



**S.B. 131**

125th General Assembly  
(As Introduced)

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**BILL SUMMARY**

- Eliminates the \$2 per page fee that a county recorder must charge for photocopying a recorded document, and thereby subjects the county recorder instead to the "at cost" per reproduced copy requirement of the Public Records Law.
- Eliminates the housing trust fund fee that must be charged by county recorders for making photocopies of recorded documents.

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**CONTENT AND OPERATION**

**Background**

Under the current Public Records Law, when a person makes a request for a copy of a public record, the public office or person responsible for the public record generally must make the copy available *at cost* within a reasonable period of time (sec. 149.43(B)(1) and (3)--not in the bill). However, under existing law, the county recorder is required to charge and collect a number of specified "base" fees for the recorder's services, and additional specified "housing trust fund" fees to be deposited in the Low- and Moderate-Income Housing Trust Fund (sec. 317.32 and secs. 175.21, 317.36, and 319.63--not in the bill). Among the various fees to be collected by a county recorder is a \$1 base fee (apparently per page; see **COMMENT**) for photocopying a recorded document; it must be accompanied by a housing trust fund fee of \$1 per page (sec. 317.32(I)). Accordingly, there is a \$2 per page fee for photocopying an already recorded public record in the county recorder's office. The \$2 per page fee may well be significantly higher than the "at cost" amount otherwise generally allowed for copies of public records under the Public Records Law.

**Changes made by the bill**

The bill eliminates the current \$1 per page base fee for photocopies of recorded documents in the county recorder's office as well as the attendant \$1 per page housing trust fund fee charged for making those copies. This change requires the county recorder to charge, instead, the "at cost" amount for making copies of recorded documents under the Public Records Law. It also eliminates the housing trust fund fee derived from photocopying recorded documents in the county recorder's office. (Sec. 317.32(I).)

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**COMMENT**

Am. Sub. H.B. 95 of the 125th General Assembly requires county recorders to charge housing trust fund fees in amounts equal to the statutorily specified service ("base") fees, thereby doubling the fees collected under former law (secs. 317.32 and 317.36(A)). The \$1 base fee for photocopying a recorded document, under the law as it existed before the enactment of Am. Sub. H.B. 95, was applied on a per page basis.

The per page fee is for documents size 8½ inches by 14 inches, and for documents smaller than that size.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	09-18-03	p. 1049

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