

CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER
SARASOTA COUNTY

Guidance on Reopen Fee Applicability Pursuant to Florida Statute
§ 28.241 (circuit court) and §34.041 (county court) filings

A party reopening any civil action, suit, or proceeding in the circuit or county court shall pay to the Clerk of Court a filing fee. A case is reopened when a case previously reported as disposed is re-submitted to the Court.

Pursuant to FS, the following are exempt from the reopen fee assessment:

- Any matter to reopen a case which there is not an initial filing fee.
- Any mental health pleading.
- Any pleading in a probate case filed prior to the Discharge of Personal Representative. If, however, a filing fee is designated for filing an original petition, the new filing fee is charged.
- Any procedural filing or in the normal course of administration of the guardianship prior to Discharge of the Guardian.
- Disposition of Personal Property without Administration.
- Motion exclusively for the Enforcement of Child Support Order.
- Motion for Attorney's fees (filed within 30 days of a judgment or final order).
- Motion for Dismissal (filed after a mediation agreement has been filed).
- Motion for Rehearing (filed with 10 days of final judgment, order or decree).
- Motion to Withdraw (by attorney).
- Notice of Intent to Relocate and any order issuing as a result of an Uncontested Relocation.
- Petition for Credit of Child Support.
- Responsive pleadings.
- Stipulations.
- Writ of Attachment.
- Writ of Distress.
- Writ of Garnishment.
- Writ of Replevin.

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 complete:

“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.”

Therefore, a reopen fee will not be charged for the following filings:

- Motion for Clarification of a Final Judgment, Order or Decree.
- Motion for New Trial.
- Motion to Contest Impending Judgment and to Contest Suspension of Driver’s License as it relates to Child Support.
- Motions EXCLUSIVELY for Enforcement of Child Support Orders (meaning Motions for Enforcement, Motions for Contempt for Child Support, Health Insurance for Children, Children’s Medical Bills, Daycare or Enforcement of Visitation).
- Post final judgment in judicial sales to the issuance of the Certificate of Title (judicial involvement concludes with the issuance of the Certificate of Title).

Actions that result in a reopen fee being charged, subsequent actions will not be assessed additional reopen fees until the court action constitutes the end to the judicial labor.