

1 A bill to be entitled
2 An act relating to prohibited discrimination based on
3 hairstyle; providing a short title; amending s.
4 420.516, F.S.; providing that it is unlawful for
5 sponsors under the Florida Housing Finance Corporation
6 Act to discriminate against any person or family
7 because of a protected hairstyle; amending s. 760.01,
8 F.S.; revising the purposes of the Florida Civil
9 Rights Act of 1992 to conform to changes made by the
10 act; reordering and amending s. 760.02, F.S.; defining
11 the term "protected hairstyle"; amending s. 760.05,
12 F.S.; revising the functions of the Florida Commission
13 on Human Relations to conform to changes made by the
14 act; 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 (1)~~(10)~~ "Aggrieved person" means any person who files a
 96 complaint with the ~~Human Relations~~ commission.

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

107 (6)~~(8)~~ "Employment agency" means any person regularly
 108 undertaking, with or without compensation, to procure employees
 109 for an employer or to procure for employees opportunities to
 110 work for an employer, and includes an agent of such a person.

111 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss.
 112 760.01-760.11 and 509.092.

113 (8)~~(9)~~ "Labor organization" means any organization that
 114 ~~which~~ exists for the purpose, in whole or in part, of collective
 115 bargaining or of dealing with employers concerning grievances,
 116 terms or conditions of employment, or other mutual aid or
 117 protection in connection with employment.

118 (9)~~(5)~~ "National origin" includes ancestry.

119 (10)~~(6)~~ "Person" includes an individual, association,
 120 corporation, joint apprenticeship committee, joint-stock
 121 company, labor union, legal representative, mutual company,
 122 partnership, receiver, trust, trustee in bankruptcy, or
 123 unincorporated organization; any other legal or commercial
 124 entity; the state; or any governmental entity or agency.

125 (11) "Protected hairstyle" means hair characteristics

126 | historically associated with race, such as hair texture and
 127 | styles, including, but not limited to, braids, locks, or twists.

128 | (12)~~(11)~~ "Public accommodations" means places of public
 129 | accommodation, lodgings, facilities principally engaged in
 130 | selling food for consumption on the premises, gasoline stations,
 131 | places of exhibition or entertainment, and other covered
 132 | establishments. Each of the following establishments which
 133 | serves the public is a place of public accommodation within the
 134 | meaning of this section:

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

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

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

149 | (d) Any establishment that ~~which~~ is physically located
 150 | within the premises of any establishment otherwise covered by

151 | this subsection, or within the premises of which is physically
 152 | located any such covered establishment, and that ~~which~~ holds
 153 | itself out as serving patrons of such covered establishment.

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

156 | 760.05 Functions of the commission.—The commission shall
 157 | promote and encourage fair treatment and equal opportunity for
 158 | all persons regardless of race, color, religion, sex, pregnancy,
 159 | national origin, age, protected hairstyle, handicap, or marital
 160 | status and mutual understanding and respect among all members of
 161 | all economic, social, racial, religious, and ethnic groups; and
 162 | shall endeavor to eliminate discrimination against, and
 163 | antagonism between, religious, racial, and ethnic groups and
 164 | their members.

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

167 | 760.07 Remedies for unlawful discrimination.—Any violation
 168 | of any state law ~~Florida statute~~ that makes unlawful
 169 | discrimination because of race, color, religion, gender,
 170 | pregnancy, national origin, age, protected hairstyle, handicap,
 171 | or marital status in the areas of education, employment, or
 172 | public accommodations gives rise to a cause of action for all
 173 | relief and damages described in s. 760.11(5), unless greater
 174 | damages are expressly provided for. If the statute prohibiting
 175 | unlawful discrimination provides an administrative remedy, the

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

184 | Section 7. Section 760.10, Florida Statutes, is amended to
185 | read:

186 | 760.10 Unlawful employment practices.—

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

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

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

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

209 (3) It is an unlawful employment practice for a labor
210 organization:

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

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

223 (c) To cause or attempt to cause an employer to
224 discriminate against an individual in violation of this section.

225 (4) It is an unlawful employment practice for any

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

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

246 | (6) It is an unlawful employment practice for an employer,
247 | a labor organization, an employment agency, or a joint labor-
248 | management committee to print, or cause to be printed or
249 | published, any notice or advertisement relating to employment,
250 | membership, classification, referral for employment, or

251 apprenticeship or other training which indicates, ~~indicating~~ any
252 preference, limitation, specification, or discrimination, based
253 on race, color, religion, sex, pregnancy, national origin, age,
254 protected hairstyle, absence of handicap, or marital status.

