

1                   A bill to be entitled  
 2           An act relating to criminal prosecutions; creating s.  
 3           918.19, F.S.; prescribing rights of the prosecution in  
 4           closing arguments; repealing Rule 3.250, Florida Rules of  
 5           Criminal Procedure, relating to the accused as a witness  
 6           and being entitled to concluding arguments before the  
 7           jury, to the extent of inconsistency with the act;  
 8           providing an effective date.

9  
 10           WHEREAS, the common law rule in criminal and civil cases  
 11           granted the right to final closing argument to the party bearing  
 12           the burden of proof, and

13           WHEREAS, the state has the burden of proving guilt beyond a  
 14           reasonable doubt in criminal cases, and

15           WHEREAS, the Federal Rules of Criminal Procedure grant the  
 16           right to final closing argument to the party which bears the  
 17           burden of proof, and

18           WHEREAS, other states follow the common law rule in  
 19           granting the right to final closing argument to the party  
 20           bearing the burden of proof in civil and criminal cases, NOW,  
 21           THEREFORE,

22  
 23           Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Section 918.19, Florida Statutes, is created to  
 26           read:

27           918.19 Closing argument.--As provided in the common law,  
 28           in criminal prosecutions after the closing of evidence:

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29           (1) The prosecuting attorney shall open the closing  
30 arguments.

31           (2) The accused or the attorney for the accused may reply.

32           (3) The prosecuting attorney may reply in rebuttal.

33           Section 2. Rule 3.250, Florida Rules of Criminal  
34 Procedure, is hereby repealed to the extent that it is  
35 inconsistent with this act.

36           Section 3. This act shall take effect upon becoming a law,  
37 except that section 2 of this act shall take effect only if this  
38 act passed by a two-thirds vote of the membership of each house  
39 of the Legislature.