

Florida Criminal Statute of Limitations

Quick-reference cheatsheet — Fla. Stat. § 775.15

Current as of June 2026

Verify against current statute text

Offense Category	Limitation Period	Statute	Notes
Capital & life felonies e.g. murder, capital sexual battery	None — no limitation	775.15(1)	Prosecution may commence at any time.
1st-degree felony	4 years	775.15(2)(a)	Runs from date offense committed, subject to tolling below.
2nd & 3rd-degree felony	3 years	775.15(2)(b)	Covers most theft, drug, and battery felonies.
1st-degree misdemeanor	2 years	775.15(2)(c)	—
2nd-degree misdemeanor & noncriminal violations	1 year	775.15(2)(c)	—

Key Exceptions & Tolling Rules

DNA identification — §775.15(15)

If offender is unidentified but a DNA profile is obtained, prosecution may commence within 1 year of a DNA match to the defendant — even if the ordinary period already expired. Applies regardless of offense type.

Fraud & breach of fiduciary duty — §775.15(6)

Period runs from discovery, or when it reasonably should have been discovered, but prosecution must commence within 1 year of discovery and never more than 5 years after the violation itself (does not extend capital/1st-degree felonies).

Continuing / ongoing offenses

For an offense that is part of a continuous course of criminal conduct (e.g. ongoing scheme), the limitation period runs from the date of the last act in the course of conduct, not the first.

Commencement of prosecution

Prosecution is "commenced" when an indictment/information is filed, or an arrest warrant/capias is issued, provided it is executed without unreasonable delay — §775.15(10).

Sexual battery / lewd & lascivious on victim under 18 — §775.15(13)

No limitation for capital or life-felony sexual battery. For other sexual batteries against a victim under 18, prosecution may commence within victim's lifetime if reported to law enforcement or another government agency within specified periods.

Misconduct in public office — §775.15(8)

Offense by a public officer/employee involving theft, bribery, or malfeasance in office may be prosecuted up to 2 years after the person leaves office or employment, even if the general period already ran.

Prior prosecution set aside — §775.15(9)

If an indictment/information is timely filed but later dismissed or set aside, a new prosecution may commence within 6 months of the dismissal, even if the original period has since expired.

Multiple/joined offenses

Each offense in a single episode is timed separately by its own classification; a later-discovered related offense does not automatically inherit an earlier charge's filing date.

Other sexual offenses vs. minors — §775.15(14)

Non-battery sexual offenses (e.g. lewd/lascivious molestation, exhibition) against a victim under 18 generally run until victim turns 18, extended further if the offense is reported before that date.

Absence from state / concealment — §775.15(7)

Period is tolled while the defendant is continuously absent from Florida, or has no reasonably ascertainable place of residence or work within the state — tolling capped at 3 years regardless of absence length.

Financial exploitation of elderly/disabled — §825.103

Courts have applied the fraud discovery rule (§775.15(6)) to exploitation offenses against elderly or disabled victims where the conduct is concealed from the victim.

Federal & out-of-state overlays

Where conduct is also chargeable federally or in another state, that jurisdiction's own limitations period applies independently — Florida's period does not govern outside prosecutions.