

By Senators Joyner and Rich

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1 Senate Concurrent Resolution

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

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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, 35 of the 38 necessary states have already
15 ratified the Equal Rights Amendment, and

16 WHEREAS, Article V of the United States Constitution makes
17 no provision for a state rescinding its ratification; no state
18 has rescinded ratification; and, to the contrary, states are
19 beginning again to ratify the Equal Rights Amendment to show
20 resolve, and

21 WHEREAS, action on the Equal Rights Amendment has never
22 been officially terminated and therefore remains in progress,
23 and

24 WHEREAS, Congress submitted to the states on September 25,
25 1789, as part of the proposed Bill of Rights, the Madison
26 Amendment, which, although relating to a different issue, the
27 timing of Congressional pay raises, remained active for 203
28 years before it was ratified in 1992 to become the Twenty-
29 seventh Amendment to the United States Constitution and, among

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30 other substantive legal arguments, establish a precedent that
31 the Equal Rights Amendment is likewise sufficiently
32 contemporaneous and therefore remains viable, and

33 WHEREAS, in 1998 Florida voters, by a margin of 65 percent
34 to 35 percent, approved a similar amendment to the Florida
35 Constitution when they approved Revision 9, which added and
36 clarified that "all natural persons, female and male alike, are
37 equal before the law," therefore clearly indicating that
38 ratification of the Equal Rights Amendment would be fully
39 consistent with the will of the majority of voters in this
40 state, and

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

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

53 WHEREAS, elements of gender discrimination remain in
54 statutory and case law, and courts have had difficulty applying
55 a consistent standard to gender classifications that is not
56 inherently suspect or comparable to racial or ethnic
57 classifications under equal-protection analysis, and

58 WHEREAS, the Equal Rights Amendment for men and women is

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59 necessary in order to have a clear constitutional guarantee that
60 gender is considered a suspect classification and entitled to
61 the same strict scrutiny that courts reserve for race, religion,
62 and national origin, NOW, THEREFORE,

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

66

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

70

"Article ____

71

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

74

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

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

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