

By Senator Bracy

11-00425A-20

2020566\_\_

1                   A bill to be entitled  
2       An act relating to prohibited discrimination;  
3       providing a short title; amending s. 420.516, F.S.;  
4       providing that it is unlawful for sponsors under the  
5       Florida Housing Finance Corporation Act to  
6       discriminate against any person or family because of a  
7       protected hairstyle; amending s. 760.01, F.S.;  
8       revising the purposes of the Florida Civil Rights Act  
9       of 1992 to conform to changes made by the act;  
10      reordering and amending s. 760.02, F.S.; defining the  
11      term "protected hairstyle"; amending s. 760.05, F.S.;  
12      revising the functions of the Florida Commission on  
13      Human Relations to conform to changes made by the act;  
14      amending s. 760.07, F.S.; revising provisions  
15      regarding remedies for unlawful discrimination to  
16      conform to changes made by the act; amending s.  
17      760.10, F.S.; adding protected hairstyle as  
18      impermissible grounds for discrimination with respect  
19      to specified unlawful employment practices; amending  
20      s. 760.23, F.S.; adding protected hairstyle as  
21      impermissible grounds for discrimination with respect  
22      to specified unlawful practices relating to the sale  
23      and rental of housing; amending s. 760.25, F.S.;  
24      adding protected hairstyle as impermissible grounds  
25      for discrimination with respect to specified practices  
26      relating to the financing of housing and real estate  
27      transactions; amending s. 1000.05, F.S.; defining the  
28      term "protected hairstyle"; prohibiting discrimination  
29      based on protected hairstyle in the Florida K-20

11-00425A-20

2020566\_\_

30 public education system; amending s. 1002.20, F.S.;

31 conforming a provision to changes made by the act;

32 reenacting s. 420.5087(6)(i), F.S., relating to the

33 State Apartment Incentive Loan Program, to incorporate

34 the amendments made to s. 420.516, F.S.; providing an

35 effective date.

36

37 WHEREAS, the history of our nation has been riddled with

38 laws and societal norms that equated "blackness" and its

39 associated physical traits as inferior to European physical

40 features, and

41 WHEREAS, this idea also permeates a societal understanding

42 of professionalism that was, and still is, closely linked to

43 European features and mannerisms and which entails that those

44 who do not naturally conform to Eurocentric norms must alter

45 their appearance to meet such norms and be considered

46 professional, and

47 WHEREAS, hair has been, and remains, a rampant source of

48 racial discrimination that has caused serious economic and

49 health ramifications, and

50 WHEREAS, workplace and school dress code policies that

51 prohibit natural hair, including afros, and certain hairstyles,

52 such as braids, twists, and locks, have a disparate impact on

53 black individuals as these policies are more likely to burden or

54 punish black employees and students compared to other groups,

55 and

56 WHEREAS, federal courts accept that Title VII of the Civil

57 Rights Act of 1964 prohibits discrimination based on race, and

58 therefore protects against discrimination against afros, and

11-00425A-20

2020566\_\_

59 WHEREAS, afros are not the only natural presentation of  
60 black hair because black hair can also be naturally presented in  
61 styles such as braids, twists, and locks, NOW, THEREFORE,  
62

63 Be It Enacted by the Legislature of the State of Florida:  
64

65 Section 1. This act may be cited as the "Creating a  
66 Respectful and Open World for Natural Hair Act" or "CROWN Act."

67 Section 2. Section 420.516, Florida Statutes, is amended to  
68 read:

69 420.516 Discrimination prohibited.—It is an unlawful  
70 practice for a sponsor, while bonds are outstanding for the  
71 purpose of funding or financing the sponsor's project, to  
72 discriminate against any person or family because of race,  
73 color, religion, sex, national origin, protected hairstyle as  
74 defined in s. 760.02, or marital status.

