

HB 1475

2026

A bill to be entitled
An act relating to charitable giving; creating s. 496.432, F.S.; providing legislative findings; defining terms; prohibiting a charitable organization that accepts a contribution pursuant to a written donor-imposed restriction from violating the terms of that restriction without potential penalty; authorizing a donor, or a donor's legal representative, to file a complaint within a specified timeframe if a charitable organization violates a donor-imposed restriction contained in an endowment agreement; specifying the venue where the complaint may be filed; providing that the complaint may be filed regardless of whether the endowment agreement expressly reserves a right to sue or enforce the agreement; prohibiting a donor or donor representative from seeking a judgment awarding damages; requiring a charitable organization to notify a donor, or a donor's legal representative, if it cannot fulfill a term in the endowment agreement and offer the donor, or the donor's legal representative, an alternative solution that closely matches the initial term in such endowment agreement; authorizing a charitable organization to obtain a judicial declaration of the rights and duties expressed in an endowment agreement;

HB 1475

2026

requiring the charitable organization to seek a judicial declaration in any suit brought under the act or by filing a complaint; authorizing a court to order one or more remedies consistent with the charitable purposes expressed in the endowment agreement if the court determines that a charitable organization violated a donor-imposed restriction in the endowment agreement; prohibiting the court from ordering the return of the donated funds to the donor or the donor's legal representative; providing construction; providing severability; creating s. 496.433, F.S.; providing legislative findings; prohibiting a state agency or a state official from imposing any annual filing or reporting requirements on certain organizations regulated or exempted from regulation under ch. 496, F.S., which are more burdensome than the requirements authorized by state law; providing applicability and construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

496.432 Safeguarding Endowment Gifts Act.—

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

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

57 (a) "Charitable organization" means an organization
58 organized and operated exclusively for religious, charitable,
59 scientific, literary, educational, testing for public safety or
60 other specified purpose and that is tax exempt from federal
61 income tax as an entity described in s. 501(c)(3) of the
62 Internal Revenue Code.

63 (b) "Donor" means an individual or entity that has made a
64 contribution of property or money to an existing endowment fund
65 or a new endowment fund of a charitable organization or of a
66 charitable trust pursuant to the terms of an endowment agreement
67 that may include donor-imposed restrictions or conditions
68 governing the use of the contribution.

69 (c) "Donor-imposed restriction" means a written statement
70 within an endowment agreement which specifies requirements for
71 the management or use of endowment funds.

72 (d) "Endowment agreement" means a written agreement
73 between a charitable organization and a donor or between a
74 charitable trust and a donor regarding the contribution made by
75 the donor and accepted by the charitable organization or the

76 charitable trust, which agreement may include donor-imposed
77 restrictions or other conditions governing the use of the
78 contribution.

79 (e) "Endowment fund" means an institutional fund or part
80 thereof which, under the terms of a gift instrument, is not
81 wholly expendable by the institution on a current basis. The
82 term does not include assets that an institution designates as
83 an endowment fund for its own use.

84 (f) "Gift instrument" means a record or records, including
85 an institutional solicitation, under which property is granted
86 to, transferred to, or held by an institution as an
87 institutional fund.

88 (g) "Legal representative" means the administrator or
89 executor of a person's estate; a surviving spouse if a court
90 judgment has settled the accounts of the estate; or a person
91 designated in an endowment agreement, whether or not born at the
92 time of such designation, to act in place of a party to the
93 agreement for all matters expressed in the agreement and all of
94 the actions it contemplates, including, but not limited to,
95 interpreting, performing, and enforcing the agreement and
96 defending its validity.

97 (h) "Property" means real property, personal property, or
98 money, cryptocurrency, stocks, bonds, or any other asset or
99 financial instrument.

100 (3) PROTECTIONS AFFORDED.—

101 (a) Except where specifically required or authorized by
102 federal or state law, a charitable organization that accepts a
103 contribution pursuant to a written donor-imposed restriction may
104 not violate the terms of that restriction without potential
105 penalty.

106 (b) If a charitable organization violates a donor-imposed
107 restriction contained in an endowment agreement, the donor, or
108 the donor's legal representative, 90 days after notifying the
109 charitable organization of the breach, may file a complaint
110 within 6 years after discovery for breach of such agreement. The
111 complaint may be filed in a court of general jurisdiction in the
112 county where a charitable organization named as a party has its
113 principal office or principal place of carrying out its
114 charitable purpose, or in a court of the United States whose
115 district includes such county. The complaint may be filed
116 regardless of whether the endowment agreement expressly reserves
117 a right to sue or enforce the agreement, and it may not seek a
118 judgment awarding damages to the donor or donor representative.

119 (c) If a charitable organization is unable to fulfill a
120 term in the endowment agreement, the charitable organization
121 must notify the donor, or the donor's legal representative,
122 within 30 days after discovering it is unable to fulfill the
123 terms and offer an alternative solution that closely matches the
124 initial term in the endowment agreement.

125 (d) A charitable organization may obtain a judicial

126 declaration of the rights and duties expressed in an endowment
127 agreement containing donor restrictions as to all of the actions
128 the endowment agreement contemplates, including, but not limited
129 to, the interpretation, performance, or enforcement of the
130 agreement, and a determination of its validity. The charitable
131 organization shall seek a judicial declaration in any suit
132 brought under this section, or by filing a complaint.

133 (e) If the court determines that a charitable organization
134 violated a donor-imposed restriction in an endowment agreement,
135 the court may order one or more remedies consistent with the
136 charitable purposes expressed in the endowment agreement. The
137 court may not order the return of donated funds to the donor or
138 the donor's legal representative.

139 (f) This act does not affect the authority of the Attorney
140 General to enforce any restriction in an endowment agreement;
141 limit the application of the judicial power of cy pres; or alter
142 the right of an institution to modify a restriction on the
143 management, investment, purpose, or use of an endowment fund in
144 a manner permitted by the endowment agreement and by the Florida
145 Uniform Prudent Management of Institutional Funds Act created in
146 s. 617.2104.

147 (4) SEVERABILITY.—If any provision of this section or its
148 application to any person or circumstance is held invalid, the
149 invalidity does not affect other provisions or applications of
150 the section which can be given effect without the invalid

HB 1475

2026

151 provision or application, and to this end the provisions of this
152 section are declared severable.

153 **Section 2. Section 496.433, Florida Statutes, is created**
154 **to read:**

155 496.433 Charity Protection Act.—

156 (1) LEGISLATIVE FINDINGS.—The Legislature finds that it is
157 necessary to minimize burdens on the charitable sector and to
158 create a grantmaking environment centered on effectiveness and
159 fiscal impact on charitable organizations.

160 (2) PROTECTIONS AFFORDED.—

161 (a) Except where specifically required or authorized by
162 federal law, a state agency or state official may not impose any
163 annual filing or reporting requirements on an organization
164 regulated or specifically exempted from regulation under this
165 chapter which are more burdensome than the requirements
166 authorized by Florida law.

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

169 (c) This subsection does not restrict enforcement actions
170 against specific nonprofit organizations.

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