

U.S. Municipal Bond Market

Growing Support for Masking in Schools, Legal Battles May Ensnue

- The topic of mask mandates is becoming an issue of contention in select states as the Delta variant is causing the number of COVID-19 cases, hospitalizations, and deaths to continue to rise.
- At least three county school boards in Florida are likely to require masks in classrooms in opposition to an executive order signed by Florida Governor Ron DeSantis last week. The executive order threatens to withhold state aid funding.
- Legal battles may ensue as some question the constitutionality of Governor DeSantis' executive order.
- Nationally, 55% of those polled that they approve of mask requirements. In a Florida-specific poll, 62% said they support masks in Florida schools when classes begin this year.

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New Mask Mandates

The Delta variant is causing the number of new COVID-19 cases and hospitalizations to rise in the U.S. and especially in Florida, according to [New York Times data](#). As a result, mask mandates are being considered and even implemented in some areas across the country, but there is resistance in Florida. On Wednesday, [Illinois announced a mask mandate for schools](#). New York City announced this week that masks will be required for many indoor activities such as dining, entering gyms, and in schools. Some areas in California, such as San Francisco, some northern California counties, and Los Angeles County, have reinstated mask requirements. We have also seen [Washington, D.C. \(indoors and schools\)](#) and the state of Louisiana reinstate mask mandates. Arkansas passed a law banning mask mandates [but now Governor Asa Hutchinson supports masks in schools](#).

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Other areas have taken the opposite approach. Governors in Texas and Iowa signed bills that do not allow mask requirements. [We wrote at the beginning of this week](#) that Florida's governor, while not banning mask mandates, signed an executive order on July 30, 2021, [Florida Executive Order \(21-175\)](#), that could potentially withhold state funding from county school boards if they institute mask mandates.

New Status: Mask Mandates by School Boards in Florida

Toward the middle of this week at least three county school boards ([Alachua, Broward, and Duval](#)) are [choosing to test the governor's authority](#) to withhold funds by requiring masks in their classrooms. Governor DeSantis' authority in this case is still not clear. It is not only being debated and challenged by school boards. Rom Meyer, an education lawyer, has said that the governor's executive order may violate the state constitution, [stating in an interview](#) with Tampa-based national public radio station WUSF 89.7, "In the absence of extraordinary circumstances, which would be codified in an emergency declaration – and we don't have that – you have to look at the constitution and how the people of Florida said their schools should be operated."

Will a Legal Showdown Follow and Will State Aid Be Withheld in Florida?

The question now is: "Will a legal showdown occur between Florida and its county school boards?" It is possible but not a certainty. Another question is: "Will state aid ultimately be withheld?" The answer to this question is still not certain either. Initially this week, Broward County seemed to bend to the governor's executive order, but they have paused as we noted earlier. However, it is quite possible that Broward and other county school boards could be convinced that the legal battle may not be worth it. Broward County Mayor Steve Geller, per Wednesday's [Washington Post](#) [article](#), "questioned the legality of DeSantis's threat to withhold funding and criticized the governor for limiting local public health workers, but said a legal brawl wouldn't be worth the trouble while the county seeks state assistance and funding on other priorities." In an [interview with the Washington Post](#), Geller said, "The governor and legislature have immense influence over Broward County and every county in the state, and I'm not going to poke either of them in the eye."

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Public Opinion About Mask Mandates

Public sentiment is changing where mask mandates are concerned, and this is likely because of the significant rise in virus infections in recent weeks. [A Yahoo News/YouGov poll](#) of 1,552 U.S. adults taken from July 30 to Aug. 2 found that 55% favor making it "mandatory to wear masks in public" and 45% are opposed. A [FloridaPolitics.com poll](#) that considered responses from 3,952 likely Florida voters conducted Aug. 2-3 found that 62% of voters believe masks should be required of Florida students when schools start classes later this month.

A recent FloridaPolitics.com poll found that 62% of voters believe masks should be required of Florida students when schools start classes later this month.

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