75 Section 3. Subsection (2) of section 760.01, Florida  
76 Statutes, is amended, and subsection (1) of that section is  
77 republished, to read:

78 760.01 Purposes; construction; title.—

79 (1) Sections 760.01-760.11 and 509.092 shall be cited as  
80 the "Florida Civil Rights Act of 1992."

81 (2) The general purposes of the Florida Civil Rights Act of  
82 1992 are to secure for all individuals within the state freedom  
83 from discrimination because of race, color, religion, sex,  
84 pregnancy, national origin, age, protected hairstyle, handicap,  
85 or marital status and thereby to protect their interest in  
86 personal dignity, to make available to the state their full  
87 productive capacities, to secure the state against domestic

11-00425A-20

2020566\_\_

88 strife and unrest, to preserve the public safety, health, and  
89 general welfare, and to promote the interests, rights, and  
90 privileges of individuals within the state.

91 Section 4. Section 760.02, Florida Statutes, is reordered  
92 and amended to read:

93 760.02 Definitions.—For the purposes of ss. 760.01-760.11  
94 and 509.092, the term:

95 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss. 760.01-  
96 760.11 and 509.092.

97 (2) "Commission" means the Florida Commission on Human  
98 Relations created by s. 760.03.

99 (3) "Commissioner" or "member" means a member of the  
100 commission.

101 (4) "Discriminatory practice" means any practice made  
102 unlawful by the Florida Civil Rights Act of 1992.

103 (9)~~(5)~~ "National origin" includes ancestry.

104 (10)~~(6)~~ "Person" includes an individual, association,  
105 corporation, joint apprenticeship committee, joint-stock  
106 company, labor union, legal representative, mutual company,  
107 partnership, receiver, trust, trustee in bankruptcy, or  
108 unincorporated organization; any other legal or commercial  
109 entity; the state; or any governmental entity or agency.

110 (5)~~(7)~~ "Employer" means any person employing 15 or more  
111 employees for each working day in each of 20 or more calendar  
112 weeks in the current or preceding calendar year, and any agent  
113 of such a person.

114 (6)~~(8)~~ "Employment agency" means any person regularly  
115 undertaking, with or without compensation, to procure employees  
116 for an employer or to procure for employees opportunities to

11-00425A-20

2020566\_\_

117 work for an employer, and includes an agent of such a person.

118 (11) "Protected hairstyle" means hair characteristics  
119 historically associated with race, such as hair texture and  
120 styles, including, but not limited to, braids, locks, or twists.

121 (8)-(9) "Labor organization" means any organization that  
122 ~~which~~ exists for the purpose, in whole or in part, of collective  
123 bargaining or of dealing with employers concerning grievances,  
124 terms or conditions of employment, or other mutual aid or  
125 protection in connection with employment.

126 (1)-(10) "Aggrieved person" means any person who files a  
127 complaint with the Florida Commission on Human Relations  
128 Commission.

129 (12)-(11) "Public accommodations" means places of public  
130 accommodation, lodgings, facilities principally engaged in  
131 selling food for consumption on the premises, gasoline stations,  
132 places of exhibition or entertainment, and other covered  
133 establishments. Each of the following establishments which  
134 serves the public is a place of public accommodation within the  
135 meaning of this section:

136 (a) Any inn, hotel, motel, or other establishment that  
137 ~~which~~ provides lodging to transient guests, other than an  
138 establishment located within a building that ~~which~~ contains not  
139 more than four rooms for rent or hire and that ~~which~~ is actually  
140 occupied by the proprietor of such establishment as his or her  
141 residence.

142 (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
143 soda fountain, or other facility principally engaged in selling  
144 food for consumption on the premises, including, but not limited  
145 to, any such facility located on the premises of any retail

11-00425A-20

2020566\_\_

146 establishment, or any gasoline station.

147 (c) Any motion picture theater, theater, concert hall,  
148 sports arena, stadium, or other place of exhibition or  
149 entertainment.

