

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  
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

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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

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  
68 to 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  
 82 of 1992 are to secure for all individuals within the state  
 83 freedom from discrimination because of race, color, religion,  
 84 sex, pregnancy, national origin, age, protected hairstyle,  
 85 handicap, or marital status and thereby to protect their  
 86 interest in personal dignity, to make available to the state  
 87 their full productive capacities, to secure the state against  
 88 domestic strife and unrest, to preserve the public safety,  
 89 health, and general welfare, and to promote the interests,  
 90 rights, and 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.  
 96 760.01-760.11 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  
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  
 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  
 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  
204 status.

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

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226 | origin, age, protected hairstyle, handicap, or marital status.

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

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

248 |       (6) It is an unlawful employment practice for an employer,  
249 | a labor organization, an employment agency, or a joint labor-  
250 | management committee to print, or cause to be printed or

251 published, any notice or advertisement relating to employment,  
252 membership, classification, referral for employment, or  
253 apprenticeship or other training which indicates, ~~indicating~~ any  
254 preference, limitation, specification, or discrimination, based  
255 on race, color, religion, sex, pregnancy, national origin, age,  
256 protected hairstyle, absence of handicap, or marital status.

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

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

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

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

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

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

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

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

297        (2) It is unlawful to discriminate against any person in  
 298 the terms, conditions, or privileges of sale or rental of a  
 299 dwelling, or in the provision of services or facilities in  
 300 connection therewith, because of race, color, national origin,

301 sex, handicap, familial status, protected hairstyle as defined  
302 in s. 760.02, or religion.

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

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

316 (5) It is unlawful, for profit, to induce or attempt to  
317 induce any person to sell or rent any dwelling by a  
318 representation regarding the entry or prospective entry into the  
319 neighborhood of a person or persons of a particular race, color,  
320 national origin, sex, handicap, familial status, protected  
321 hairstyle as defined in s. 760.02, or religion.

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

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

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

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

351 sex, handicap, familial status, protected hairstyle as defined  
352 in s. 760.02, or religion.

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

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

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

359 b. Secured by residential real estate.

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

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

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

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

369 (b) Discrimination on the basis of race, ethnicity,  
370 protected hairstyle, national origin, gender, disability,  
371 religion, or marital status against a student or an employee in  
372 the state system of public K-20 education is prohibited. No  
373 person in this state shall, on the basis of race, ethnicity,  
374 protected hairstyle, national origin, gender, disability,  
375 religion, or marital status, be excluded from participation in,

376 | be denied the benefits of, or be subjected to discrimination  
377 | under any public K-20 education program or activity, or in any  
378 | employment conditions or practices, conducted by a public  
379 | educational institution that receives or benefits from federal  
380 | or state financial assistance.

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

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

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

400 |        (f)~~(e)~~ Guidance services, counseling services, and

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

407 Section 11. Subsection (7) of section 1002.20, Florida  
408 Statutes, is amended to read:

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

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

421 Section 12. For the purpose of incorporating the amendment  
422 made by this act to section 420.516, Florida Statutes, in a  
423 reference thereto, paragraph (i) of subsection (6) of section  
424 420.5087, Florida Statutes, is reenacted to read:

425 420.5087 State Apartment Incentive Loan Program.—There is

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

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

436 (i) The discrimination provisions of s. 420.516 shall  
437 apply to all loans.

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