

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

EVA LOCKE, et al.,
Plaintiffs,

v.

Civil Action No.
4:09cv193-RH/WCS

JOYCE SHORE, et al.,
Defendants.

PRELIMINARY INJUNCTION

THIS MATTER is before the Court on the parties' Agreed Motion For Preliminary Injunction. Upon consideration of the motion and the representations of counsel and it appearing to the Court that the Motion is well taken,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The First Amendment protects people's right to speak truthfully about services they lawfully perform. This includes advertising that uses terms that accurately describe services a person legally provides and that accurately describe the person providing those services.

2. Under Florida law, anyone may perform residential interior design services without being licensed by or registered with the state. Accordingly, the plaintiffs and other nonlicensees may lawfully perform residential interior design services in Florida, and they have a right under the First Amendment to advertise those services using terms that accurately describe themselves and the services they lawfully provide.

3. In light of the foregoing, the defendants and their officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with them,¹ are hereby enjoined from enforcing the statutory restrictions on the use by unlicensed or unregistered individuals who lawfully practice interior design of the specific statutory terms in Fla. Stat. §§ 481.223(1)(c) and 481.229(6)(a) and any other “words to that effect” to truthfully describe themselves and the services they lawfully provide.

4. This agreed injunction shall remain in effect until further order of the Court, and it is expressly understood and acknowledged by the parties that (a) the order applies to disciplinary actions already commenced or that could have been commenced by the Board of Architecture and Interior Design; and (b) the Board may not take action against any person for actions taken in accordance with the agreed injunction order while it was in effect, even if the order is later withdrawn or dissolved.

SO ORDERED on August 7, 2009.

s/Robert L. Hinkle
United States District Judge

¹ The parties’ agreed preliminary injunction would also enjoin “potential ‘affected persons’ under Fla. Stat. § 481.223(3)(a)&(b).” They cite no authority for enjoining nonparties in addition to those listed in Federal Rule of Civil Procedure 65(d)(2). This order tracks the rule. Except for this change, this order is the same as proposed by the parties.