150 (d) Any establishment that ~~which~~ is physically located  
151 within the premises of any establishment otherwise covered by  
152 this subsection, or within the premises of which is physically  
153 located any such covered establishment, and that ~~which~~ holds  
154 itself out as serving patrons of such covered establishment.

155 Section 5. Section 760.05, Florida Statutes, is amended to  
156 read:

157 760.05 Functions of the commission.—The commission shall  
158 promote and encourage fair treatment and equal opportunity for  
159 all persons regardless of race, color, religion, sex, pregnancy,  
160 national origin, age, protected hairstyle, handicap, or marital  
161 status and mutual understanding and respect among all members of  
162 all economic, social, racial, religious, and ethnic groups; and  
163 shall endeavor to eliminate discrimination against, and  
164 antagonism between, religious, racial, and ethnic groups and  
165 their members.

166 Section 6. Section 760.07, Florida Statutes, is amended to  
167 read:

168 760.07 Remedies for unlawful discrimination.—Any violation  
169 of any state law ~~Florida statute~~ making unlawful discrimination  
170 because of race, color, religion, gender, pregnancy, national  
171 origin, age, protected hairstyle, handicap, or marital status in  
172 the areas of education, employment, housing, or public  
173 accommodations gives rise to a cause of action for all relief  
174 and damages described in s. 760.11(5), unless greater damages

11-00425A-20

2020566\_\_

175 are expressly provided for. If the statute prohibiting unlawful  
176 discrimination provides an administrative remedy, the action for  
177 equitable relief and damages provided for in this section may be  
178 initiated only after the plaintiff has exhausted his or her  
179 administrative remedy. The term "public accommodations" does not  
180 include lodge halls or other similar facilities of private  
181 organizations which are made available for public use  
182 occasionally or periodically. The right to trial by jury is  
183 preserved in any case in which the plaintiff is seeking actual  
184 or punitive damages.

185 Section 7. Subsections (1) and (2), paragraphs (a) and (b)  
186 of subsection (3), subsections (4), (5), and (6), paragraph (a)  
187 of subsection (8), and subsection (9) of section 760.10, Florida  
188 Statutes, are amended, and subsection (10) of that section is  
189 republished, to read:

190 760.10 Unlawful employment practices.—

191 (1) It is an unlawful employment practice for an employer:

192 (a) To discharge or to fail or refuse to hire any  
193 individual, or otherwise to discriminate against any individual  
194 with respect to compensation, terms, conditions, or privileges  
195 of employment, because of such individual's race, color,  
196 religion, sex, pregnancy, national origin, age, protected  
197 hairstyle, handicap, or marital status.

198 (b) To limit, segregate, or classify employees or  
199 applicants for employment in any way that ~~which~~ would deprive or  
200 tend to deprive any individual of employment opportunities, or  
201 adversely affect any individual's status as an employee, because  
202 of such individual's race, color, religion, sex, pregnancy,  
203 national origin, age, protected hairstyle, handicap, or marital

11-00425A-20

2020566\_\_

204 status.

205 (2) It is an unlawful employment practice for an employment  
206 agency to fail or refuse to refer for employment, or otherwise  
207 to discriminate against, any individual because of race, color,  
208 religion, sex, pregnancy, national origin, age, protected  
209 hairstyle, handicap, or marital status or to classify or refer  
210 for employment any individual on the basis of race, color,  
211 religion, sex, pregnancy, national origin, age, protected  
212 hairstyle, handicap, or marital status.

213 (3) It is an unlawful employment practice for a labor  
214 organization:

215 (a) To exclude or to expel from its membership, or  
216 otherwise to discriminate against, any individual because of  
217 race, color, religion, sex, pregnancy, national origin, age,  
218 protected hairstyle, handicap, or marital status.

