By Senators Margolis and Joyner

35-183-07

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

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

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

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do not rest on any unequivocal constitutional foundation and the laws can be inconsistently enforced or even repealed, and

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

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

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

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

"Article ____

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

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

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

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