255 (7) It is an unlawful employment practice for an employer,
256 an employment agency, a joint labor-management committee, or a
257 labor organization to discriminate against any person because
258 that person has opposed any practice which is an unlawful
259 employment practice under this section, or because that person
260 has made a charge, testified, assisted, or participated in any
261 manner in an investigation, proceeding, or hearing under this
262 section.

263 (8) Notwithstanding any other provision of this section,
264 it is not an unlawful employment practice under ss. 760.01-
265 760.10 for an employer, an employment agency, a labor
266 organization, or a joint labor-management committee to:

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

276 (b) Observe the terms of a bona fide seniority system, a
277 bona fide employee benefit plan such as a retirement, pension,
278 or insurance plan, or a system which measures earnings by
279 quantity or quality of production, which is not designed,
280 intended, or used to evade the purposes of ss. 760.01-760.10.
281 However, no such employee benefit plan or system which measures
282 earnings shall excuse the failure to hire, and no such seniority
283 system, employee benefit plan, or system which measures earnings
284 shall excuse the involuntary retirement of, any individual on
285 the basis of any factor not related to the ability of such
286 individual to perform the particular employment for which such
287 individual has applied or in which such individual is engaged.
288 This subsection shall not be construed to make unlawful the
289 rejection or termination of employment when the individual
290 applicant or employee has failed to meet bona fide requirements
291 for the job or position sought or held or to require any changes
292 in any bona fide retirement or pension programs or existing
293 collective bargaining agreements during the life of the
294 contract, or for 2 years after October 1, 1981, whichever occurs
295 first, nor shall this act preclude such physical and medical
296 examinations of applicants and employees as an employer may
297 require of applicants and employees to determine fitness for the
298 job or position sought or held.

299 (c) Take or fail to take any action on the basis of age,
300 pursuant to law or regulation governing any employment or

301 training program designed to benefit persons of a particular age
302 group.

303 (d) Take or fail to take any action on the basis of
304 marital status if that status is prohibited under its
305 antinepotism policy.

306 (9) (a) This section does ~~shall~~ not apply to any religious
307 corporation, association, educational institution, or society
308 that ~~which~~ conditions opportunities in the area of employment or
309 public accommodation to members of that religious corporation,
310 association, educational institution, or society or to persons
311 who subscribe to its tenets or beliefs.

312 (b) This section does ~~shall~~ not prohibit a religious
313 corporation, association, educational institution, or society
314 from giving preference in employment to individuals of a
315 particular religion to perform work connected with the carrying
316 on by such corporations, associations, educational institutions,
317 or societies of its various activities.

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

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

325 760.23 Discrimination in the sale or rental of housing and

326 other prohibited practices.—

327 (1) It is unlawful to refuse to sell or rent after the
328 making of a bona fide offer, to refuse to negotiate for the sale
329 or rental of, or otherwise to make unavailable or deny a
330 dwelling to any person because of race, color, national origin,
331 sex, disability, familial status, protected hairstyle as defined
332 in s. 760.02, or religion.

333 (2) It is unlawful to discriminate against any person in
334 the terms, conditions, or privileges of sale or rental of a
335 dwelling, or in the provision of services or facilities in
336 connection therewith, because of race, color, national origin,
337 sex, disability, familial status, protected hairstyle as defined
338 in s. 760.02, or religion.

339 (3) It is unlawful to make, print, or publish, or cause to
340 be made, printed, or published, any notice, statement, or
341 advertisement with respect to the sale or rental of a dwelling
342 which ~~that~~ indicates any preference, limitation, or
343 discrimination based on race, color, national origin, sex,
344 disability, familial status, protected hairstyle as defined in
345 s. 760.02, or religion or an intention to make any such
346 preference, limitation, or discrimination.

347 (4) It is unlawful to represent to any person because of
348 race, color, national origin, sex, disability, familial status,
349 protected hairstyle as defined in s. 760.02, or religion that
350 any dwelling is not available for inspection, sale, or rental

351 when such dwelling is in fact so available.

352 (5) It is unlawful, for profit, to induce or attempt to
353 induce any person to sell or rent any dwelling by a
354 representation regarding the entry or prospective entry into the
355 neighborhood of a person or persons of a particular race, color,
356 national origin, sex, disability, familial status, protected
357 hairstyle as defined in s. 760.02, or religion.

