

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES**

ADMINISTRATIVE ORDER NO. 1-42.1

**IN RE: JUDICIAL ANNUAL LEAVE**

WHEREAS, sixteen years ago, the Judicial Administration Section of the Conference of Circuit Judges reviewed the leave practices in existence in other judicial branches throughout the United States. The Judicial Administration Section noted that the American Bar Association's National Conference of Special Court Judges recommended that sound judicial leave policies should include no less than 21, nor more than 30 working days of leave per year; and

WHEREAS, the previous administrative order concerning judicial annual leave entered on February 16, 2006, should be amended to refer to the recently defined judicial medical and parental leave as set forth in the Florida Supreme Court's *In Re: Judicial Medical and Parental Leave*, AOSC 22-11 (May 20, 2022); and

WHEREAS, judicial officers are considered to be available for duty twenty-four hours a day and are required to serve on weekends and after hours without compensatory time. Furthermore, judicial officers, unlike state employees, cannot accumulate annual leave for which they are compensated at the termination of service; 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, to serve on Supreme Court-appointed or intra-circuit assignments or committees, and to participate, as both faculty and students, in approved continuing judicial education programs; and

WHEREAS, establishment of the following judicial annual leave policy 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 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 annual leave does not encompass medical leave, parental leave, educational leave, military leave, leave to serve on court committees or other leave in the furtherance of justice; 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 2.215; 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. The taking of annual leave shall not interfere with the efficient administration of a judicial officer's docket or division assignment. 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 medical leave, parental leave, educational leave, military leave, leave to serve on court committees or other leave in the furtherance of justice.

2. Unless an emergency, each judge must consider the demands of their current division assignments before any judicial annual leave is taken. Each judge must also consider other anticipated leave that might cause the judge or his or her colleagues to be away from the bench. Each judge should determine that taking annual leave will not interfere with the efficient administration of his or her docket.
3. Each judge must notify the chief judge of his or her intention to take judicial annual leave and must indicate the specific date(s) for which annual leave is to be used. If unable to notify the chief judge prior to the leave taken, the judge must provide notification of the specific date(s) as soon as practicable. The chief judge or the chief judge's designee shall maintain records of those notifications. Judges are not required to notify the chief judge for time away from the bench for less than a day or for routine appointments or other errands.
4. Medical and parental leave for circuit and county court judges are defined by *In Re: Judicial Medical and Parental Leave*, AOSC 22-11 (May 20, 2022) (as may be amended), which is attached hereto as Attachment 1. "Medical leave" is defined as "leave for a serious health condition diagnosed by a physician or other qualified health care professional which requires a judge to be away from the bench for medical issues that include, but are not limited to, in-patient or outpatient medical surgery (e.g., eye surgery, back surgery, knee surgery, hip surgery), maternity care (e.g., necessary time for childbirth and recovery after childbirth), or prescribed medical treatments (e.g., cancer treatment, chemotherapy, dialysis)." *Id.* at 3. A day of leave taken as a result of a minor illness is not encompassed in the definition of medical leave and should be considered a day of judicial annual leave requiring notification as soon as practicable.
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. This Administrative Order supersedes Administrative Order 1-42.0, entered on February 16, 2006, and is effective upon signing.

DONE AND ORDERED on this 11th day of July, 2022.

s/ELLEN S. MASTERS  
Chief Judge

Original:  
Polk County Clerk of Court

Copies:  
All Judges  
Hardee County Clerk of Court  
Highlands County Clerk of Court  
Trial Court Administrator  
Electronic Bar Mailing

ATTACHMENT 1

# Supreme Court of Florida

No. AOSC22-11

IN RE: JUDICIAL MEDICAL AND PARENTAL LEAVE

ADMINISTRATIVE ORDER

WHEREAS, the official duties of a judge take precedence over all of the judge's other activities; and

WHEREAS, judges are constitutional officers who are not in leave-accruing positions; and

WHEREAS, circuit and county judges are provided with judicial annual leave, as designated by local administrative order, at the discretion of the chief judge; and

WHEREAS, the providing of judicial medical leave ensures that judges have sufficient time to maintain their physical health and also have adequate time for proper recovery and recuperation; and

