

FLORIDA LEGISLATION UPDATE

As of August 9th, 2009, an injunction signed in the sunshine State gives Florida interior designers the right to advertise their services using such “outrageous” words as “interior design”.

Federal District Judge Robert L. Hinkle signed an agreed injunction that prevents the Florida’s State Board of Architecture and Interior Design from enforcing provisions of a Florida law that censored truthful speech by prohibiting people who lawfully perform residential interior design services without a government-conferred license from referring to themselves, accurately, as “interior designers” or from using other, unspecified “words to that effect.” That ruling will stay in effect pending final resolution of a lawsuit challenging all aspects of Florida’s interior design law.

Clark Neily, senior attorney at the Institute for Justice had the following comments:

“The State should not be in the business of censoring interior designers’ speech and preventing entrepreneurs like our clients from finding work, particularly in the current economic climate”. “We are thrilled that our clients can now advertise their services accurately without fear of censorship or retribution from the State Board of Architecture and Interior Design.”

“Florida’s interior design law has nothing to do with protecting the public and everything to do with protecting state-licensed interior designers from fair competition,” declared Neily, adding that the injunction “is an important step towards getting rid of Florida’s unfair, illegitimate and anti-competitive licensing law root and branch.”

Besides the free-speech challenge to Florida’s title restriction, the Institute’s lawsuit challenges the interior design law limitations on the practice of interior design, which only two other states have