219 (b) To limit, segregate, or classify its membership or  
220 applicants for membership, or to classify or fail or refuse to  
221 refer for employment any individual, in any way that would  
222 deprive or tend to deprive any individual of employment  
223 opportunities, or adversely affect any individual's status as an  
224 employee or as an applicant for employment, because of such  
225 individual's race, color, religion, sex, pregnancy, national  
226 origin, age, protected hairstyle, handicap, or marital status.

227 (4) It is an unlawful employment practice for any employer,  
228 labor organization, or joint labor-management committee  
229 controlling apprenticeship or other training or retraining,  
230 including on-the-job training programs, to discriminate against  
231 any individual because of race, color, religion, sex, pregnancy,  
232 national origin, age, protected hairstyle, handicap, or marital



11-00425A-20

2020566\_\_

233 status in admission to, or employment in, any program  
234 established to provide apprenticeship or other training.

235 (5) Whenever, in order to engage in a profession,  
236 occupation, or trade, it is required that a person receive a  
237 license, certification, or other credential;~~;~~ become a member or  
238 an associate of any club, association, or other organization;~~;~~  
239 or pass any examination, it is an unlawful employment practice  
240 for any person to discriminate against any other person seeking  
241 such license, certification, or other credential;~~;~~ seeking to  
242 become a member or associate of such club, association, or other  
243 organization;~~;~~ or seeking to take or pass such examination,  
244 because of such other person's race, color, religion, sex,  
245 pregnancy, national origin, age, protected hairstyle, handicap,  
246 or marital status.

247 (6) It is an unlawful employment practice for an employer,  
248 a labor organization, an employment agency, or a joint labor-  
249 management committee to print, or cause to be printed or  
250 published, any notice or advertisement relating to employment,  
251 membership, classification, referral for employment, or  
252 apprenticeship or other training which indicates,~~indicating~~ any  
253 preference, limitation, specification, or discrimination~~;~~ based  
254 on race, color, religion, sex, pregnancy, national origin, age,  
255 protected hairstyle, absence of handicap, or marital status.

256 (8) Notwithstanding any other provision of this section, it  
257 is not an unlawful employment practice under ss. 760.01-760.10  
258 for an employer, employment agency, labor organization, or joint  
259 labor-management committee to:

260 (a) Take or fail to take any action on the basis of  
261 religion, sex, pregnancy, national origin, age, protected

11-00425A-20

2020566\_\_

262 hairstyle, handicap, or marital status in those certain  
263 instances in which religion, sex, condition of pregnancy,  
264 national origin, age, protected hairstyle, absence of a  
265 particular handicap, or marital status is a bona fide  
266 occupational qualification reasonably necessary for the  
267 performance of the particular employment to which such action or  
268 inaction is related.

269 (9) (a) This section does ~~shall~~ not apply to any religious  
270 corporation, association, educational institution, or society  
271 that ~~which~~ conditions opportunities in the area of employment or  
272 public accommodation to members of that religious corporation,  
273 association, educational institution, or society or to persons  
274 who subscribe to its tenets or beliefs.

275 (b) This section does ~~shall~~ not prohibit a religious  
276 corporation, association, educational institution, or society  
277 from giving preference in employment to individuals of a  
278 particular religion to perform work connected with the carrying  
279 on by such corporations, associations, educational institutions,  
280 or societies of its various activities.

281 (10) Each employer, employment agency, and labor  
282 organization shall post and keep posted in conspicuous places  
283 upon its premises a notice provided by the commission setting  
284 forth such information as the commission deems appropriate to  
285 effectuate the purposes of ss. 760.01-760.10.

286 Section 8. Subsections (1) through (5) of section 760.23,  
287 Florida Statutes, are amended to read:

288 760.23 Discrimination in the sale or rental of housing and  
289 other prohibited practices.—

290 (1) It is unlawful to refuse to sell or rent after the

11-00425A-20

2020566\_\_

291 making of a bona fide offer, to refuse to negotiate for the sale  
292 or rental of, or otherwise to make unavailable or deny a  
293 dwelling to any person because of race, color, national origin,  
294 sex, handicap, familial status, protected hairstyle as defined  
295 in s. 760.02, or religion.

