

CHAPTER 228

RECORDING AND COPYING OF PUBLIC RECORDS IN POPULOUS COUNTIES

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228.01 Recording of documents and public records by mechanical process authorized.

Whenever any officer of any county having a population of 500,000 or more is required or authorized by law to file, record, copy, recopy or replace any document, court order, plat, paper, written instrument, writings, record or book of record, on file or of record in his office, notwithstanding any other provisions in the statutes, he may do so by photostatic, photographic, microphotographic, microfilm, or other mechanical process which produces a clear, accurate and permanent copy or reproduction of the original document, court order, plat, paper, written instrument, writings, record or book of record in accordance with standards not less than those approved for permanent records by the national archives and records service of the general services administration. Any such officer may also reproduce by such processes any document, court order, plat, paper, written instrument, writings, record or book of record which has previously been filed, recorded, copied or recopied.

228.02 Certification of records. In counties having a population of 500,000 or more, in any case where an original document, court order, plat, paper, written instrument, writings, record or book of record previously filed or of record in the office of such officer is, whether because of the worn or injured condition thereof or for any other reason, copied and replaced by such process under s. 228.01, and where such officer is required by law to certify in or on the paper or book replacing the original so copied that the replacement is a true and correct copy of the original, a copy of such certification by such officer, similarly made and produced and included at the end of the replacement, shall be sufficient compliance with such law.

228.03 Copy to be deemed to be original record. (1) Photographic reproduction of original documents, court orders, plats, papers, writ-

ten instruments, writings, records, books of record, original files or other material bearing upon or pertinent to the activities and functions of any county office, department, agency, board, commission, court or institution in counties having a population of 500,000 or more, shall be deemed to be an original for all purposes, if:

(a) Such reproduction is upon film which complies with the minimum standards of quality approved for permanent photographic records by the national archives and records service of the general services administration;

(b) The device used to reproduce the records on film is one which reproduces the content of the original;

(c) Each reel or part of a reel of microfilm carries at the beginning a title target giving the name of the county office, department, agency, board, commission, court or institution; a brief title of record series; and at the end the camera operator's certificate showing the microfilming project identification, reel number, and a brief description of the first and last document on the reel or part of the reel of film, together with a statement signed by the operator substantially as follows: I hereby certify that I have on this ... day of ..., 19..., (photographed, microphotographed) the foregoing and above-described documents in accordance with standards established by section 228.03 (1) of the statutes and with established procedures; and

(d) A statement of compliance with the minimum standards for quality of film and for processing and developing permanent photographic records as provided by the national archives and records service of the general services administration shall be photographed at the end of each reel or part of a reel of microfilm. The certificate of the operator and the statement of compliance shall be presumptive evidence that all conditions and standards prescribed by this section have been complied with.

(2) Any photographic reproduction meeting the foregoing conditions prescribed shall be

taken as and stand in lieu of and have all the effect of the original document or writings and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible. A transcript, exemplification or certified copy thereof, for all purposes herein, is deemed to be a transcript, exemplification or certified copy of the original. Such reproduction shall be placed in conveniently accessible files and provision shall be made for preserving, examining and using the same. An enlarged copy of any photographic reproduction on film made as herein provided and certified by the custodian as provided in s. 889.18 (2) shall have the same effect as the photographic reproduction itself.

228.04 Inspection of records and copies of records. Every custodian of public records in counties having a population of 500,000 or more shall keep them in such arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, microfilm or other mechanical process of records shall be considered as accessible for convenient use regardless of the size of such records, provided that a suitable means for public inspection of the records is provided by the agency maintaining the records. Except as otherwise expressly provided by law, he shall permit all public records in his custody to be inspected, examined, abstracted or copied at reasonable times and under his supervision and regulation by any person; and he shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law.

228.05 Marginal references. The register of deeds of any county having a population of 500,000 or more who has copied a document by microphotography or microfilm accepted by him for recording or filing shall also, as a substitute for marginal references required, prepare an index for documents of ancillary nature for which marginal references are required. Such index for ancillary documents shall be prepared and maintained to show the document number or volume and page of the original recording or filing plus a record of any and all recordings or filings affecting or pertinent to such original recording or filing requiring marginal references subsequent to the date on which the county begins such recording or recopying by microphotography or microfilm.

228.06 Correction and alterations. In counties having a population of 500,000 or more, in any case where any record or replacement thereof in the office of any county officer is produced by a mechanical process, any correction, alteration, indorsement or entry required or authorized to be made of or on any instrument or paper or on the record thereof, may be made by copying or reproducing the affidavit, certificate, court order or corrected copy by the same means used to produce the original copy, and by noting and making reference to the correction, alteration, indorsement or entry in the indexes showing the location of the original filing or recording.

228.07 Recording and copying by other counties. Any county by resolution may elect to be controlled by this chapter.

History: 1971 c. 104; 1981 c. 390 s. 252.