

CLERK OF THE CIRCUIT COURT & COMPTROLLER, SARASOTA COUNTY

**Guidance on Reopen Fee Applicability Pursuant to §28.241(1)(b), F.S.
for Probate and Guardianship 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 in guardianship cases will be charged if the filing seeks a substantive change in the order of guardianship or administration thereof. There **will be a fee** charged for motions/petitions for the following:

- Appointment of Successor Guardian
- Enforce, Modify or Vacate Previous Judgment or Decision
- Order to Show Cause
- Rehearing (if not within time provided by Rules of Civil Procedure)
- Remove Guardian
- Seal File
- Suggestion of Capacity

There **will be no fee** charged for motions/petitions for the following:

- Approval of Accounting
- Attorneys' Fees and Costs
- Authorization to Act
- Elective Shares
- Family Allowance
- Rehearing
- Sell Property

A reopen file **will not be** charged for action for which another filing fee is required. Examples are motions/petitions for the following:

- Approve Annual Accounting
- Seal or Expunge

If a filing fee is designated for filing an original petition, a reopen filing fee **will not be charged** upon filing of another original petition. Example: Petition to Open Safe Deposit Box or a caveat, followed by a Petition for Administration filed in the same court. The statutory fee for the Petition to Open Safe Deposit Box and the statutory fee for each caveat and the statutory fee for the Petition for Administration will be charged.

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