

**AMENDED ADMINISTRATIVE ORDER GOVERNING  
JUDICIAL ANNUAL LEAVE POLICY**

**WHEREAS**, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

**WHEREAS**, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, see Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

**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 accumulate annual and sick leave for which they are compensated at the termination of services; 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 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 interests 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 the 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;

**NOW THEREFORE, I**, Belvin Perry, Jr., in order to facilitate the efficient administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following, effective **immediately**, and to continue until further order:

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 Order, "annual leave" shall mean "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. Before any judicial annual leave is taken, each judge must notify the chief judge, with copy to the chief judge's judicial assistant, of his or her intention to take judicial annual leave and must indicate the specific date(s) for which judicial annual leave is to be used.

3. Before any judicial annual leave is taken, each judge must also notify the appropriate administrative judge of his or her intention to take judicial annual leave and must indicate the specific date(s) for which judicial annual leave is to be used.

4. The chief judge or the chief judge's designee shall maintain records of those notifications.

5. 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.

6. 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** at Orlando, Florida, this 20th day of October, 2010.

\_\_\_\_\_/s/\_\_\_\_\_  
Belvin Perry, Jr.  
Chief Judge

Copies provided to:

Clerk of Court, Orange County  
Clerk of Court, Osceola County  
General E-Mail Distribution List  
<http://www.ninthcircuit.org>