358 Section 9. Subsection (1) and paragraph (a) of subsection
359 (2) of section 760.25, Florida Statutes, are amended to read:

360 760.25 Discrimination in the financing of housing or in
361 residential real estate transactions.—

362 (1) It is unlawful for any bank, building and loan
363 association, insurance company, or other corporation,
364 association, firm, or enterprise the business of which consists
365 in whole or in part of the making of commercial real estate
366 loans to deny a loan or other financial assistance to a person
367 applying for the loan for the purpose of purchasing,
368 constructing, improving, repairing, or maintaining a dwelling,
369 or to discriminate against him or her in the fixing of the
370 amount, interest rate, duration, or other term or condition of
371 such loan or other financial assistance, because of the race,
372 color, national origin, sex, disability, familial status,
373 protected hairstyle as defined in s. 760.02, or religion of such
374 person or of any person associated with him or her in connection
375 with such loan or other financial assistance or the purposes of

376 such loan or other financial assistance, or because of the race,
 377 color, national origin, sex, disability, familial status,
 378 protected hairstyle as defined in s. 760.02, or religion of the
 379 present or prospective owners, lessees, tenants, or occupants of
 380 the dwelling or dwellings in relation to which such loan or
 381 other financial assistance is to be made or given.

382 (2) (a) It is unlawful for any person or entity whose
 383 business includes engaging in residential real estate
 384 transactions to discriminate against any person in making
 385 available such a transaction, or in the terms or conditions of
 386 such a transaction, because of race, color, national origin,
 387 sex, disability, familial status, protected hairstyle as defined
 388 in s. 760.02, or religion.

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

391 1000.05 Discrimination against students and employees in
 392 the Florida K-20 public education system prohibited; equality of
 393 access required.-

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

396 (b) Discrimination on the basis of race, ethnicity,
 397 protected hairstyle, national origin, gender, disability,
 398 religion, or marital status against a student or an employee in
 399 the state system of public K-20 education is prohibited. No
 400 person in this state shall, on the basis of race, ethnicity,

401 protected hairstyle, national origin, gender, disability,
402 religion, or marital status, be excluded from participation in,
403 be denied the benefits of, or be subjected to discrimination
404 under any public K-20 education program or activity, or in any
405 employment conditions or practices, conducted by a public
406 educational institution that receives or benefits from federal
407 or state financial assistance.

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

412 (d)~~(e)~~ All public K-20 education classes shall be
413 available to all students without regard to race, ethnicity,
414 protected hairstyle, national origin, gender, disability,
415 religion, or marital status; however, this is not intended to
416 eliminate the provision of programs designed to meet the needs
417 of students with limited proficiency in English, gifted
418 students, or students with disabilities or programs tailored to
419 students with specialized talents or skills.

420 (e)~~(d)~~ Students may be separated by gender for a single-
421 gender program as provided under s. 1002.311, for any portion of
422 a class that deals with human reproduction, or during
423 participation in bodily contact sports. For the purpose of this
424 section, bodily contact sports include wrestling, boxing, rugby,
425 ice hockey, football, basketball, and other sports in which the

426 | purpose or major activity involves bodily contact.

427 | ~~(f)(e)~~ Guidance services, counseling services, and
428 | financial assistance services in the state public K-20 education
429 | system shall be available to students equally. Guidance and
430 | counseling services, materials, and promotional events shall
431 | stress access to academic and career opportunities for students
432 | without regard to race, ethnicity, protected hairstyle, national
433 | origin, gender, disability, religion, or marital status.

434 | Section 11. Subsection (7) of section 1002.20, Florida
435 | Statutes, is amended to read:

436 | 1002.20 K-12 student and parent rights.—Parents of public
437 | school students must receive accurate and timely information
438 | regarding their child's academic progress and must be informed
439 | of ways they can help their child to succeed in school. K-12
440 | students and their parents are afforded numerous statutory
441 | rights including, but not limited to, the following:

442 | (7) NONDISCRIMINATION.—All education programs, activities,
443 | and opportunities offered by public educational institutions
444 | must be made available without discrimination on the basis of
445 | race, ethnicity, protected hairstyle as defined in s. 760.02,
446 | national origin, gender, disability, religion, or marital
447 | status, in accordance with the provisions of s. 1000.05.

448 | Section 12. For the purpose of incorporating the amendment
449 | made by this act to section 420.516, Florida Statutes, in a
450 | reference thereto, paragraph (i) of subsection (6) of section

451 420.5087, Florida Statutes, is reenacted to read:

452 420.5087 State Apartment Incentive Loan Program.—There is
 453 hereby created the State Apartment Incentive Loan Program for
 454 the purpose of providing first, second, or other subordinated
 455 mortgage loans or loan guarantees to sponsors, including for-
 456 profit, nonprofit, and public entities, to provide housing
 457 affordable to very-low-income persons.

458 (6) On all state apartment incentive loans, except loans
 459 made to housing communities for the elderly to provide for
 460 lifesafety, building preservation, health, sanitation, or
 461 security-related repairs or improvements, the following
 462 provisions shall apply:

463 (i) The discrimination provisions of s. 420.516 shall
 464 apply to all loans.

465 Section 13. This act shall take effect July 1, 2021.