By Senator Bracy

A bill to be entitled
An act relating to prohibited discrimination; providing a short title; amending s. 420.516, F.S.; providing that it is unlawful for sponsors under the Florida Housing Finance Corporation Act to discriminate against any person or family because of a protected hairstyle; amending s. 760.01, F.S.; revising the purposes of the Florida Civil Rights Act of 1992 to conform to changes made by the act; reordering and amending s. 760.02, F.S.; defining the term "protected hairstyle"; amending s. 760.05, F.S.; revising the functions of the Florida Commission on Human Relations to conform to changes made by the act; amending s. 760.07, F.S.; revising provisions regarding remedies for unlawful discrimination to conform to changes made by the act; amending s. 760.10, F.S.; adding protected hairstyle as impermissible grounds for discrimination with respect to specified unlawful employment practices; amending s. 760.23, F.S.; adding protected hairstyle as impermissible grounds for discrimination with respect to specified unlawful practices relating to the sale and rental of housing; amending s. 760.25, F.S.; adding protected hairstyle as impermissible grounds for discrimination with respect to specified practices relating to the financing of housing and real estate transactions; amending s. 1000.05, F.S.; defining the term "protected hairstyle"; prohibiting discrimination based on protected hairstyle in the Florida K-20
WHEREAS, the history of our nation has been riddled with laws and societal norms that equated “blackness” and its associated physical traits as inferior to European physical features, and

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

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

WHEREAS, workplace and school dress code policies that prohibit natural hair, including afros, and certain hairstyles, such as braids, twists, and locks, have a disparate impact on black individuals as these policies are more likely to burden or punish black employees and students compared to other groups, and

WHEREAS, federal courts accept that Title VII of the Civil Rights Act of 1964 prohibits discrimination based on race, and therefore protects against discrimination against afros, and
WHEREAS, afros are not the only natural presentation of black hair because black hair can also be naturally presented in styles such as braids, twists, and locks, NOW, THEREFORE,

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

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

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

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

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

760.01 Purposes; construction; title.—
(1) Sections 760.01-760.11 and 509.092 shall be cited as the “Florida Civil Rights Act of 1992.”

(2) The general purposes of the Florida Civil Rights Act of 1992 are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, protected hairstyle, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic
strife and unrest, to preserve the public safety, health, and
general welfare, and to promote the interests, rights, and
privileges of individuals within the state.

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

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

(7) “Florida Civil Rights Act of 1992” means ss. 760.01-
760.11 and 509.092.

(2) “Commission” means the Florida Commission on Human
Relations created by s. 760.03.

(3) “Commissioner” or “member” means a member of the
commission.

(4) “Discriminatory practice” means any practice made

(9) “National origin” includes ancestry.

(10) “Person” includes an individual, association,
corporation, joint apprenticeship committee, joint-stock
company, labor union, legal representative, mutual company,
partnership, receiver, trust, trustee in bankruptcy, or
unincorporated organization; any other legal or commercial
entity; the state; or any governmental entity or agency.

(5) “Employer” means any person employing 15 or more
employees for each working day in each of 20 or more calendar
weeks in the current or preceding calendar year, and any agent
of such a person.

(6) “Employment agency” means any person regularly
undertaking, with or without compensation, to procure employees
for an employer or to procure for employees opportunities to
work for an employer, and includes an agent of such a person.

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

(8) “Labor organization” means any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

(1) “Aggrieved person” means any person who files a complaint with the Florida Commission on Human Relations.

(12) “Public accommodations” means places of public accommodation, lodgings, facilities principally engaged in selling food for consumption on the premises, gasoline stations, places of exhibition or entertainment, and other covered establishments. Each of the following establishments which serves the public is a place of public accommodation within the meaning of this section:

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

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

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

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

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

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

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

760.07 Remedies for unlawful discrimination.—Any violation of any state law Florida statute making unlawful discrimination because of race, color, religion, gender, pregnancy, national origin, age, protected hairstyle, handicap, or marital status in the areas of education, employment, housing, or public accommodations gives rise to a cause of action for all relief and damages described in s. 760.11(5), unless greater damages
are expressly provided for. If the statute prohibiting unlawful discrimination provides an administrative remedy, the action for equitable relief and damages provided for in this section may be initiated only after the plaintiff has exhausted his or her administrative remedy. The term “public accommodations” does not include lodge halls or other similar facilities of private organizations which are made available for public use occasionally or periodically. The right to trial by jury is preserved in any case in which the plaintiff is seeking actual or punitive damages.

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

760.10 Unlawful employment practices.—
(1) It is an unlawful employment practice for an employer:
   (a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, pregnancy, national origin, age, protected hairstyle, handicap, or marital status.
   (b) To limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual’s status as an employee, because of such individual’s race, color, religion, sex, pregnancy, national origin, age, protected hairstyle, handicap, or marital
(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, color, religion, sex, pregnancy, national origin, age, protected hairstyle, handicap, or marital status or to classify or refer for employment any individual on the basis of race, color, religion, sex, pregnancy, national origin, age, protected hairstyle, handicap, or marital status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) It is unlawful, for profit, to induce or attempt to
induce any person to sell or rent any dwelling by a
representation regarding the entry or prospective entry into the
neighborhood of a person or persons of a particular race, color,
national origin, sex, handicap, familial status, protected
hairstyle as defined in s. 760.02, or religion.
Section 9. Section 760.25, Florida Statutes, is amended to read:
760.25 Discrimination in the financing of housing or in residential real estate transactions.—
(1) It is unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise the business of which consists in whole or in part of the making of commercial real estate loans to deny a loan or other financial assistance to a person applying for the loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other term or condition of such loan or other financial assistance, because of the race, color, national origin, sex, handicap, familial status, protected hairstyle as defined in s. 760.02, or religion of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or because of the race, color, national origin, sex, handicap, familial status, protected hairstyle as defined in s. 760.02, or religion of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.
(2)(a) It is unlawful for any person or entity whose business includes engaging in residential real estate transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of
such a transaction, because of race, color, national origin, sex, handicap, familial status, protected hairstyle as defined in s. 760.02, or religion.

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

1. The making or purchasing of loans or providing other financial assistance:
   a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
   b. Secured by residential real estate.

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

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

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

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

(b) Discrimination on the basis of race, ethnicity, protected hairstyle, national origin, gender, disability, religion, or marital status against a student or an employee in the state system of public K–20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, protected hairstyle, national origin, gender, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K–20 education program or activity, or in any employment conditions or practices, conducted by a public
section 11. Subsection (7) of section 1002.20, Florida

CODING: Words stricken are deletions; words underlined are additions.
Statutes, is amended to read:

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

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

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

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

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

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

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