

HCR 8005

2006

1 House Concurrent Resolution

2 A concurrent resolution ratifying the proposed amendment
3 to the Constitution of the United States relating to equal
4 rights for men and women.

5
6 WHEREAS, the Equal Rights Amendment was first introduced in
7 Congress in 1923 and was filed every session thereafter from
8 1923 to 1972, and

9 WHEREAS, the Equal Rights Amendment was finally approved by
10 Congress in 1972 and sent to the states for ratification with a
11 7-year deadline, and

12 WHEREAS, in 1978 Congress extended the original
13 ratification deadline for 3 more years, and

14 WHEREAS, Congress placed a deadline of June 30, 1982, on
15 the ratification process for the Equal Rights Amendment for men
16 and women and 35 states ratified the proposed amendment before
17 the deadline, and

18 WHEREAS, Congress submitted the Madison Amendment to the
19 states as part of the proposed Bill of Rights on September 25,
20 1789, which relates to the timing of Congressional pay raises,
21 but it was not ratified until 203 years later in 1992, making it
22 the Twenty-seventh Amendment to the United States Constitution
23 and establishing a precedent such that the Equal Rights
24 Amendment is sufficiently contemporaneous and therefore remains
25 viable, and

26 WHEREAS, in 1998 Florida voters, by a margin of 65 percent
27 to 35 percent, approved a similar amendment to the Florida
28 Constitution when they approved Revision 9, which added and

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29 clarified that "all natural persons, female and male alike, are
30 equal before the law," therefore clearly indicating that
31 ratification of the federal Equal Rights Amendment would be
32 fully consistent with the will of the majority of voters in this
33 state, and

34 WHEREAS, Article V of the United States Constitution allows
35 the Legislature of the State of Florida to ratify this proposed
36 amendment to the Constitution of the United States, and

37 WHEREAS, the Legislature of the State of Florida finds that
38 the Equal Rights Amendment for men and women is reasonable and
39 sufficiently contemporaneous and needed in the United States
40 Constitution because while women enjoy more rights today than
41 they did when the Equal Rights Amendment was first introduced in
42 1923 or when it passed out of Congress in 1972, hard-won laws
43 against gender discrimination do not rest on any unequivocal
44 constitutional foundation and the laws can be inconsistently
45 enforced or even repealed, and

46 WHEREAS, elements of gender discrimination remain in
47 statutory and case law, and courts have had difficulty applying
48 a consistent standard to gender classifications which are not
49 inherently suspect or comparable to racial or ethnic
50 classifications under equal-protection analysis, and

51 WHEREAS, the Equal Rights Amendment for men and women is
52 necessary in order to have a clear constitutional guarantee that
53 gender is considered a suspect classification and entitled to
54 the same strict scrutiny that courts reserve for race, religion,
55 and national origin, NOW, THEREFORE,

56

57 | Be It Resolved by the House of Representatives of the State of
 58 | Florida, the Senate Concurring:

59 |
 60 | That the proposed amendment to the Constitution of the
 61 | United States set forth below is ratified by the Legislature of
 62 | the State of Florida.

63 | "Article ____

64 | "SECTION 1. Equality of rights under the law shall not be
 65 | denied or abridged by the United States or by any State on
 66 | account of sex.

67 | "SECTION 2. The Congress shall have the power to enforce,
 68 | by appropriate legislation, the provisions of this article.

69 | "SECTION 3. This amendment shall take effect two years
 70 | after the date of ratification."

71 | BE IT FURTHER RESOLVED, that certified copies of the
 72 | foregoing preamble and resolution be immediately forwarded by
 73 | the Secretary of State of the State of Florida, under the great
 74 | seal, to the President of the United States, the Secretary of
 75 | State of the United States, the President of the Senate of the
 76 | United States, the Speaker of the House of Representatives of
 77 | the United States, and the Administrator of General Services of
 78 | the United States.