WHEREAS, the providing of judicial parental leave ensures that judges have time to address childbirth and adoption; and

WHEREAS, the establishment of a judicial medical and parental leave policy ensures that judges are provided with adequate division coverage while they are away; and

WHEREAS, the establishment of a judicial medical and parental leave policy will ensure that judges are accountable for the time they are away from the bench while simultaneously emphasizing that certain short-term leave time is in the best interests of a properly functioning and effective judiciary; and

WHEREAS, the chief judge has the authority and the responsibility to work with individual judges to handle short-term medical or parental leave in a manner that balances the proper administration of justice, provides court division coverage, and addresses health concerns; and

WHEREAS, the establishment of a judicial medical and parental leave policy is not required by law and is entirely discretionary on the part of the Florida State Courts System;

NOW, THEREFORE, pursuant to the administrative authority conferred upon me by article V, section 2(b) of the Florida Constitution and Rule of General Practice and Judicial Administration 2.215,

IT IS ORDERED that:

1. District court of appeal, circuit court, and county court judges are permitted up to six (6) weeks (30 business days) of judicial medical leave time annually. For the purposes of this administrative order “medical leave” is defined as leave for a serious health condition diagnosed by a physician or other qualified health care professional which requires a judge to be away from the bench for medical issues that include, but are not limited to, in-patient or outpatient medical surgery (e.g., eye surgery, back surgery, knee surgery, hip surgery), maternity care (e.g., necessary time for childbirth and recovery after childbirth), or prescribed medical treatments (e.g., cancer treatment, chemotherapy, dialysis).

2. District court of appeal, circuit court, and county court judges are permitted to request up to three (3) weeks (15 business days) of judicial parental leave. For the purposes of this administrative order “parental leave” means leave granted to a judge based on the birth of or the placement of a minor child into their care within the first calendar year of that birth or placement. This leave must be used consecutively.

3. A chief judge shall arrange division coverage for a district court of appeal, circuit court, or county court judge who is taking judicial medical or parental leave in excess of two (2) weeks (10 business days). For the purposes of this administrative order “division coverage” is defined as the scope of a judge’s official assignments that include, but are not limited to, presiding over caseload dockets, motion hearings, trials, routine matters, appellate panel assignments, or oral argument dockets. Division coverage may also be provided at the discretion of the chief judge for a judge who is taking judicial medical or parental leave for less than two (2) weeks (10 business days) based on the specific needs of their division.

4. Judicial medical or parental leave does not encompass annual leave, educational leave, military leave, leave granted at the discretion of the chief judge for good cause, leave to serve on court committees, or any other leave taken in the furtherance of justice.

5. A circuit court judge or a county court judge who is taking judicial parental leave may request that their period of judicial parental leave be immediately followed by up to three (3)

weeks (15 business days) of the judge's regular judicial annual leave, as authorized by local administrative order.

6. A district court of appeal, circuit court, or county court judge who is taking judicial medical leave for maternity care as defined in this administrative order may request that their judicial medical leave be immediately followed by judicial parental leave.

7. The total amount of division coverage that may be provided consecutively to a district court of appeal judge combining medical leave for maternity care and parental leave is nine (9) weeks (45 business days). The total amount of division coverage that may be provided consecutively to a circuit court or county court judge combining medical leave for maternity care, parental leave, and annual leave is 12 weeks (60 business days).

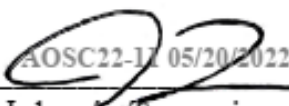
8. Except in an emergency, before any judicial medical or parental leave is taken a judge must notify their chief judge of the intention to take medical or parental leave and must also indicate the specific date(s) for which this leave is to be used. The chief judge or the chief judge's designee shall maintain records of those notifications.

9. Nothing herein prevents a chief judge, upon good cause shown by a judge and based on a physician's or other qualified health care professional's recommendations, from allowing judicial medical leave in excess of 30 business days.

DONE AND ORDERED at Tallahassee, Florida, on May 20, 2022.

  
Chief Justice Charles T. Canady  
AOSC22-11 05/20/2022

ATTEST:

  
John A. Tomasino, Clerk of Court  
AOSC22-11 05/20/2022

