

10.22 [POSSESSION] [OPERATION] OF AN ARMED UNMANNED AIRCRAFT [SYSTEM]

§ 330.411(2), Fla. Stat.

To prove the crime of [Possession] [Operation] of an Armed Unmanned Aircraft [Systems], the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **[knowingly] [or] [willfully] [possessed] [or] [operated] an unmanned aircraft [system].**
2. **At that time, the unmanned aircraft [system] had [a weapon] [a firearm] [an explosive] [a destructive device] [ammunition] attached to it.**
3. **At that time, (defendant) knew the unmanned aircraft [system] had [a weapon] [a firearm] [an explosive] [a destructive device] [ammunition] attached to it.**

["Willfully" means intentionally and purposely.]

"Unmanned aircraft" means the same thing as a drone and is a powered, aerial vehicle that:

1. **Does not carry a human operator;**
2. **Uses aerodynamic forces to provide vehicle lift;**
3. **Can fly autonomously or be piloted remotely;**
4. **Can be expendable or recoverable; and**
5. **Can carry a lethal or nonlethal payload.**

Give definitions below as applicable.

"Unmanned aircraft system" means a drone and its associated elements, including communication links and the components used to control the drone that are required for the pilot in command to operate the drone safely and efficiently.

To prove (defendant) "possessed an unmanned aircraft [system]" the State must prove beyond a reasonable doubt that [he] [she] a) knew of the existence of the unmanned aircraft [system] and b) intentionally exercised control over it.

Control can be exercised over an unmanned aircraft [system] whether it is carried on a person, near a person, or in a completely separate location. Mere proximity to an unmanned aircraft [system] does not establish that the person intentionally exercised control over it in the absence of additional evidence. Control can be established by proof that (defendant) had direct personal power to

control the unmanned aircraft [system] or the present ability to direct its control by another.

Possession of an unmanned aircraft [system] may be sole or joint, that is, two or more persons may possess it.

“Tear gas gun” and “chemical weapon” are defined in § 790.001, Fla. Stat.

“Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

A “deadly weapon” is any object that will likely cause death or great bodily harm if used in the ordinary and usual manner contemplated by its design and construction.

An object not designed to inflict bodily harm may nonetheless be a “deadly weapon” if it was intended to be used [or threatened to be used] in a manner likely to cause death or great bodily harm.

“Great bodily harm” means harm that is more than slight, trivial, minor, or moderate.

A “firearm” means any weapon [including a starter gun] which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; [the frame or receiver of any such weapon;] [any firearm muffler or firearm silencer;] [any machine gun].

“Ammunition” means an object consisting of all of the following:

- a. A fixed metallic or nonmetallic hull or casing containing a primer.**
- b. One or more projectiles, one or more bullets, or shot.**
- c. Gunpowder.**

Additional definitions from Chapter 552 will be needed.

“Explosive” means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including:

- a. Shotgun shells, cartridges, or ammunition for firearms;**
- b. Fireworks;**
- c. Smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241;**

- d. Black powder in quantities not to exceed that authorized by chapter 552, or by any rules adopted thereunder by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.

“Destructive device” means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device.

“Destructive device” does not include:

- a. A device which is not designed, redesigned, used, or intended for use as a weapon;
- b. Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;
- c. Any shotgun other than a short-barreled shotgun; or
- d. Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

Lesser Included Offense

[POSSESSION] [OR] [OPERATION] OF AN ARMED UNMANNED AIRCRAFT [SYSTEM] — 330.41(2)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04	5.1

Comment

This instruction was adopted on March 20, 2026.