

Statute of Limitations 1970 to the Present

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The statute of limitations is very complex. In 1970 there were only three subsections. Today we have seventeen subsections and many of them have changed during that time period. To further complicate matters, we must rely on the statute of limitations that was in existence at the time of the offense. This document will provide a general summary of the applicable provisions and then follow with the actual text of each version of the statute going back to 1970. **Click on the Bookmarks tab in Adobe Reader to navigate to a particular statute.**

The statute has a very basic framework, followed by numerous exceptions to the general rules. In the current version of the statute, the following rules apply:

The following offenses may be prosecuted at any time:

1. Capital felonies
2. Life felonies
3. Felonies that result in death.

The following rules apply to all other offenses:

1. First degree felonies 4 years
2. Second and third degree felonies 3 years
3. First degree misdemeanors 2 years
4. Second degree misdemeanors 1 year (includes non-criminal offenses)

In 1970, the statute of limitations was contained in F.S. 915.03. That version of the statute indicated that offenses punishable by death could be prosecuted at any time, and all others had a two year statute of limitations. The only exception pertained to public officials committing crimes related to their duties. Such officials could be prosecuted within two years after retirement from public office.

In 1971, the statute was renumbered to 932.465, but kept the same basic provisions.

Under these early versions of the statute, the only crimes that could still be prosecuted today were those punishable by death and public officials who have been in office for over 40 years. It is important to note that between 1947 and 1972, carnal knowledge with a child under 10 years of age “shall be punishable by death.” Forcible rapes of persons over 10 years of age also required death. If questions arise concerning sex offenses, an assistant state attorney specializing in sex crimes should be consulted. Efforts should be made to preserve reports and evidence on all old sex offenses because offenders usually engage in such conduct for their entire lives and such evidence may be used against them even if the limitations period has expired.

The statute of limitations was assigned its current statute number, F.S. 775.15, on July 1, 1975. The basic framework was the same as today's version with the exception that only capital felonies could be prosecuted at any time. Life felonies were grouped with first degree felonies carrying a four year period. One year later, in 1976, life felonies were coupled with capital felonies and no longer had time constraints. The final change occurred, effective October 1, 1996, when felonies resulting in death were added. "A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time."

Most of the complexity of this statute involves the numerous exceptions that have been added throughout the years. The statutes provided below should be consulted in most cases, but some of the major changes will be highlighted at this point.

Effective July, 1, 1975, the following exceptions were available:

1. Fraud or breach of fiduciary duty extends period to one year after discovery, but in no case more than three years.
2. Misconduct in office by public official or employee extends period to two years after he/she leaves office.
3. Time begins to run when every element has occurred or continuing course of conduct applies.
4. Period does not run when defendant is continuously absent from the state or has no reasonably ascertainable place of abode, but will not extend period for more than three years.

Effective January 1, 1985, the following exception was added:

1. If the victim of a sex offense was under 16, the time period does not begin to run until the victim turns 16 or the offense is reported to authorities, whichever occurs first. This exception does not apply if the time period had otherwise expired prior to December 31, 1984.

Effective October 1, 1996, the following exception was added:

1. A prosecution for a felony violation of s. 825.102 must be commenced within 4 years after it is committed. (Abuse of elderly person or disabled adult)

Effective October 1, 1997, the following exceptions were added:

1. "A prosecution for a felony that resulted in injury to any person, when such felony arises from the use of a "destructive device," as defined in s. 790.001, may be commenced within 10 years."
2. "A prosecution for a first or second degree felony violation of s. 794.011, if such crime is reported to a law enforcement agency within 72 hours after commission of the crime, may be commenced at any time."
3. A prosecution for perjury in an official proceeding that relates to the prosecution of a capital felony may be commenced at any time.

Effective October 1, 2001, the following exception (subsection 7) was added:

1. If the victim of a sex offense was under 18, the time period does not begin to run until the victim turns 18 or the offense is reported to authorities. This exception does not apply if the time period had otherwise expired prior to December 31, 1984. This amendment changed the age of the victim from 16 to 18.

Effective October 1, 2003, the following exception (subsection 7(b)) was added:

1. "If the offense is a first degree felony violation of s. 794.011 and the victim was under 18 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2003."

Effective July 1, 2004, the following exception (subsection 8(a)) was added:

1. "In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced within 1 year after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused":...794, 800.04 and 825.1025. Does not apply to offenses barred prior to July 1, 2004.

Effective July 1, 2005, the entire statute was reorganized and renumbered.

Effective July 1, 2006, the following exception (subsection 16(a)) was added:

1. The DNA exception was amended to include more offenses and eliminate the 1 year requirement.

Effective October 1, 2008, the following exceptions (subsections 13(a) and 16(a)(4)) were added:

1. F.S. 847.0135(5) was added to the sections delaying the time period until the victim reaches 18 years of age and the DNA extension.

Effective July 1, 2010, the following exception (subsection 13(c)) was added:

1. If the victim of a violation of 794.011 is less than 16 years of age, there is no statute of limitations as long as the period had not expired prior to July, 2010.

Effective July 1, 2011, the following exception (subsection 17) was added:

1. A prosecution for video voyeurism may be commenced within one year of the time when the victim became aware of the presence of the video, or from when law enforcement confiscated it, whichever comes first.

Effective October 1, 2014, the following exceptions (subsection 18) was added:

Subsection 18- If the offense is a violation of s. 800.04(4) or (5) and the victim was under 16 years of age at the time the offense was committed, a prosecution of the offense may be commenced

at any time, unless, at the time of the offense, the offender is less than 18 years of age and is no more than 4 years older than the victim. This subsection applies to an offense that is not otherwise barred from prosecution on or before October 1, 2014.

Subsection 18- A prosecution for a violation of s. 787.06 may be commenced at any time. This subsection applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2014.

Effective July 1, 2017, the following exception was added:

Subsection 14(b) – “Except as provided in paragraph (a) or paragraph (13)(b), a prosecution for a first or second degree felony violation of s. [794.011](#), if the victim is 16 years of age or older at the time of the offense, must be commenced within 8 years after the violation is committed. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before July 1, 2015.”

Subsection 14(a) made the following change:

“A prosecution for a first or second degree felony violation of s. [794.011](#), if the victim is 16 ~~18~~ years of age or older at the time of the offense and the offense is reported to a law enforcement agency within 72 hours after commission of the offense, may be commenced at any time.”

Effective July 1, 2020, the following exception was added:

Subsection 20 – “If a victim is younger than 18 years of age at the time the offense was committed, a prosecution for a violation of s. 794.011 may be commenced at any time. This subsection applies to an offense that is committed on or after July 1, 2020.”

Effective July 1, 2022, the following exceptions were added:

Subsection 21 “In addition to the time periods prescribed in this section, a prosecution for any offense under s. [827.071](#)(2) or (3), if the offender was 18 years of age or older at the time of the offense, may be commenced at any time. This subsection applies to any offense that is not otherwise barred from prosecution on or before July 1, 2022.”