Florida Senate - 2008

(Reformatted) SCR 362

By Senators Margolis, Joyner, Bennett, Deutch, Lawson, Ring, Rich, Jones, Geller and Justice

	35-00229-08 2008362
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.
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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 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

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

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,

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

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59	That the proposed amendment to the Constitution of the
60	United States set forth below is ratified by the Legislature of
61	the State of Florida.
62	"Article
63	"SECTION 1. Equality of rights under the law shall not be
64	denied or abridged by the United States or by any State on
65	account of sex.
66	"SECTION 2. The Congress shall have the power to enforce,
67	by appropriate legislation, the provisions of this article.
68	"SECTION 3. This amendment shall take effect two years
69	after the date of ratification."
70	BE IT FURTHER RESOLVED, that certified copies of the
71	foregoing preamble and resolution be immediately forwarded by the
72	Secretary of State of the State of Florida, under the great seal,
73	to the President of the United States, the Secretary of State of
74	the United States, the President of the Senate of the United
75	States, the Speaker of the House of Representatives of the United
76	States, and the Administrator of General Services of the United
77	States.

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