

12.13 OPERATION OF A DRONE OVER A CRITICAL INFRASTRUCTURE FACILITY

§ 330.41(4)(a), Fla. Stat.

To prove the crime of Operation of A Drone Over A Critical Infrastructure Facility, the State must prove the following two elements beyond a reasonable doubt:

Give 1a, 1b, or 1c or a combination as applicable.

1. (Defendant) [**knowingly**] [**or**] [**willfully**]:

- a. **operated a drone over a** (insert relevant critical infrastructure facility).
- b. **allowed a drone to make contact [with a** (insert relevant critical infrastructure) [**or**] [**with any person or object on the premises of a** (insert relevant critical infrastructure facility)].
- c. **allowed a drone to come within a distance of a** (insert relevant critical infrastructure facility) **that was close enough to interfere with the operations of or cause a disturbance to the** (insert relevant critical infrastructure facility).

2. **At the time,** (defendant) **knew that the** (insert relevant critical infrastructure facility) **was a** (insert relevant critical infrastructure facility).

[**“Willfully” means intentionally and purposely.**]

The Court instructs you that a (insert relevant critical infrastructure facility) **is deemed to be a critical infrastructure facility under Florida law.**

“Drone” means 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.**

Lesser Included Offense

OPERATION OF A DRONE OVER A CRITICAL INFRASTRUCTURE FACILITY— 330.41(4)(a)

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

Comments

There are numerous exceptions to this crime including operation of a drone for a commercial purpose with authorization by and in compliance with FAA regulations. If relevant, a special instruction will be necessary especially because these exceptions may be treated by the courts as affirmative defenses.

This instruction was adopted on March 20, 2026.