



370588

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2026	.	
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The Committee on Rules (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 496.432, Florida Statutes, is created to
read:

496.432 Safeguarding Endowment Gifts Act.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that it is
necessary to provide legal recourse to individual charitable
donors when their giving restrictions are not followed by a
recipient charitable organization according to an endowment



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12 agreement.

13 (2) DEFINITIONS.—As used in this section, the term:

14 (a) "Charitable organization" means an organization
15 organized and operated exclusively for religious, charitable,
16 scientific, literary, educational, testing for public safety, or
17 other specified purposes and that is tax exempt from federal
18 income tax as an entity described in s. 501(c)(3) of the
19 Internal Revenue Code.

20 (b) "Donor" means an individual or entity that has made a
21 contribution of property or money to an existing endowment fund
22 or a new endowment fund of a charitable organization pursuant to
23 the terms of an endowment agreement that may include donor-
24 imposed restrictions governing the contribution.

25 (c) "Donor-imposed restriction" means a written statement
26 within an endowment agreement which specifies restrictions or
27 conditions on the management, investment, purpose, or use of
28 endowment funds.

29 (d) "Endowment agreement" means a written agreement between
30 a charitable organization and a donor regarding the contribution
31 made by the donor to an existing endowment fund or a new
32 endowment fund of a charitable organization, which agreement may
33 include donor-imposed restrictions.

34 (e) "Endowment fund" means a fund held exclusively for a
35 charitable purpose, other than program-related assets, or part
36 thereof which, under the terms of a gift instrument, is not
37 wholly expendable by the charitable organization on a current
38 basis. The term does not include assets that a charitable
39 organization designates as an endowment fund for its own use.

40 (f) "Gift instrument" means a record or records, including



41 a charitable solicitation, under which property is granted to,
42 transferred to, or held by a charitable organization as a fund
43 held exclusively by a charitable purpose, other than program-
44 related assets.

45 (g) "Legal representative" means the administrator or
46 personal representative of a person's estate, or a person
47 designated in an endowment agreement, whether or not born at the
48 time of such designation, to act in place of a party to the
49 agreement for all matters expressed in the agreement and all of
50 the actions it contemplates, including, but not limited to,
51 interpreting, performing, and enforcing the agreement and
52 defending its validity.

53 (h) "Property" means real property, tangible or intangible
54 personal property, or any other asset.

55 (3) PROTECTIONS AFFORDED.—

56 (a) Except where specifically required or authorized by
57 federal or state law, a charitable organization that accepts a
58 contribution pursuant to a written donor-imposed restriction may
59 not violate the terms of that restriction.

60 (b) If a charitable organization violates a donor-imposed
61 restriction contained in an endowment agreement, the donor, or
62 the donor's legal representative, 90 days after notifying the
63 charitable organization of the breach, may file a complaint
64 within 5 years after discovery for breach of such agreement. The
65 complaint may be filed in the circuit court where a charitable
66 organization's principal office is or was last located or, if
67 none, where its registered office is or was last located. The
68 complaint may be filed regardless of whether the endowment
69 agreement expressly reserves a right to sue or enforce the



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70 agreement, unless other language in the endowment agreement
71 expressly waives this right. The complaint may not seek a
72 judgment awarding damages to the donor or donor representative,
73 but it may seek a refund of all or a portion of the donated
74 funds if the donor expressly reserved a right to a refund in the
75 endowment agreement.

76 (c) If a charitable organization determines in accordance
77 with its internal policies that it is unable to fulfill a term
78 in the endowment agreement, the charitable organization must
79 notify the donor, or the donor's legal representative, within
80 120 days after such determination that it is unable to fulfill
81 the terms and must offer an alternative solution that closely
82 matches the initial term in the endowment agreement, unless
83 other language in the endowment agreement limits this
84 requirement.

85 (d) A charitable organization may obtain a judicial
86 declaration of the rights and duties expressed in an endowment
87 agreement containing donor-imposed restrictions as to all of the
88 actions the endowment agreement contemplates, including, but not
89 limited to, the interpretation, performance, or enforcement of
90 the agreement, and a determination of its validity. The
91 charitable organization may seek a judicial declaration in any
92 suit brought under this section, or by filing a complaint.

