

CLERK OF THE CIRCUIT COURT & COMPTROLLER, SARASOTA COUNTY

Guidance on Reopen Fee Applicability Pursuant to §28.241(1)(b), F.S.
for Circuit Civil and Domestic Relations Filings

A \$50.00 fee will be charged for each filing that will reopen a circuit court case (Civil, Domestic Relations, Probate and Guardianship.) A case is reopened when a case previously reported as disposed is re-submitted to the court. The following provides guidance in determining when a fee will be charged.

The Florida Supreme Court in S.L.T. Warehouse Company v. Webb, 304 So2d 97(Fla,1974) stated a general test for determining when a case is completed:

“Whether the order in question constitutes an end to the judicial labor in the cause and nothing further remains to be done by the court to effectuate a termination of the cause as between the parties directly affected.”

There **will not be a fee** charged for petitions/motions if filed within the time periods permitted under the Florida Rules of Civil Procedure, for the following:

- Attorney’s Fees & Costs
- New Trial
- Rehearing
- Reschedule Foreclosure Sale

A reopen fee is not applicable to post-determination filing for which no fee was, as a matter of law, required to file the original action. Domestic/Repeat/Dating/Sexual/Violence cases, pursuant to §741.30(2)(a), F.S., exempts filing fees for Petitions for Protection, therefore there **will be no fee** charged for motions/petitions filed for the following in such cases:

- Modification Child Support
- Modification of Visitation
- Violation of Restraining Order

If a filing fee is paid for motions/petitions directed to the Clerk and not submitted to the Court, a reopen fee **will not be charged** for the following:

- Writ of Attachment
- Writ of Garnishment

However, if the matter subsequently requires judicial action, a filing fee **will be charged**. Examples are motions/petitions for the following:

- Continuing Writ of Garnishment
- Final Judgment in Garnishment

A reopen fee will not be charged for a filing directed to the Clerk and does not require judicial activity. Examples are motions/petitions for the following:

- Direct Credit in Child Support Cases
- Issuance of Writ of Possession
- Writ of Execution

A reopen fee **will be charged** on motions/petitions filed subsequent to final judicial determination on the reopen action initially submitted to the court.