

**HB233 GUIDANCE:<sup>1</sup> Florida Polytechnic University<sup>2</sup>  
August 8, 2021**

This document provides guidance on HB 233 which is in effect on July 1, 2021. Included below are proposed definitions, a proposed syllabus statement, faculty-focused FAQ, and student-focused FAQ. Each institution will necessarily have to customize its own approach to implementation, but we hope you find this document helpful to guide your process.

SYLLABUS STATEMENT

Students may, without prior notice, record video or audio of a class lecture for a class in which the student is enrolled for their own personal educational use.

Recordings may not be used as a substitute for class participation and class attendance. Recordings may not be published or shared in any way, either intentionally or accidentally, without the written consent of the faculty member. Failure to adhere to these requirements is a violation of state law (subject to civil penalty) and the student code of conduct (subject to disciplinary action).

*Recording class activities other than class lectures, including but not limited to lab sessions, student presentations (whether individually or part of a group), class discussion (except when incidental to and incorporated within a class lecture), and invited guest speakers is prohibited.*

Further clarification is provided on the [Faculty Resources](#) and [Student Resources](#) websites.

PREFATORY LANGUAGE AND DEFINITIONS

A state university student may, without prior notice, audio or video record a class lecture in which the student is enrolled for the following purposes:

- (a) personal educational use of the student;
- (b) in connection with a complaint to the university where the recording is made; or
- (c) as evidence in, or in preparation for, a criminal or civil proceeding.

A class lecture recording may not be published without the written consent of the faculty member, with exception of sharing with university administration or law enforcement officials as a part of a complaint. Violation of this provision may subject the student to disciplinary action by the university and/or to a legal action by a person injured by the publication.

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<sup>1</sup> This I house Bill 233 from the 2021 session of the Florida Legislature. The bill broadly addresses intellectual freedoms, this guidance focuses on the student's right to record lecture material as a part of a class.

<sup>2</sup> This document adopted from state university guidance developed by, and for, the twelve members of the state university system.

A class lecture is defined as a formal or methodical oral presentation as part of a university course presented to enrolled students about a particular subject. Class lecture **does not** include lab sessions, student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member, and invited guest speakers during a class session. A recording that provides identifying information regarding a student (name, audio of student, video of student) who has not consented to being recorded will not be recognized as a class lecture for these purposes and may be subject to other institutional policies.

To publish means to share, transmit, circulate, distribute or otherwise provide access to the recording, regardless of format or medium, to another person, or persons, including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.