

# Declaratory Judgement

## RESEARCH GUIDE

A Declaratory Judgment establishes the rights and other legal relations of the parties without providing for enforcement. 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 Statute 86.021](#)
- See [Florida Statute 86.101](#)
- Kendrick v. Everheart, 390 So. 2d 53, (Fla. 1980); Florida Civil Procedure, Lexis.

For example, if you purchased a vehicle or boat and cannot obtain the Certificate of Title from the previous owner, you may 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* is ordinarily in the County where the property is located.
- *Jurisdiction* – Actions are 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 \$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.

### Library Resources

1. [Florida Statutes Chapter 86](#)
  2. Florida Civil Procedure, Lexis
  3. Causes of Action, West
  4. Florida Causes of Action, James Publishing
  5. Declaratory Judgment self-help forms
- 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.

- Declaratory Judgment self-help packet which explains the procedures for filing a Declaratory Judgment action and includes some sample forms.

**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.