



## ASID's Big **Fat** Lies

April 7, 2011

The American Society of Interior Designer is continuing its full-scale assault on the interior design community nationwide. This week, ASID produced a video in support of their monopoly death-grip on Florida designers; the video disingenuously, dishonestly, and without a shred of substantiation, states that deregulation of Florida's interior design licensing scheme will result in current licensed designers losing their jobs to architects.

Nothing could be further from the **truth**.

**Lie #1:** *"The current law in Florida is a voluntary licensing program – no one is forced to become licensed."*

**TRUTH:** The only thing voluntary about Florida's law is whether or not a designer would like to *volunteer* to give up their right to practice commercial interior design. Of course, no one, no matter what the occupation – can ever *force* anyone to become licensed...what an absurd assertion! But if you want to practice commercial interior design in Florida, you can only do so by jumping through the burdensome, costly, and entirely unnecessary hoops established by this special interest group. Note: it is no coincidence that the qualifications for licensure are exactly the same as those for becoming a profession member of ASID. (See white paper, *Busting the Myth of the Three E's of the Interior Design Cartel*.<sup>1</sup>)

**Lie #2:** *"Those that choose not to apply for a license are not prevented from practicing interior design work."*

**TRUTH:** This statement is blatantly FALSE, as ASID well knows. In the last five years, what has been referred to as a "witch hunt," resulted in over 600 Floridians, covering more than 20 occupations, falling victim to the ruthlessly aggressive disciplinary actions and fines at the hands of the Board of Architecture and Interior Design.<sup>2</sup> It is notable that not a single one of these legal actions had anything at all to do with threat of harm to the health, safety, or welfare of the public.

The truth is that Florida law expressly *prohibits* anyone who is not a state-licensed interior designer from practicing commercial interior design. (See Fla. Stat. §§ 481.223(1)(b)<sup>3</sup> and 481.229(6),(8).<sup>4</sup>)

<sup>1</sup> [http://www.idpcinfo.org/THREE\\_E\\_s.pdf](http://www.idpcinfo.org/THREE_E_s.pdf)

<sup>2</sup> [http://www.idpcinfo.org/FL\\_Disciplinary\\_Actions.pdf](http://www.idpcinfo.org/FL_Disciplinary_Actions.pdf)

<sup>3</sup> [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0400-0499/0481/Sections/0481.223.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0481/Sections/0481.223.html)

<sup>4</sup> [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0400-0499/0481/Sections/0481.229.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0481/Sections/0481.229.html)

The Florida Attorney General has even admitted that practicing interior design in Florida without a license is a crime punishable by up to a year in jail or a civil penalty. (See Joint Pretrial Stipulation (p.7, ¶ 8).<sup>5</sup>)

**Lie #3:** *“The benefit gained by licensing is that a designer who has demonstrated knowledge, skill and ability to the state may create and submit nonstructural drawings in order to apply for permits related to the proposed work.”*

**TRUTH:** The Florida Building Code does not require that designers be licensed in order to submit drawings. Deregulation will make it possible so that *all* interior designers **may, if required by a permitting body**, submit plans for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

The Florida Building Code Guidebook<sup>6</sup> completely defers to local building authority as to whether or not construction documents must be prepared by an architect or an engineer or may be prepared by anyone else *including* a registered or any other interior designer. This is exactly the procedure in 47 non-regulated states, without issue.

**Lie #4:** *“The potential deregulation ... will put many interior designers out of work... prevent over 3000 registered interior design professionals from continuing in their current profession.”*

**TRUTH:** First, let’s get the statistics straight... there are currently *only* 2560 licensed interior designers in the entire state of Florida – a 54% decrease since the law was adopted 17 years ago, and it is notable that the overwhelming majority were “grandfathered” at enactment and do *not* possess the qualifications they now wish to impose on everyone else. Incredibly, these grandfathered individuals are under no obligation to disclose their lack of qualifications to potential clients. This perpetrates a serious fraud on the public who is being led to believe that Florida registered interior designers possess certain qualifications as required by law, when in fact, the majority do not.

Secondly, if deregulation occurs, it will not prevent *anyone* from practicing commercial interior design, as is demonstrated by successful interior designers in the 47 states with no regulations. ASID and their funded coalitions have attempted to persuade legislators with this argument throughout the country and have been unsuccessful because without exception, they fail to substantiate their claim with any bona fide facts or empirical evidence. Why should Florida be so different and so much more hostile to small businesses than most other states?

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<sup>5</sup> [http://www.ij.org/images/pdf\\_folder/first\\_amendment/interior\\_design/pretrialstipulation.pdf](http://www.ij.org/images/pdf_folder/first_amendment/interior_design/pretrialstipulation.pdf)

<sup>6</sup> [http://www.idpcinfo.org/FL\\_Building\\_Guidebook.pdf](http://www.idpcinfo.org/FL_Building_Guidebook.pdf)

Deregulation will not put any registered interior designer out of work; what it will do is force them to compete based on the merits of their work, instead of relying on the state to eliminate their competition.

**Lie #5:** *“Passage of this legislation would eliminate competition in the industry since it would prevent anyone other than architects from working in a code-based environment.”*

**TRUTH:** This is nothing more than a scare tactic targeted mainly at impressionable, unwitting students, and has been thoroughly debunked in IDPC’s white paper on the interior designers vs. architects [non]issue.<sup>7</sup> The only thing that *could* potentially harm a registered interior designer’s ability to compete is their own competence, or lack thereof.

Opening up commercial interior design to all designers will . . .

- stimulate more competition;
- create more job opportunities for everyone;
- result in lower costs and more choices for consumers;
- allow students access to *more* jobs and *better* opportunity to pay off loans;
- make it easier for small business entrepreneurs to grow their businesses, hire others, and contribute to Florida’s hurting economy.

Florida is Ground Zero in the Interior Design Freedom Movement. What is at stake is one of the most basic freedoms afforded to U.S. citizens – the right to earn an honest living. **ASID has perpetuated an outrageous assault on economic liberty and their efforts to cartelize the interior design industry must be stopped.**

For more information and to support IDPC’s crusade to protect the rights and livelihood of *all* in the design community, please visit [www.IDPCinfo.org](http://www.IDPCinfo.org).

*Patti Morrow*

Executive Director



ADE, CAPS, DSA, IRIS, NAOEM, NKBA, RESA, RIDE, USGBC-NH

Principle, Juxtapose Design

Adjunct faculty, New Hampshire Institute of Art

Author, *Getting Grassroots Galvanized* and *Busting the Myth of the “Three E’s”*

Certified Residential Interior Designer (RIDE)

Winner, RESA 2011 “Innovator of the Year”

Board of Directors – Designer Society of America

Board of Directors – New Hampshire Institute of Art, Alumni Council

Board of Directors – National Kitchen & Bath Assoc. NNE, VP Gov. Relations

Member – US Green Building Council NH (USGBC-NH)

Member – Association of Design Education (ADE)

Member – Designer Society of America (DSA)

Member – Interior Redesign Industry Specialists (DSA)

Member – Real Estate Staging Association (RESA)

Member – National Assoc. of Entrepreneur Moms (NAOEM)

Contributor – Design Trade, Vision, MORE, and FEDA magazines; Diva Toolbox

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<sup>7</sup> [http://www.idpcinfo.org/FL\\_Interior\\_Designers\\_vs\\_Architects.pdf](http://www.idpcinfo.org/FL_Interior_Designers_vs_Architects.pdf)