

Delete everything after the enacting clause:

Section 1. Section 790.053, Florida Statutes, is amended to read: –

790.053 Open carrying of weapons. –

(1) Except as otherwise provided by law and in subsection (2), it is unlawful for any person to openly carry on or about his or her person any firearm or electric weapon or device. ~~It is not a violation of this section for a person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.~~

(2) A person may openly carry, for purposes of lawful self-defense:

(a) A self-defense chemical spray.

(b) A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

(3) It is not unlawful for a person who is a concealed carry permit holder and is otherwise lawfully carrying a concealed firearm to inadvertently or accidentally display the firearm to the sight of another unless the display is intentional and deliberate and done in a clearly open and obvious manner and that is not necessary for self-defense or displayed in violation of 790.10.

(a) If a concealed carry permit holder is acting in conformity with this subsection, the person is immune from criminal arrest and prosecution, and there is hereby created a

presumption that the concealed carry permit holder has not violated this subsection.

(b) A law enforcement officer shall not arrest a concealed carry permit holder for a violation of this subsection unless the law enforcement officer, prior to any arrest, affords the person an opportunity to explain that the firearm was not displayed in violation of this subsection. No person shall be convicted of an offense under this subsection if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have avoided the arrest for violation of this subsection.

(c) If the charge is dismissed or the person is found not guilty, the person arrested under this subsection, may apply for a certificate of eligibility to expunge the criminal history record associated with the arrest for a violation of this subsection, pursuant to s. 943.0585(5), notwithstanding the eligibility requirements prescribed in s. 943.0585(1)(b) or (2).

(~~3~~ 4) Any person violating this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.