

ENROLLED
HB 147, Engrossed 1

2006 Legislature

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

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

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

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

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

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

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

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

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

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

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

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35 The method set forth in this section shall control unless the
36 Supreme Court determines it is procedural and issues a
37 substitute rule of criminal procedure.

38 Section 2. Rule 3.250, Florida Rules of Criminal
39 Procedure, is repealed to the extent that it is inconsistent
40 with this act.

41 Section 3. This act shall take effect October 1, 2006,
42 except that section 2 of this act shall take effect only if this
43 act passed by a two-thirds vote of the membership of each house
44 of the Legislature.