1989

Session Law 89-019

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation

https://ir.law.fsu.edu/staff-analysis/852

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
H 765 GENERAL BILL/CS/1ST ENG by Regulatory Reform; Kelly; Rudd; Gordon and others (Similar CS/S 62)
Interior Designers/Licensure: revises language re licensure as interior designer without examination. Effective Date: 05/22/89.

03/03/89 HOUSE Prefiled
03/16/89 HOUSE Referred to Regulatory Reform
04/04/89 HOUSE Introduced, referred to Regulatory Reform - HJ 75
04/07/89 HOUSE Subreferred to Subcommittee on Technical and Consumer Services; On subcommittee agenda—Regulatory Reform, 04/10/89, 3:30 pm, 24-HOB
04/10/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS; On Committee agenda, pending subcommittee action—Regulatory Reform, 04/12/89, 1:15 pm, 21-HOB
04/12/89 HOUSE Preliminary Committee Action by Regulatory Reform: Favorable as a CS
04/17/89 HOUSE Comm. Report: CS by Regulatory Reform, placed on Calendar —HJ 232; CS read first time —HJ 231
04/25/89 HOUSE Read second time; Amendment adopted —HJ 286
04/28/89 HOUSE Read third time; CS passed as amended; YEAS 109 NAYS 3 —HJ 300
05/02/89 SENATE In Messages
05/09/89 SENATE Received, referred to Economic, Professional and Utility Regulation —SJ 278; Immediately withdrawn from Economic, Professional and Utility Regulation; Substituted for CS/SB 62; CS passed; YEAS 36 NAYS 1 —SJ 285
05/10/89 Ordered enrolled
05/16/89 Signed by Officers and presented to Governor —HJ 504
05/22/89 Approved by Governor; Chapter No. 89–19 —HJ 600

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
I. SUMMARY:

This bill amends section 21 of chapter 88-383, Laws of Florida, to revise provisions relating to licensure as an interior designer without examination. It revises the licensure alternative based on six years of interior design experience by deleting the requirements for experience at the level of a principal of a firm and for having passed a national examination. It expands and clarifies the licensure alternative originally applicable to certain community college students to include similarly situated university or professional school students. Other alternatives for licensure under the section are modified.

A. PRESENT SITUATION:

Chapter 88-383, Laws of Florida, revised and reenacted part I of chapter 481, Florida Statutes, regulating the practice of architecture. The law also created a new regulation which restricts the use of the title "interior designer" to licensed individuals and firms, but does not prohibit the practice of interior design by unlicensed persons. The statute regulating architects and interior designers is administered by the Board of Architecture and Interior Design within the Department of Professional Regulation. The statute sets forth the board's duties and powers, establishes separate licensing requirements and provides disciplinary proceedings for each profession.
Section 21 of chapter 88-383, Laws of Florida, the "grandfather clause," provided a one year period, October 1, 1988 through September 30, 1989, during which applicants may become licensed to use the title "interior designer" without satisfying the education, experience and examination requirements specified in section 481.209(2), Florida Statutes. The section provided three alternative ways to be grandfathered. Two of the three ways require applicants to have passed the National Council of Interior Design (NCIDQ) examination and either:

1) to have used the title interior designer and held an occupational license as such in this state for at least one year prior to October 1, 1988; or

2) to have used the title and have at least 6 years of interior design experience as a principal of a firm offering interior design services.

The only applicants who may be grandfathered without having passed the NCIDQ exam are students who were "currently enrolled" in a 2-year interior design program at a Florida community college. To be grandfathered, those students must apply for licensure and graduate from the program by October 1, 1990. The date intended by the phrase "currently enrolled" is not clearly specified in the law.

Individuals who do not qualify for grandfathering must pass a licensure examination adopted by the board. To be eligible for examination, applicants must complete both formal interior design education and practical experience. Section 481.209(2), Florida Statutes, prescribes acceptable education and experience ranging from graduation from a 2-year interior design program and 4 years of interior design experience up to graduation from a 5-year program and 1 year of experience. Once licensed, registered interior designers must complete at least 20 hours of continuing education during each biennium to renew their licenses.

The Department of Professional Regulation had estimated that approximately 5,500 interior designers and interior design firms would be licensed during FY 88-89. As of April, 1989, the Board of Architecture and Interior Design had received 230 applications and issued 56 interior design licenses. Eighty-eight additional applicants may be approved upon completion of their files. An additional 84 applicants who have at least six years of interior design experience cannot qualify because they have not passed the NCIDQ exam. Fourteen of the 84 had taken the American Institute of Interior Design examination, a predecessor of the NCIDQ examination. The board office has received numerous inquiries from individuals who cannot qualify for licensure under the current grandfather provision.

B. EFFECT OF PROPOSED CHANGES:

This bill revises section 21 of chapter 88-383, Laws of Florida, the interior design licensure "grandfather clause."
The application period for licensure as an interior designer without examination is extended by three months for persons applying on the basis of interior design experience. The revised provisions will allow applicants who apply before January 1, 1990, to qualify for licensure as an interior designer without examination if they have used the title "interior designer" and:

1) Had at least one year of interior design experience in this state prior to October 1, 1988, and have passed either the examination administered by the NCIDQ or its predecessor, the American Institute of Interior Design. (Previously, only the NCIDQ examination could be used to satisfy this requirement.) or

2) Have had at least six years of interior design experience. (The bill deletes the requirement for experience at the level of a principal of a firm offering interior design services and eliminates the requirement for having passed the NCIDQ examination.)

The bill extends the licensure alternative which originally applied to only certain community college students to include similarly situated college, university, and professional school students. As revised, students will be eligible for grandfathering if they were enrolled on June 6, 1988, in an interior design program at a community college, college, university, or professional school within in this state or at a community college, college, university, or professional school accredited by the Foundation of Interior Design Education Research or approved by the board as substantially equivalent to such accredited programs. To be eligible for licensure without examination, students will have to apply prior to October 1, 1990, and graduate prior to a specified date. The graduation cut-off date from community college students remains October 1, 1990. The bill sets the graduation cut-off date for college, university, and professional school students at October 1, 1992, to allow time for completing those three or four year programs.

The bill also clarifies the types of experience which can be used to satisfy the interior design experience requirements for licensure without examination. Included are employment or self-employment which involved rendering or offering to render interior design services as defined in section 481.203(8), Florida Statutes, or regular teaching of interior design at a college, university or professional school. Applicants will be required to demonstrate their experience to the satisfaction of the Board of Architecture and Interior Design.
II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

<table>
<thead>
<tr>
<th>FY 89-90</th>
<th>FY 90-91</th>
</tr>
</thead>
<tbody>
<tr>
<td>O.P.S</td>
<td>$5,820</td>
</tr>
<tr>
<td>(970 hrs. at $6 per hr.)</td>
<td></td>
</tr>
</tbody>
</table>

2. Recurring or Annualized Continuation Effects:

   None.

3. Long Run Effects Other Than Normal Growth:

   None.

4. Appropriations Consequences:

   O.P.S. $5,820 $0

   Department of Professional Regulation Trust Fund

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

   None.

2. Recurring or Annualized Continuation Effects:

   None.

3. Long Run Effects Other Than Normal Growth:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   None.

2. Direct Private Sector Benefits:

   None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

   None.
D. FISCAL COMMENTS:

The regulation of interior designers created under part I of chapter 481, Florida Statutes, was intended to be self-sustaining. The Department of Professional Regulation was given the responsibility for regulating this profession without funding to cover initial costs. The department anticipates a deficit of $128,746 for FY 88-89 (9 months) and projects revenues and expenditures for the next two fiscal years as follows:

<table>
<thead>
<tr>
<th></th>
<th>FY 89-90</th>
<th>FY 90-91</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>$232,500</td>
<td>$504,000</td>
</tr>
<tr>
<td>Expenditures</td>
<td>163,173</td>
<td>199,105</td>
</tr>
<tr>
<td>Cash Balance</td>
<td>&lt;$ 59,419&gt;</td>
<td>$245,476</td>
</tr>
</tbody>
</table>

III. LONG RANGE CONSEQUENCES:

This bill eliminates certain aspects of the regulation of interior designers that are not specifically tied to public protection. This is consistent with the policies stated in State Comprehensive Plan goal 21.

IV. COMMENTS:

This bill is consistent with the 1989-90 Legislative Issues Conference Policy Statement on Business Growth and Economic Development Strategies related to small businesses. The bill should enable additional practicing interior designers to become licensed without examination. This outcome would mitigate the effects of the current regulation on small businesspersons who currently provide interior design services and use the title "interior designer."

Complaints have been received by legislative offices and the Department of Professional Regulation that many practicing interior designers cannot qualify for the interior design license under the current grandfather provisions because they have not passed the NCIDQ examination. The NCIDQ examination is used as a competency measure for voluntary membership in interior design professional associations.

It is further noted that no provision is made in the current law or the present bill for grandfathering individuals who previously graduated from 2, 3, or 4-year interior design programs. It is reasonable to assume that such individuals would be equally or better prepared to offer interior design services to the public on the basis of similar or more extensive interior design education. It could be argued, however, that previous graduates of such programs may not have entered the field of interior design and, therefore, may not have experience in that field.
V. SIGNATURES:

SUBSTANTIVE COMMITTEE: Prepared by:  
Sheila A. Hill

SECOND COMMITTEE OF REFERENCE: Prepared by: 

APPROPRIATIONS: Prepared by: 

SH/cm

Staff Director: Patrick L. "Booter" Imhof

Staff Director:

Staff Director:
I. SUMMARY:

A. Present Situation:

Chapter 481, part I, Florida Statutes, provides for regulation of interior designers by the Board of Architecture and Interior Design within the Department of Professional Regulation. The regulation is in the form of a title act, which means that while anyone may perform interior design services, only licensees may use the title "interior designer.”

Licensure of interior designers was adopted by the Legislature in 1988. The 1988 law includes a grandfather clause which allows three alternatives for licensure of individuals who would not otherwise meet the education and experience requirements for licensure provided in the statute. These alternative standards for licensure include: identification by the title "interior designer" and local occupational licensure as an interior designer for one year, plus passage of the national interior design examination; identification by the title "interior designer" and six years experience as a principal of a firm offering interior design services, plus passage of the national interior design examination; or, enrollment in a public community college interior design program and graduation from the program by October 1, 1990. The last alternative does not require passage of the national interior design examination.

B. Effect of Proposed Changes:

The bill amends the grandfather clause to eliminate the national examination requirement for individuals who have been identified by the title "interior designer” and have six years experience performing interior design services.

The bill also amends the grandfather provision for students currently enrolled in community college programs to provide that students must have been enrolled on June 6, 1988, to be eligible under this provision. In addition, this alternative for grandfathering is extended to include individuals who, on June 6, 1988, were enrolled in a state college, university, or professional school interior design programs, or other college, university, or professional school interior design programs accredited by the Foundation for Interior Design Education Research or deemed equivalent by the board.

The date for submitting applications under the grandfather provisions is extended from October 1, 1989, to January 1, 1990, in order for the board to accommodate the additional applications anticipated as a result of the changes in the bill. In addition, the bill makes technical changes to the grandfather provisions, including clarifying the meaning of
"identification as an interior designer" and specifying certain dates relevant to the grandfather provisions.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Individuals who may now qualify for licensure as interior designers under the grandfather provisions will benefit to the extent that they will not incur additional expenses to meet educational requirements and to take the examination. Also, they may benefit to the extent that being able to continue to use the title "interior designer" allows them to retain and attract clients they otherwise would have lost or never secured.

B. Government:

According to the DPR, the board will incur costs of $5,820 to process the additional applications for licensure engendered by the bill. However, the board will receive additional revenue from an undetermined number of applicants to cover these additional costs.

III. COMMENTS:

According to representatives of the interior design industry, this bill corrects a glitch in the licensing law passed last year which unintentionally required people with six years of experience, as well as people with one year of experience, to pass the national examination in order to be eligible for grandfathering.

A further discrepancy apparently exists in the grandfather provisions. Students enrolled in post-secondary interior design programs on June 6, 1988, who graduate by October 1, 1990, are eligible for licensure without having practiced or taken an examination under the bill and current law. However, individuals who had previously graduated from such programs, but who have not practiced for a minimum of six years, must demonstrate one year of practice, plus passage of the national examination, in order to be grandfathered. Also, while all individuals enrolled in 2-year interior design programs on June 6, 1988, have the opportunity to complete their program by October 1, 1990, individuals enrolled in 3 or 4 year programs on that date may not have graduated by October 1, 1990, and will not be eligible under the grandfather provision.

IV. AMENDMENTS:

None.