

By Senator Bracy

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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  
7       traits historically associated with race; amending s.  
8       760.02, F.S.; defining the terms "protective  
9       hairstyle" and "race"; amending s. 1000.21, F.S.;  
10      defining the terms "protective hairstyle" and "race";  
11      reenacting s. 420.5087(6)(i), F.S., relating to the  
12      State Apartment Incentive Loan Program, to incorporate  
13      the amendment made to s. 420.516, F.S., in a reference  
14      thereto; providing an effective date.

15  
16       WHEREAS, the history of our nation has been riddled with  
17      laws and societal norms that equated "blackness" and its  
18      associated physical traits as inferior to European physical  
19      features, and

20       WHEREAS, this idea also permeates a societal understanding  
21      of professionalism that was, and still is, closely linked to  
22      European features and mannerisms and which entails that those  
23      who do not naturally conform to Eurocentric norms must alter  
24      their appearance to meet such norms and be considered  
25      professional, and

26       WHEREAS, hair has been, and remains, a rampant source of  
27      racial discrimination that has caused serious economic and  
28      health ramifications, and

29       WHEREAS, workplace and school dress code policies that

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30 prohibit natural hair, including afros, and certain hairstyles,  
31 such as braids, twists, and locks, have a disparate impact on  
32 black individuals, as these policies are more likely to burden  
33 or punish black employees and students compared to other groups,  
34 and

35 WHEREAS, federal courts accept that Title VII of the Civil  
36 Rights Act of 1964 prohibits discrimination based on race, and  
37 therefore protects against discrimination against afros, and

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

41

42 Be It Enacted by the Legislature of the State of Florida:

43

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

46 Section 2. Section 420.516, Florida Statutes, is amended to  
47 read:

48 420.516 Discrimination prohibited.—It is an unlawful  
49 practice for a sponsor, while bonds are outstanding for the  
50 purpose of funding or financing the sponsor's project, to  
51 discriminate against any person or family because of race as  
52 defined in s. 760.02, color, religion, sex, national origin, or  
53 marital status.

54 Section 3. Section 760.02, Florida Statutes, is amended to  
55 read:

56 760.02 Definitions.—For the purposes of ss. 509.092,  
57 760.01-760.11, 760.23, and 760.25 ~~ss. 760.01-760.11 and 509.092,~~  
58 the term:

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59        (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss. 760.01-  
60 760.11 and 509.092.

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

63        (3) "Commissioner" or "member" means a member of the  
64 commission.

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

67        (9)~~(5)~~ "National origin" includes ancestry.

68        (10)~~(6)~~ "Person" includes an individual, association,  
69 corporation, joint apprenticeship committee, joint-stock  
70 company, labor union, legal representative, mutual company,  
71 partnership, receiver, trust, trustee in bankruptcy, or  
72 unincorporated organization; any other legal or commercial  
73 entity; the state; or any governmental entity or agency.

74        (5)~~(7)~~ "Employer" means any person employing 15 or more  
75 employees for each working day in each of 20 or more calendar  
76 weeks in the current or preceding calendar year, and any agent  
77 of such a person.

78        (6)~~(8)~~ "Employment agency" means any person regularly  
79 undertaking, with or without compensation, to procure employees  
80 for an employer or to procure for employees opportunities to  
81 work for an employer, and includes an agent of such a person.

82        (8)~~(9)~~ "Labor organization" means any organization that  
83 ~~which~~ exists for the purpose, in whole or in part, of collective  
84 bargaining or of dealing with employers concerning grievances,  
85 terms or conditions of employment, or other mutual aid or  
86 protection in connection with employment.

87        (1)~~(10)~~ "Aggrieved person" means any person who files a

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88 complaint with the Florida Commission on Human Relations  
89 Commission.

90 (11) "Protective hairstyle" includes, but is not limited  
91 to, hairstyles such as braids, locks, or twists.

92 (12)~~(11)~~ "Public accommodations" means places of public  
93 accommodation, lodgings, facilities principally engaged in  
94 selling food for consumption on the premises, gasoline stations,  
95 places of exhibition or entertainment, and other covered  
96 establishments. Each of the following establishments which  
97 serves the public is a place of public accommodation within the  
98 meaning of this section:

99 (a) Any inn, hotel, motel, or other establishment that  
100 ~~which~~ provides lodging to transient guests, other than an  
101 establishment located within a building that ~~which~~ contains not  
102 more than four rooms for rent or hire and that ~~which~~ is actually  
103 occupied by the proprietor of such establishment as his or her  
104 residence.

105 (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
106 soda fountain, or other facility principally engaged in selling  
107 food for consumption on the premises, including, but not limited  
108 to, any such facility located on the premises of any retail  
109 establishment, or any gasoline station.

110 (c) Any motion picture theater, theater, concert hall,  
111 sports arena, stadium, or other place of exhibition or  
112 entertainment.

113 (d) Any establishment that ~~which~~ is physically located  
114 within the premises of any establishment otherwise covered by  
115 this subsection, or within the premises of which is physically  
116 located any such covered establishment, and that ~~which~~ holds

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117 itself out as serving patrons of such covered establishment.

118 (13) "Race" is inclusive of traits historically associated  
119 with race, including, but not limited to, hair texture, hair  
120 type, and protective hairstyles.

121 Section 4. Subsections (9) and (10) are added to section  
122 1000.21, Florida Statutes, to read:

123 1000.21 Systemwide definitions.—As used in the Florida K-20  
124 Education Code:

125 (9) "Protective hairstyle" includes, but is not limited to,  
126 hairstyles such as braids, locks, or twists.

127 (10) "Race" is inclusive of traits historically associated  
128 with race, including, but not limited to, hair texture, hair  
129 type, and protective hairstyles.

130 Section 5. For the purpose of incorporating the amendment  
131 made by this act to section 420.516, Florida Statutes, in a  
132 reference thereto, paragraph (i) of subsection (6) of section  
133 420.5087, Florida Statutes, is reenacted to read:

134 420.5087 State Apartment Incentive Loan Program.—There is  
135 hereby created the State Apartment Incentive Loan Program for  
136 the purpose of providing first, second, or other subordinated  
137 mortgage loans or loan guarantees to sponsors, including for-  
138 profit, nonprofit, and public entities, to provide housing  
139 affordable to very-low-income persons.

140 (6) On all state apartment incentive loans, except loans  
141 made to housing communities for the elderly to provide for  
142 lifesafety, building preservation, health, sanitation, or  
143 security-related repairs or improvements, the following  
144 provisions shall apply:

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

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146 to all loans.

147 Section 6. This act shall take effect July 1, 2021.