidate and told no one. Because of Oppenheimer's actions, he effectively nuked the entire primary (pun intended), leaving 26,000 non-Republican voters out of this uncontested election. Penny Taylor was unseated in the closed primary shortly after.

That's why I have joined Florida Open Primaries — a coalition of local and national activists — to launch a campaign to document the full extent that write-in candidates have been used to trigger a closed primary election and call on the Legislature to close the write-in loop-hole. This is not the first time Floridians have tried overturning this loophole. In 2017, members of the Constitution Revision Commission drafted language for an amendment that would have eliminated it, but the full Commission voted it down. Now it's time to finish the job.

This tiny loophole has caused disproportionately large consequences for our elections. It's one of the key reasons so many young voters, like myself, have become so cynical about politics in our state.

It's time legislators in Tallahassee put their war aside for once and move to fix this to make elections fairer for all. It's time to close the write-in loophole!

*Dariel Cruz Rodriguez is a native of Orlando and a second-year undergraduate student at The University of Chicago, where he is studying public policy. He is the founder of Students for Open Primaries, a national election reform organization.*



## LETTERS TO THE EDITOR

### Convention center growth isn't community growth

Practically no one on the ground in Central Florida (apart from the embedded hospitality industry) is begging for more hotels and more convention center space. Let's be clear: It's not on anyone's wish list. We're over it. When was the last time you elected to spend your Friday night (or any night) on International Drive? My recommendation to our locally elected leaders before they enlarge the Orange County Convention Center yet again: What type of community do citizens envision in five to 10 years for themselves and their families? It's not complicated. Ask them! We are currently out of balance. We are tilting the wrong way.

To our citizens: Look at your Election Day ballot next time. Vote for the candidate supporting an authentic, well-balanced community. Vote for the community which values quality of life including housing, transit, and a vibrant employee base over sheer impersonal convention volume. Vote for the community that is sustainable and enriching across all spectrums. We're not “unbelievably real” yet. But we could be, with the right decisions.

**C.J. Williams**  
Winter Park

### Native Americans were enslaved too

The Florida Board of Education's recent approval of a social-studies curriculum that includes the idea that enslaved people developed skills that “could be applied for their personal benefit” ignores an import-

ant historical fact: Black people were not the only people enslaved by the colonists (“Editorial: On slavery and race, DeSantis shows his true colors”). Native Americans were enslaved as well, and that fact demolishes the myth that slavery was in any way “beneficial” to the enslaved.

Between 1492 and 1880, roughly 5 million Native Americans were enslaved in the Americas in addition to 13 million African slaves. Native Americans had already been living here for centuries and had prospered. They hunted and fished and lived off the land in harmony with nature. Not only did they not “benefit” from learning farming skills from the white slave masters, it was the Native Americans who taught the white settlers how to hunt and fish and grow crops in foreign (to the settlers) soil.

There is no benefit to teaching that slavery was in any way beneficial, with one exception: it benefits those who wish to convince non-white students that they are “lesser-than” white students and will never be received as or treated as equals.

**David Frank DeLuca**  
Riverview

### DeSantis' racial views are misguided

I agree with your editorial about Ron DeSantis' view on slavery education. I am reminded of what Andrew Gillum, DeSantis's opponent in the 2018 governor's race, said: “Now, I'm not calling Mr. DeSantis a racist, I'm simply saying the racists believe he's a racist.”

**Jan Conroy**  
Winter Springs

## SOMETHING ON YOUR MIND?

Ideal letters to the editor are brief and to the point. Letters may be edited for clarity, accuracy or length. Submissions require the writer's name, address and phone number.

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