296 (2) It is unlawful to discriminate against any person in  
297 the terms, conditions, or privileges of sale or rental of a  
298 dwelling, or in the provision of services or facilities in  
299 connection therewith, because of race, color, national origin,  
300 sex, handicap, familial status, protected hairstyle as defined  
301 in s. 760.02, or religion.

302 (3) It is unlawful to make, print, or publish, or cause to  
303 be made, printed, or published, any notice, statement, or  
304 advertisement with respect to the sale or rental of a dwelling  
305 which ~~that~~ indicates any preference, limitation, or  
306 discrimination based on race, color, national origin, sex,  
307 handicap, familial status, protected hairstyle as defined in s.  
308 760.02, or religion or an intention to make any such preference,  
309 limitation, or discrimination.

310 (4) It is unlawful to represent to any person because of  
311 race, color, national origin, sex, handicap, familial status,  
312 protected hairstyle as defined in s. 760.02, or religion that  
313 any dwelling is not available for inspection, sale, or rental  
314 when such dwelling is in fact so available.

315 (5) It is unlawful, for profit, to induce or attempt to  
316 induce any person to sell or rent any dwelling by a  
317 representation regarding the entry or prospective entry into the  
318 neighborhood of a person or persons of a particular race, color,  
319 national origin, sex, handicap, familial status, protected

11-00425A-20

2020566\_\_

320 hairstyle as defined in s. 760.02, or religion.

321 Section 9. Section 760.25, Florida Statutes, is amended to  
322 read:

323 760.25 Discrimination in the financing of housing or in  
324 residential real estate transactions.—

325 (1) It is unlawful for any bank, building and loan  
326 association, insurance company, or other corporation,  
327 association, firm, or enterprise the business of which consists  
328 in whole or in part of the making of commercial real estate  
329 loans to deny a loan or other financial assistance to a person  
330 applying for the loan for the purpose of purchasing,  
331 constructing, improving, repairing, or maintaining a dwelling,  
332 or to discriminate against him or her in the fixing of the  
333 amount, interest rate, duration, or other term or condition of  
334 such loan or other financial assistance, because of the race,  
335 color, national origin, sex, handicap, familial status,  
336 protected hairstyle as defined in s. 760.02, or religion of such  
337 person or of any person associated with him or her in connection  
338 with such loan or other financial assistance or the purposes of  
339 such loan or other financial assistance, or because of the race,  
340 color, national origin, sex, handicap, familial status,  
341 protected hairstyle as defined in s. 760.02, or religion of the  
342 present or prospective owners, lessees, tenants, or occupants of  
343 the dwelling or dwellings in relation to which such loan or  
344 other financial assistance is to be made or given.

345 (2) (a) It is unlawful for any person or entity whose  
346 business includes engaging in residential real estate  
347 transactions to discriminate against any person in making  
348 available such a transaction, or in the terms or conditions of

11-00425A-20

2020566\_\_

349 such a transaction, because of race, color, national origin,  
350 sex, handicap, familial status, protected hairstyle as defined  
351 in s. 760.02, or religion.

352 (b) As used in this subsection, the term "residential real  
353 estate transaction" means any of the following:

354 1. The making or purchasing of loans or providing other  
355 financial assistance:

356 a. For purchasing, constructing, improving, repairing, or  
357 maintaining a dwelling; or

358 b. Secured by residential real estate.

359 2. The selling, brokering, or appraising of residential  
360 real property.

361 Section 10. Subsection (2) of section 1000.05, Florida  
362 Statutes, is amended to read:

363 1000.05 Discrimination against students and employees in  
364 the Florida K-20 public education system prohibited; equality of  
365 access required.-

366 (2) (a) As used in this section, the term "protected  
367 hairstyle" has the same meaning as in s. 760.02.

