



# Interior Design Regulation/Deregulation

## THE FLORIDA EXPERIENCE

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# 1988 – The Beginning



- ▶ Florida Sunset Laws
- ▶ Periodic Review of Professional and Occupational Regulations
- ▶ Architect licensure law under review
- ▶ Interior design practice act introduced
- ▶ AIAFI Response
  - ▶ ID scope of work not expanded beyond current practice
  - ▶ Architects unhindered in providing interior design
  - ▶ Interior design cannot infringe on architecture/engineering services
  - ▶ Licensure and regulation occur through existing Board of Architecture
- ▶ Result
  - ▶ Board of Architecture and Interior Design
  - ▶ “Title Act” – licensees allowed to use “Interior Design” title

# 1994 – Legislative Sunset Review

- ▶ Architect licensure law again being reviewed
- ▶ Interior design partial practice act introduced
- ▶ AIAFI Response
  - ▶ Not actively engage in issue between interior designers
  - ▶ Focus on issues directly related to architecture
  - ▶ Assure scope of services not expanded
  - ▶ Not allow infringement on architecture services
- ▶ Result
  - ▶ unlicensed interior designers limited to “residential applications”
  - ▶ Commercial interior design services reserved to licensees

# 1994-2010 Enforcement of Restrictions on Unlicensed Interior Designers

- ▶ Board of Architecture and Interior Design investigates and initiates actions against unlicensed practice of interior design in commercial settings
- ▶ Multiple complaints filed
- ▶ Federal lawsuit – challenging Florida interior design regulation
  - ▶ Initiated by two unlicensed interior designers and the National Federation of Independent Business
  - ▶ violation of federal commerce clause
  - ▶ violation of free speech



# Enforcement Cont'd.

- ▶ U.S. District Court
  - ▶ ruled advertising restrictions as unconstitutional, but allowed “commercial” restriction to remain in statute
- ▶ Appellate court
  - ▶ affirmed District Court judge’s opinion
- ▶ United States Supreme Court
  - ▶ denied consideration of case
- ▶ Court findings
  - ▶ Relied upon Legislature’s statement that limitations on the practice of interior design were in the public interest
    - ▶ *But, court obviously had doubts about wisdom of the law, noting “even if it seems unwise or illogical” and that “a court must accept a legislature’s generalizations even when there is an imperfect fit between means and ends.”*



# 2016-2020 Path to Deregulation

- ▶ 2016 Session – HB 1187 – **FAILED**
  - ▶ *Did not include deregulation of interior design*
- ▶ 2017 Session – HB 7047 – **FAILED**
  - ▶ *More expansive bill; included interior design delicensure*
- ▶ 2018 Session – HB 15 – **FAILED**
  - ▶ *More pressing session issues*
- ▶ 2019 Session – HB 27 – **FAILED**
  - ▶ *New Governor, Speaker, President*
- ▶ 2020 Session – HB 1193 – **PASSED**
  - ▶ *Returned to voluntary registration law*



# 2016 Legislative Session

- ▶ Push in state legislature to limit or eliminate restrictions on occupations and professions
- ▶ House Republicans initiate Florida legislative action
- ▶ Bills introduced in the Florida House and Senate to deregulate or lessen regulations on certain professions and occupations
- ▶ Did not address interior design deregulation
- ▶ House passed its bill to Senate – not brought up by Senate
- ▶ Momentum for reducing regulations on professions and occupations increasing

# 2017 Legislative Session

- ▶ House legislation introduced with provisions totally deregulating interior design practice
- ▶ AIAFI Response
  - ▶ AIAFI provided regulatory and legal background information
  - ▶ Overall message: regulation for public health, safety and welfare versus regulation for political accommodation
- ▶ Heated committee debates
- ▶ Passed House by wide margin
- ▶ Continued interior design regulation supported by Senate
- ▶ No bill passed



# 2018 Legislative Session

- ▶ House version of the deregulation legislation, including interior design practice, reintroduced
- ▶ Senate bill – does not include interior design deregulation
- ▶ More pressing bills occupied the attention of the House and Senate; no deregulation legislation passed

# 2019 Legislative Session

- ▶ New Governor, House Speaker and Senate President
- ▶ Governor appointed new Secretary of Department of Business and Professional Regulation
  - ▶ Secretary Halsey Beshears – former House member and original sponsor of 2106 deregulation bill
  - ▶ Agency with oversight of licensed professions
- ▶ Governor's priorities included regulatory reform, particularly the deregulation of interior design
- ▶ House and Senate bills initially in sync, including complete interior design deregulation
- ▶ House bill quickly passed by committees and by the entire House

# 2019 Legislative Session Cont'd.

- ▶ Senate bill exhaustively debated: interior designers warned of health and safety issues if deregulation occurred
- ▶ Senate bill sponsor modified to exclude interior design deregulation
- ▶ Deregulation negotiations fell apart and no bill passed
- ▶ Intensity continued to increase, creating cracks in relationships between AIAFI and the interior design organizations



