

By Senators Margolis and Joyner

35-00229-08

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1 Senate 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 1923  
8 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 ratification  
13 deadline for 3 more years, and

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

25 WHEREAS, in 1998 Florida voters, by a margin of 65 percent  
26 to 35 percent, approved a similar amendment to the Florida  
27 Constitution when they approved Revision 9, which added and  
28 clarified that "all natural persons, female and male alike, are  
29 equal before the law," therefore clearly indicating that

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

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

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44 enforced or even repealed, and

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

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

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

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