93 (e) If the court determines that a charitable organization
94 violated a donor-imposed restriction in an endowment agreement,
95 the court may order one or more remedies consistent with the
96 charitable purposes expressed in the endowment agreement. The
97 court may not order the return of donated funds to the donor or
98 the donor's legal representative unless a right to a refund is



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99 expressly reserved by the donor in the endowment agreement.

100 (f) This act does not affect the authority of the Attorney
101 General to enforce any restriction in an endowment agreement;
102 limit the application of the judicial power of cy pres; or alter
103 the right of a charitable organization to modify a restriction
104 on the management, investment, purpose, or use of an endowment
105 fund in a manner expressly permitted by the donor in the
106 endowment agreement or in a manner permitted by the Florida
107 Uniform Prudent Management of Institutional Funds Act created in
108 s. 617.2104.

109 (4) SEVERABILITY.—If any provision of this section or its
110 application to any person or circumstance is held invalid, the
111 invalidity does not affect other provisions or applications of
112 the section which can be given effect without the invalid
113 provision or application, and to this end the provisions of this
114 section are declared severable.

115 Section 2. Section 496.433, Florida Statutes, is created to
116 read:

117 496.433 Charity Protection Act.—

118 (1) LEGISLATIVE FINDINGS.—The Legislature finds that it is
119 necessary to minimize burdens on the charitable sector and to
120 create a grantmaking environment centered on effectiveness and
121 fiscal impact on charitable organizations.

122 (2) PROTECTIONS AFFORDED.—

123 (a) Except where specifically required or authorized by
124 federal law, a state agency or state official may not impose any
125 annual filing or reporting requirements on an organization
126 regulated or specifically exempted from regulation under this
127 chapter which are more burdensome than the requirements



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128 authorized by Florida law.

129 (b) This subsection does not apply to state grants or
130 contracts or to fraud investigations.

131 (c) This subsection does not restrict enforcement actions
132 against specific nonprofit organizations.

133 Section 3. This act shall take effect July 1, 2026.

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135 ===== T I T L E A M E N D M E N T =====

136 And the title is amended as follows:

137 Delete everything before the enacting clause
138 and insert:

139 A bill to be entitled
140 An act relating to charitable giving; creating s.
141 496.432, F.S.; providing legislative findings;
142 defining terms; prohibiting a charitable organization
143 that accepts a contribution pursuant to a written
144 donor-imposed restriction from violating the terms of
145 that restriction; authorizing a donor, or a donor's
146 legal representative, to file a complaint within a
147 specified timeframe if a charitable organization
148 violates a donor-imposed restriction contained in an
149 endowment agreement; specifying the venue where the
150 complaint may be filed; providing that the complaint
151 may be filed regardless of whether the endowment
152 agreement expressly reserves a right to sue or enforce
153 the agreement; providing an exception; prohibiting a
154 donor or donor representative from seeking a judgment
155 awarding damages; authorizing such a donor or donor
156 representative to seek a refund of all or a portion of



157 the donated funds under certain circumstances;
158 requiring a charitable organization to notify a donor,
159 or a donor's legal representative, if it cannot
160 fulfill a term in the endowment agreement and offer
161 the donor, or the donor's legal representative, an
162 alternative solution that closely matches the initial
163 term in such endowment agreement; providing an
164 exception; authorizing a charitable organization to
165 obtain a judicial declaration of the rights and duties
166 expressed in an endowment agreement; authorizing the
167 charitable organization to seek a judicial declaration
168 in any suit brought under the act or by filing a
169 complaint; authorizing a court to order one or more
170 remedies consistent with the charitable purposes
171 expressed in the endowment agreement if the court
172 determines that a charitable organization violated a
173 donor-imposed restriction in the endowment agreement;
174 prohibiting the court from ordering the return of the
175 donated funds to the donor or the donor's legal
176 representative; providing an exception; providing
177 construction; providing severability; creating s.
178 496.433, F.S.; providing legislative findings;
179 prohibiting a state agency or a state official from
180 imposing any annual filing or reporting requirements
181 on certain organizations regulated or exempted from
182 regulation under ch. 496, F.S., which are more
183 burdensome than the requirements authorized by state
184 law; providing applicability and construction;
185 providing an effective date.