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1 House Concurrent Resolution 2 A concurrent resolution ratifying the proposed amendment 3 to the Constitution of the United States relating to equal rights for men and women. 4 5 WHEREAS, the Equal Rights Amendment was first introduced in 6 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 Congress in 1972 and sent to the states for ratification with a 10 7-year deadline, and 11 WHEREAS, in 1978 Congress extended the original 12 ratification deadline for 3 more years, and 13 WHEREAS, Congress placed a deadline of June 30, 1982, on 14 the ratification process for the Equal Rights Amendment for men 15 16 and women and 35 states ratified the proposed amendment before 17 the deadline, and WHEREAS, Congress submitted the Madison Amendment to the 18 19 states as part of the proposed Bill of Rights on September 25, 1789, which relates to the timing of Congressional pay raises, 20 but it was not ratified until 203 years later in 1992, making it 21 the Twenty-seventh Amendment to the United States Constitution 22 and establishing a precedent such that the Equal Rights 23 24 Amendment is sufficiently contemporaneous and therefore remains 25 viable, and 26 WHEREAS, in 1998 Florida voters, by a margin of 65 percent to 35 percent, approved a similar amendment to the Florida 27 Constitution when they approved Revision 9, which added and 28 Page 1 of 3

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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 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 45 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

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,

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HCR 8003 57 Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring: 58 59 60 That the proposed amendment to the Constitution of the United States set forth below is ratified by the Legislature of 61 the State of Florida. 62 63 "Article "SECTION 1. Equality of rights under the law shall not be 64 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, by appropriate legislation, the provisions of this article. 68 "SECTION 3. This amendment shall take effect two years 69 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 United States, the Speaker of the House of Representatives of 76 77 the United States, and the Administrator of General Services of 78 the United States.

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