

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY**

**CASE NO. 21-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 21- 19
(Superseding A0 06-05)**

**IN RE: JUDICIAL ANNUAL AND
PARENTAL 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.

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.

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

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

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.

WHEREAS, judicial parental leave assures that judges have sufficient time away from the bench to care for and bond with children after birth, adoption, or foster placement.

WHEREAS, establishment of judicial annual leave and parental leave policies 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.

WHEREAS, all judges are expected to participate – as both faculty and students – in approved continuing judicial education programs.

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.

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

NOW, THEREFORE, pursuant the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Florida Rule of General Practice and Judicial Administration 2.215, it is hereby ORDERED that:

1. Annual Leave. Circuit and county court judges are expected to take no more than 30 working days of annual leave within a calendar year. For 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 parental leave, 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 judge’s docket. 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.
2. Parental Leave. Parental leave may be taken by any judge for any of the following reasons: (a) birth of a child, (b) placement of a child with the judge for adoption or foster care, or (c) to care for a newborn child. The period of parental leave shall not exceed three (3) calendar months in a 12-month period. Parental leave does not encompass annual leave, sick leave, educational leave, military leave, leave to serve on court committees, or other leave in the furtherance of justice. Parental leave for a child’s birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth, placement, or adoption. Any parental leave must be concluded within this 12-month period.
3. Notification. Before annual or parental leave is taken, each judge must notify the chief judge or the chief judge’s designee, in writing, of his or her intention to take leave and must indicate the specific date(s) for which leave is to be used. The chief judge or chief judge’s designee shall maintain records of all such notifications. Parental leave notification should be made as soon as the judge becomes aware of the need for parental leave, preferably at least 30 days in advance of the absence.
4. Extensions. Nothing herein prevents the chief judge or the chief judge’s designee, upon good cause shown on a case-by-case basis, from allowing judicial annual leave or parental leave more than the time periods specified in paragraphs 1 and 2 herein.

This Administrative Order shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 3rd day of November 2021.

**NUSHIN G. SAYFIE, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT**