

Research Guide

DECLARATORY JUDGMENT

- A Declaratory Judgment establishes the rights and other legal relations of the parties without providing for enforcement. See Florida Statute section 86.021.
- A Declaratory Judgment action attempts to settle and give relief from insecurity and uncertainty with respect to an individual's rights, status, and other equitable or legal relations. See Florida Statutes, section 86.101; See also Kendrick v Everheart, 390 So. 2d 53, (Fla. 1980); Florida Civil Procedure, 3rd Edition, Lexis, page 7-100.
- For example, if you purchased a vehicle or boat and cannot obtain the Certificate of Title from the previous owner, you would need to obtain a judgment declaring your ownership.
- A person must be at least 18 years of age and be an individual, a person Doing Business As (d/b/a), or a corporation.
- A minor child must have a parent or legal guardian file on his/her behalf.
- *Venue* should be in the County where the property is located.
- *Jurisdiction* - This action must be brought in the court of competent jurisdiction based on the value of the property.
- The claim amount is based on the value of the property.
- If the amount of the claim is for less than \$5,000 or less, then *jurisdiction* would be in Small Claims Court.
- If the amount of the claim is from \$5,001 to \$15,000, then *jurisdiction* would be in County Civil Court.
- The West Causes of Action set has several examples of Declaratory Judgment based on different underlying issues. See the Index for this resource.
- The Florida Causes of Action, by James Publishing, has an outline of the elements necessary to uphold an action for a declaratory judgment. These are broken down by the different District Courts of Appeal and give references to court decisions. See Florida Causes of Action, James Publishing, section 17:30.
- VCLL has a generic Declaratory Judgment self-help packet which explains the procedures for filing a Declaratory Judgment action and includes some sample forms.

VCLL Resources:

The following are just a few of the resources available on this subject; please feel free to browse the shelves or ask a Librarian for assistance:

1. Chapter 86, Florida Statutes
2. Florida Civil Procedure, 3rd Edition, Lexis
3. Causes of Action, West
4. Florida Causes of Action, James Publishing
5. VCLL Patron Desktop – generic Declaratory Judgment self-help packet

NOTICE: This research guide is based on information gathered from the resources cited above. For more information on this or other legal topics visit the nearest branch of the Volusia County Law Library.

IF YOU ARE ACTING AS YOUR OWN ATTORNEY YOU ARE RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE. Remember: Court and Clerk Filing & Service fees vary. Check with the Clerk of the Court for exact fees and court costs.