

The Unmerited Licensure of Nonresidential Interior Design

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The license imposed on the occupation of nonresidential interior design in the state of Florida should be repealed because it is an unnecessary regulation that stifles entrepreneurship. Despite the Institute of Justice's strenuous efforts in *Locke vs. Shore*,¹ the statute still stands.

In *Locke vs. Shore's* 'Opinion on the Merits' (p.20), Judge Robert L. Hinkle lists three reasons why this license should not be revoked: 'The law promotes compliance with fire and accessibility codes, helps reduce indoor air pollution, and protects consumers from incompetent interior designers.' On a closer perusal, however, the fallacy of these arguments is soon demonstrated by the application of common sense.

First and foremost, it is not the duty of interior designers to promote 'compliance with fire... codes.' That duty is performed by the Fire Marshals of the State of Florida, a group of licensed professionals whose avowed mission is 'to reduce the loss of life and property to fire and other disasters statewide through internal and external leadership, standards and training, prevention and education, and fire and arson investigation.'² Furthermore, the Inspection Section of the Fire Marshals 'is charged with enforcing the State's fire codes.'³ Though it may be helpful for interior designers to be able to design 'nonstructural interior elements of a building or structure'⁴ so that those elements comply with the state's fire codes, it is ultimately the responsibility of the fire marshals, not interior designers, to insure 'compliance with fire... codes.'

Neither is it the duty of an interior designer to promote 'compliance with... accessibility codes.' In Florida, there are no less than fourteen separate agencies 'charged with enforcement of all issues pertaining to accessibility.'⁵ Licensed or otherwise, it is not the duty of interior designers to promote 'compliance with... accessibility codes.'

Then there is the argument concerning the reduction of indoor air pollution. Indoor air pollution? 'Indoor air pollution' is mainly a concern in the developing world, where

¹*Locke vs. Shore*, Case No. 4:09cv193-RH/WCS, U.S. District Court for the Northern District of Florida, Complaint for Declaratory And Injunctive Relief

²<http://www.myfloridacfo.com/division/sfm>

³<http://www.myfloridacfo.com/Division/SFM/BFP/Inspectors/default.htm>

⁴Fla. Stat. §481.203(8), as quoted in *Locke vs. Shore*, U.S. District Court for the Northern District of Florida, Judge Hinkle's Opinion on the Merits, p.6

⁵2012 Florida Accessibility Code for Building Construction, Preface, p.1

indoor smoke and gas does indeed create a problem. The issue is hardly relevant in Florida (except for radon, but an interior designer could hardly do anything about it, since radon is emitted from the soil and some types of rocks), which is fortunate enough to be a part of a first-world country. That such an irrelevant argument would be used only casts greater doubt on the real necessity for this statute.

Finally, there is the assertion that the statute 'protects consumers from incompetent interior designers.' Incompetence is a highly relative standard. For example, would a person who has only last week earned a degree in computer science be considered an 'incompetent' computer scientist by a prospective employer? Very likely not. Yet a person who has a degree in interior design but not a license is considered incompetent in Florida. Is it not far more sensible for the prospective employer to examine the interior designer's qualifications and decide whether or not that person is a 'competent' interior designer? This is especially so when one considers that, unlike many professions, the consequences are hardly grave even if an employer were to hire an 'incompetent' interior designer. In fact, the Colorado Department of Regulatory Agencies concluded that there was no evidence 'that no harm to the public has occurred... from the unregulated practice of interior design.'⁶

There is no reasonable basis for the occupational license imposed on the profession of nonresidential interior design in the state of Florida. By imposing arbitrary restrictions, it creates an artificial scarcity of interior designers, driving up profits and effectively creating a cartel. It is time that this license be repealed to create opportunities for entrepreneurship in the Sunshine State.

⁶'Interior Designers-2000 Sunrise Review', Colorado Department of Regulatory Agencies Office of Policy and Research, p.16, as quoted in <http://ij.org/case/locke-v-shore/#background>