

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: JUDICIAL ANNUAL LEAVE )  
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ADMINISTRATIVE ORDER

NO: 2.28

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CLERK OF COURT

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

WHEREAS 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 the benefit of defined 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 establishment of the following judicial annual leave policy ensures that judges are accountable for the time they are away from the bench while simultaneously emphasizing that some leave time is in the best interest of a properly functioning judiciary; and

WHEREAS judicial annual leave does not encompass sick leave, educational leave, military leave, leave to serve on court committees or other leave in the furtherance of justice; and

WHEREAS all judges 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 constitutionally recognized public office rather than an

employment status, and therefore the establishment of a judicial 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, Florida Constitution; Rule of Judicial Administration 2.050; and section 26.37, Florida Statutes, 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, educational leave, military leave, leave to serve on court 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. Because all judges are constitutional officers and professional public servants, each judge shall be self reporting - that is, each judge shall maintain within their office an accurate record of the annual leave time taken and such records shall be available for inspection by the chief judge or his/her designee.

3. 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.

4. 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 days.

DONE AND ORDERED in chambers in Naples, Collier County, Florida, this 24<sup>th</sup> day of FEBRUARY, 2006.

Hugh D. Hayes  
Hugh D. Hayes  
Chief Judge

History. - New.

I certify this document to be a true and correct copy of the original on file in my office, Charlie Green, Clerk Circuit Court, Lee County, Florida  
Dated: 3-1-06  
By: [Signature]  
Deputy Clerk

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March 2006  
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[Signature]