

**IN AND FOR THE COURTS OF THE FIRST JUDICIAL CIRCUIT
STATE OF FLORIDA**

ADMINISTRATIVE ORDER 2013-49

(Vacates AO 2006-09)

IN RE: JUDICIAL ANNUAL LEAVE

WHEREAS, the Judicial Administration Section of the Conference of Circuit Judges has reviewed the leave practices in existence in other judicial branches throughout the United States; and

WHEREAS, the America Bar Association's National Conference of Special Court Judges has recommended criteria for sound leave policies to include no less than 21, nor more than 30 working days of vacation leave per year; and

WHEREAS, all judicial officers, unlike state employees, cannot accumulate annual and sick leave for which they are compensated at the termination of service; and

WHEREAS, all judicial officers are considered to be available for duty twenty-four hours a day and are often required to serve on weekends and after hours without compensatory time; and

WHEREAS, judicial annual leave assures that judges have sufficient time away from the bench to maintain good health and effectiveness and to permit time for rejuvenation and renewal; and

WHEREAS, a process exists whereby the Chief Judge's Administrative Assistant may direct senior judges and request active judges to sign generic orders and reduce the

backlog of paperwork which accumulates while a judge is on annual leave; and

WHEREAS, establishment of the following judicial annual leave policy emphasizes that annual leave is in the best interest of a properly functioning judiciary while also ensuring judges are accountable for reporting the time they are on annual leave; and

WHEREAS, judicial annual leave does not encompass sick leave, educational leave, military leave, leave to serve on court commissions, committees, task forces, work groups, Florida Bar committees, or other leave in the furtherance of justice; and

WHEREAS, all judicial officers are expected to participate - as both faculty and students - in approved continuing judicial education programs; and

WHEREAS, judges are also encouraged as part of their regular judicial responsibilities to participate in professional meetings and conferences that advance the administration of justice or the public's understanding of the judicial system, to serve on commissions and committees of state and national organizations that contribute to the improvement of the law or the administration of justice, and to serve on Supreme Court-appointed or intra-circuit assignments or committees; and

WHEREAS, a judicial office is a public office rather than an employment status, and, therefore, the establishment of a judicial annual leave policy cannot be required by law and is entirely voluntary on the part of the State Court System; and

WHEREAS, this administrative order is entered in accordance with the chief judge's duties and responsibilities as set forth in Article V, Section 2(a) and (d), *Constitution of the State of Florida*; and *Florida Rules of Judicial Administration* 2.215(b)(2) and (11); it is, therefore,

ORDERED

1. Circuit court and county court judges are expected to take no more than 30 working days of annual leave. For the purposes of this administrative order, “annual leave” means “time away from judicial duties to provide opportunities for rest, relaxation and personal pursuits.” Annual leave does not encompass sick leave, education leave, military leave, leave to serve on court or bar committees, or other leave in the furtherance of justice. The taking of annual leave shall not interfere with the efficient administration of a judicial officer’s docket.
2. Before any judicial annual leave of one day or more is taken, each judge must notify the Chief Judge’s Administrative Assistant by e-mail of her or his intention to take judicial annual leave and must indicate the specific date(s) for which annual leave is to be used. If for any reason a judge cannot give advance notice of judicial annual leave as specified herein, then the judge must report the taking of judicial annual leave as soon as practicable.
3. The Chief Judge’s Administrative Assistant shall maintain records of notifications of judicial annual leave.
4. Unused judicial annual leave does not accrue from year to year. No judge shall be entitled to be paid for those hours of judicial annual leave not taken within a calendar year.
5. Nothing herein prevents a Chief Judge, upon good cause shown on a case by case basis, from allowing judicial annual leave in excess of 30 working days.
6. This order replaces and vacates Administrative Order No. 2006-09.

DONE AND ORDERED at Pensacola, Escambia County, Florida this 25th day July, 2013.

/S/ TERRY D. TERRELL

TERRY D. TERRELL, CHIEF JUDGE

Copies furnished to:
All Judges, First Judicial Circuit
Robin Wright, Trial Courts Administrator