

By Senator Margolis

35-336-06

1 Senate Concurrent Resolution

2 A concurrent resolution ratifying the proposed

3 amendment to the Constitution of the United

4 States relating to equal rights for men and

5 women.

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7 WHEREAS, the Equal Rights Amendment was first

8 introduced in Congress in 1923 and was filed every session

9 thereafter from 1923 to 1972, and

10 WHEREAS, the Equal Rights Amendment was finally

11 approved by Congress in 1972 and sent to the states for

12 ratification with a 7-year deadline, and

13 WHEREAS, in 1978 Congress extended the original

14 ratification deadline for 3 more years, and

15 WHEREAS, Congress placed a deadline of June 30, 1982,

16 on the ratification process for the Equal Rights Amendment for

17 men and women and 35 states ratified the proposed amendment

18 before the deadline, and

19 WHEREAS, Congress submitted the Madison Amendment to

20 the states as part of the proposed Bill of Rights on September

21 25, 1789, which relates to the timing of Congressional pay

22 raises, but it was not ratified until 203 years later in 1992,

23 making it the Twenty-seventh Amendment to the United States

24 Constitution and establishing a precedent such that the Equal

25 Rights Amendment is sufficiently contemporaneous and therefore

26 remains viable, and

27 WHEREAS, in 1998 Florida voters, by a margin of 65

28 percent to 35 percent, approved a similar amendment to the

29 Florida Constitution when they approved Revision 9, which

30 added and clarified that "all natural persons, female and male

31 alike, are equal before the law," therefore clearly indicating

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 that ratification of the federal Equal Rights Amendment would
2 be fully consistent with the will of the majority of voters in
3 this state, and

4 WHEREAS, Article V of the United States Constitution
5 allows the Legislature of the State of Florida to ratify this
6 proposed amendment to the Constitution of the United States,
7 and

8 WHEREAS, the Legislature of the State of Florida finds
9 that the Equal Rights Amendment for men and women is
10 reasonable and sufficiently contemporaneous and needed in the
11 United States Constitution because while women enjoy more
12 rights today than they did when the Equal Rights Amendment was
13 first introduced in 1923 or when it passed out of Congress in
14 1972, hard-won laws against gender discrimination do not rest
15 on any unequivocal constitutional foundation and the laws can
16 be inconsistently enforced or even repealed, and

17 WHEREAS, elements of gender discrimination remain in
18 statutory and case law, and courts have had difficulty
19 applying a consistent standard to gender classifications which
20 are not inherently suspect or comparable to racial or ethnic
21 classifications under equal-protection analysis, and

22 WHEREAS, the Equal Rights Amendment for men and women
23 is necessary in order to have a clear constitutional guarantee
24 that gender is considered a suspect classification and
25 entitled to the same strict scrutiny that courts reserve for
26 race, religion, and national origin, NOW, THEREFORE,

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28 Be It Resolved by the Senate of the State of Florida, the
29 House of Representatives Concurring:

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1 That the proposed amendment to the Constitution of the
2 United States set forth below is ratified by the Legislature
3 of the State of Florida.

4 "Article ____

5 "SECTION 1. Equality of rights under the law shall not
6 be denied or abridged by the United States or by any State on
7 account of sex.

8 "SECTION 2. The Congress shall have the power to
9 enforce, by appropriate legislation, the provisions of this
10 article.

11 "SECTION 3. This amendment shall take effect two years
12 after the date of ratification."

13 BE IT FURTHER RESOLVED, that certified copies of the
14 foregoing preamble and resolution be immediately forwarded by
15 the Secretary of State of the State of Florida, under the
16 great seal, to the President of the United States, the
17 Secretary of State of the United States, the President of the
18 Senate of the United States, the Speaker of the House of
19 Representatives of the United States, and the Administrator of
20 General Services of the United States.

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