

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 11.107-01/18*

RE: JUDICIAL LEAVE POLICY

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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. 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. Judicial officers, unlike state employees, cannot accumulate annual and medical leave for which they are compensated at the termination of services. 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. 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. The establishment of the following judicial 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 interests of a properly functioning judiciary.

Judicial leave does not encompass sick leave, educational leave, military leave, leave to serve on court committees or other leave in the furtherance of justice. All judges are expected to participate, as both faculty and students, in approved continuing judicial education programs. 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. A judicial office is a public office rather 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. Most, if not all, of the circuits in Florida have adopted judicial leave policies that provide judges with no less than 21 nor more than 30 working days of vacation leave per year.

Florida Rule of Judicial Administration 2.205(2)(C) requires justices of the Florida Supreme Court to notify the Chief Justice of contemplated absences from the court and the reasons therefore. Florida Rule of Judicial Administration

2.210(2)(F) requires judges of the district courts to notify the Chief Judge of the District of any contemplated absence from the court and the reasons therefore.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

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.

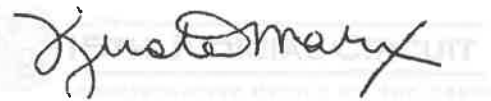
2. **Judicial officers are to notify the Chief Judge of any contemplated extended absence from the court. An extended absence means an absence of more than 5 business days. Before any contemplated extended absence is taken, a judicial officer must notify the chief judge of his or her intention to be out for an extended absence and indicate the specific date(s) and the reasons therefore. Judicial officers are to notify their alternates of the dates of contemplated absences – extended or otherwise - in accordance with Administrative Order 11.106.**

3. Because all judges are constitutional officers and professional public servants, each judge shall self report judicial leave by maintaining within their office an accurate record of the annual leave time taken. Such records shall be available for inspection by the chief judge or his/her designee.

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.

DONE AND ORDERED in Chambers in West Palm Beach, Palm Beach County, Florida this 18 day of January, 2018.



Krista Marx
Chief Judge

* supersedes admin. order 11.107-9/08