368 (b) Discrimination on the basis of race, ethnicity,  
369 protected hairstyle, national origin, gender, disability,  
370 religion, or marital status against a student or an employee in  
371 the state system of public K-20 education is prohibited. No  
372 person in this state shall, on the basis of race, ethnicity,  
373 protected hairstyle, national origin, gender, disability,  
374 religion, or marital status, be excluded from participation in,  
375 be denied the benefits of, or be subjected to discrimination  
376 under any public K-20 education program or activity, or in any  
377 employment conditions or practices, conducted by a public

11-00425A-20

2020566\_\_

378 educational institution that receives or benefits from federal  
379 or state financial assistance.

380 (c)~~(b)~~ The criteria for admission to a program or course  
381 shall not have the effect of restricting access by persons of a  
382 particular race, ethnicity, protected hairstyle, national  
383 origin, gender, disability, religion, or marital status.

384 (d)~~(e)~~ All public K-20 education classes shall be available  
385 to all students without regard to race, ethnicity, protected  
386 hairstyle, national origin, gender, disability, religion, or  
387 marital status; however, this is not intended to eliminate the  
388 provision of programs designed to meet the needs of students  
389 with limited proficiency in English, gifted students, or  
390 students with disabilities or programs tailored to students with  
391 specialized talents or skills.

392 (e)~~(d)~~ Students may be separated by gender for a single-  
393 gender program as provided under s. 1002.311, for any portion of  
394 a class that deals with human reproduction, or during  
395 participation in bodily contact sports. For the purpose of this  
396 section, bodily contact sports include wrestling, boxing, rugby,  
397 ice hockey, football, basketball, and other sports in which the  
398 purpose or major activity involves bodily contact.

399 (f)~~(e)~~ Guidance services, counseling services, and  
400 financial assistance services in the state public K-20 education  
401 system shall be available to students equally. Guidance and  
402 counseling services, materials, and promotional events shall  
403 stress access to academic and career opportunities for students  
404 without regard to race, ethnicity, protected hairstyle, national  
405 origin, gender, disability, religion, or marital status.

406 Section 11. Subsection (7) of section 1002.20, Florida

11-00425A-20

2020566\_\_

407 Statutes, is amended to read:

408 1002.20 K-12 student and parent rights.—Parents of public  
409 school students must receive accurate and timely information  
410 regarding their child's academic progress and must be informed  
411 of ways they can help their child to succeed in school. K-12  
412 students and their parents are afforded numerous statutory  
413 rights including, but not limited to, the following:

414 (7) NONDISCRIMINATION.—All education programs, activities,  
415 and opportunities offered by public educational institutions  
416 must be made available without discrimination on the basis of  
417 race, ethnicity, protected hairstyle as defined in s. 1000.05,  
418 national origin, gender, disability, religion, or marital  
419 status, in accordance with the provisions of s. 1000.05.

420 Section 12. For the purpose of incorporating the amendment  
421 made by this act to section 420.516, Florida Statutes, in a  
422 reference thereto, paragraph (i) of subsection (6) of section  
423 420.5087, Florida Statutes, is reenacted to read:

424 420.5087 State Apartment Incentive Loan Program.—There is  
425 hereby created the State Apartment Incentive Loan Program for  
426 the purpose of providing first, second, or other subordinated  
427 mortgage loans or loan guarantees to sponsors, including for-  
428 profit, nonprofit, and public entities, to provide housing  
429 affordable to very-low-income persons.

430 (6) On all state apartment incentive loans, except loans  
431 made to housing communities for the elderly to provide for  
432 lifesafety, building preservation, health, sanitation, or  
433 security-related repairs or improvements, the following  
434 provisions shall apply:

435 (i) The discrimination provisions of s. 420.516 shall apply

11-00425A-20

2020566\_\_

436 to all loans.

437 Section 13. This act shall take effect July 1, 2020.