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Florida Interior Designers Free to Speak, Practice Judge Strikes Down Titling Provisions of Florida Interior Design Law, Significantly Narrows Practice Restriction

Tallahassee, Fla.—On February 4th, Federal District Judge Robert L. Hinkle declared unconstitutional a Florida law that prohibited people without a license from referring to themselves as interior designers. The ruling also sharply narrowed provisions of the law restricting the practice of interior design in commercial buildings by unlicensed persons. The ruling creates substantial new opportunities for interior designers who are unable or unwilling to spend six years and thousands of dollars jumping through the arbitrary hoops of Florida’s interior design licensing law.

“This ruling is an important first step to getting Florida’s unconstitutional interior design laws struck down entirely,” said Clark Neily, senior attorney at the Institute for Justice. “The vast majority of the people fined under this law were punished for violating the titling provisions. Those restrictions have now been completely eliminated.”

Only three states in the country regulate the practice of interior design in any way. The result of a lobbying campaign by industry insiders, Florida’s 1994 interior design law was the broadest and most aggressively enforced in the nation. The law allowed anyone to perform residential interior design but required a license to work in commercial settings and to call oneself an “interior designer.” But Friday’s court ruling significantly narrows Florida’s interior design law, enabling nonlicensees to perform substantial amounts of work in commercial settings and to refer to themselves, accurately, as interior designers.

“We’re pleased that the court recognized the significant constitutional problems presented by Florida’s sweeping interior design law,” said Neily. “But we respectfully disagree with the court’s attempt to avoid those problems by merely interpreting the law far more narrowly than industry members and enforcement officials have done.”

In May of 2009, the Institute for Justice joined with three interior designers and the National Federation of Independent Business to challenge Florida’s interior design law in federal court, arguing that the law censored substantial amounts of free speech and unreasonably interfered with people’s ability to earn an honest living.

A recent Institute for Justice study, “Designed to Exclude,” documents how interior design regulations drive up prices, limit choices and disproportionately exclude minorities and older mid-career-switchers from working in the field. (The report is available online: www.ij.org/2603.) By contrast, as the state conceded during the lawsuit, there is no evidence that licensing interior designers has benefited the public in any way or that the unlicensed practice of interior design presents any bona fide public welfare concerns.

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“I’m pleased the court recognized my right to speak truthfully about the interior design services I perform,” explained Eva Locke, one of three nonlicensed interior designers challenging Florida’s law. “Unfortunately, even with this ruling it is still not clear exactly what work people like me are allowed to do and what work still requires a license.”

The Institute for Justice plans to appeal the ruling to the 11th U.S. Circuit Court of Appeals, arguing that Florida’s interior design restrictions are unconstitutional and should be struck down entirely.

Founded in 1991, the Virginia-based Institute for Justice represents individuals nationwide fighting to defend free speech rights and the right to earn an honest living in the occupations of their choice. The Institute has previously and successfully challenged interior design title restrictions in New Mexico, Texas, Oklahoma and Connecticut.