# 2020 Legislative Session

FLORIDA LEGISLATURE RETURNS INTERIOR DESIGN REGULATION TO A TITLE ACT

# 2020 Session

## Setting the Stage

- ▶ Pre-Session meetings between AIAFI and top staffers for the Governor, House and Senate
- ▶ Governor's state of the state address
  - ▶ set legislative session priorities
  - ▶ endorsement of professional deregulation legislation
  - ▶ desire to deregulate interior design practice
- ▶ Legislature's Agenda: providing Governor with a "win" – a priority for both chambers
- ▶ Secretary Beshears – primary driver of interior design deregulation within Executive Branch
- ▶ AIAFI continued working closely with Secretary Beshears



# Key Deregulation Players

## 2020 Session



### House

Rep. Blaise Ingoglia strong supporter of complete interior design deregulation



### Governor

Deregulation a priority and supportive of delicensing interior designers



### Senate

Senator Ben Albritton (former House member) committed to passage of some form of interior design deregulation

# Committee Hearings

## Deregulation Bills: Timeline/Results



- ▶ January 9 - HB 1193 filed
- ▶ January 16 – Business & Professions Subcommittee (12-3)
- ▶ January 24 – Government Operations Subcommittee (10-2)
- ▶ February 20 – Commerce Committee (23-0)



- ▶ Oct 7, 2019 – SB 474 filed
- ▶ January 21 – Innovation & Industry Committee (8-0)
- ▶ February 4 – Commerce Committee (4-0)
- ▶ February 20 - Appropriations Committee (20-1)

# Florida House

- ▶ House's position on deregulation of interior design maintained
- ▶ House leadership aligned with Governor's priorities
- ▶ House expedited complete interior design deregulation
- ▶ Quickly passed by the House



# Florida Senate



- ▶ Initial version of Senate bill included deregulation of interior designers
- ▶ Senate bill sponsor was former House member supportive of interior design deregulation
- ▶ Sponsor made concession to remove interior design language, allowing bill to be heard
- ▶ Interior designers continued political pressure on Senate to oppose deregulation



# Florida Senate Cont'd.

- ▶ With pressure from Governor and Speaker and Session end near – negotiations occurred to achieve a compromise
- ▶ AIAFI assisted all parties with background legal information:
  - ▶ status of interior design regulation across the United States
  - ▶ legal issues emanating from Florida's regulations
  - ▶ necessity of assuring that interior design scope not be expanded to affect architecture and engineering practices
  - ▶ necessity of distinguishing between regulation for public health, safety and welfare versus regulation for political accommodation
- ▶ Election year political pressures forced interior designers and the Senate to offer a compromise



# Compromise in the Senate

- ▶ AIAFI held meetings with the Senate and House bill sponsors, Governor's Office, interior design organizations and other interested parties to help work toward a compromise by:
  - ▶ returning the interior design law to a voluntary registration law
  - ▶ removing the "residential application" restrictions and allowing unlicensed interior designers to provide the services that they were providing prior to licensure in 1988



# AIA Florida 2020 Role

- ▶ Educating the Governor's Office, Secretary Beshears and members of the Legislature of the importance to public health, safety and welfare in maintaining the proven standards for architectural licensure and conduct in Florida's statutes
- ▶ Maintaining a professional working relationship with the interior design organizations and other interested parties during the legislative process
- ▶ Capitalizing on the political atmosphere to conceive and create a fresh approach to addressing interior design in collaboration with the Governor's Office, House and Senate leadership, interior design organizations and interested parties



# HB 1193 Deregulation of Professions

EFFECTS ON THE PRACTICE OF INTERIOR DESIGN

# Practice Restrictions Removed

Section 45. Subsection (8) of section 481.213, Florida Statutes, is created to read:

481.213 Licensure and registration.--

(8) A certificate of registration is not required for a person whose occupation or practice is confined to interior decorator services or for a person whose occupation or practice is confined to interior design as provided in this part.

# Statutory “Purpose” Removed

Section 40. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.

~~The Legislature further finds that it is in the interest of the public to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.~~



# Keys to successful passage


- ▶ AIAFI's long-standing and personal relationships
  - ▶ Governor's Office
  - ▶ state agency heads
  - ▶ leadership in the House and Senate
- ▶ Developed a successful strategy
- ▶ Maintained bridges between architects and interior designers
- ▶ Shaped the "redesign" of the practice of interior design
- ▶ Continuous and active political involvement
  - ▶ one-on-one lobbying, grassroots messaging, committee presentations, and various legal memoranda



# What Mattered



- ▶ Governor made deregulation of interior design a high-priority for the Legislature to pass
- ▶ Pressure to accomplish a political win for the Governor and Republicans in an election year
- ▶ AIAFI educated all parties regarding the lack of rationale for the current “commercial/residential” discriminatory language in statute, preventing unlicensed personnel from doing certain work and for advertising their services
- ▶ AIAFI worked with the Governor and key legislators to change the nature of the discussion to allow the Senate and interior designers to save face
- ▶ This solution was adopted as a compromise, supported by interior design organizations, allowing the Senate to pass deregulation



“Recognizing the need is  
the primary condition for  
design.”

CHARLES EAMES

*HB 1193 passed the Legislature on March 12, 2020, and is awaiting action by the Governor. The bill deregulates interior designers, replacing the current licensing scheme with a registration for certain local permitting activities. The bill will become effective July 1, 2020, or upon the Governor's signature.*