

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Beckford v. Baskin

No. 2D2023-2657 (Fla. 2d DCA June 6, 2025) · No. 2D2023-2657 · Decided June 6, 2025

SUMMARY

The Florida Second District Court of Appeal affirmed an award of attorney's fees to counsel who represented a former guardian on the ward's behalf. The court held that an attorney may recover fees under section 744.108, Florida Statutes, for services rendered while the guardian was court-appointed, even though the guardian was later determined to have been disqualified due to a felony conviction.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	LaROSE, Judge; BLACK, J.; SMITH, J.
JURISDICTION	Florida District Court of Appeal, Second District
DECIDED	June 6, 2025
DOCKET	2D2023-2657
DISPOSITION	affirmed
PROCEDURAL POSTURE	Charles Beckford appealed an order of the circuit court awarding attorney's fees to Hamden H. Baskin for legal services provided to Donna Beckford, a former guardian of Wayne Astor Beckford.
STANDARD OF REVIEW	De novo review applies to questions of statutory construction.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Charles Beckford v. Hamden H. Baskin, III

TOPICS

- guardianships
- guardianship procedure
- statutory interpretation
- appellate procedure
- probate procedure

PRACTICE AREAS

- guardianships
- elder law
- probate

QUESTIONS PRESENTED

1. Whether an attorney who rendered services to a court-appointed guardian on behalf of the ward remains entitled to reasonable fees under section 744.108(1), Florida Statutes, when the guardian's appointment was later reversed because the guardian was legally disqualified.
2. Whether section 744.309(3), Florida Statutes, which disqualifies a convicted felon from serving as guardian, eliminates the attorney's statutory entitlement to fees for services rendered while the person was appointed guardian.

HOLDINGS

1. An attorney who rendered services to a guardian on a ward's behalf while the guardian was appointed, even if the appointment was incorrect, remains entitled to reasonable attorney's fees under section 744.108(1), Florida Statutes.

KEY QUOTATIONS

“Nevertheless, an attorney who rendered services to a guardian on a ward's behalf while the guardian was appointed—albeit incorrectly—remains entitled to attorney's fees under section 744.108(1).” (3)

“The legislature did not condition entitlement to fees on a person's qualifications to serve as guardian.” (3)

FACTUAL BACKGROUND

Wayne Astor Beckford suffered an aneurysm in June 2020. His wife, Donna, and son, Charles, each sought appointment as Wayne's guardian, but Donna was ineligible because she had been convicted of a felony. While Donna had been appointed guardian, Hamden Baskin provided legal services to Donna on Wayne's behalf; after the appointment was reversed and Donna resigned, Baskin sought attorney's fees for those services.

PROCEDURAL HISTORY

After Wayne Beckford suffered an aneurysm, his son Charles and wife Donna each petitioned to become his guardian. Although Donna was a convicted felon, the trial court appointed her guardian; the Second District reversed, holding that section 744.309(3), Florida Statutes (2020), disqualified a person with a felony conviction from appointment as guardian. On remand, Donna resigned, successor guardians were appointed, and the trial court awarded Baskin fees for prior services rendered on Wayne's behalf. Charles appealed the fee award, arguing that Baskin could not recover fees for representing an illegally appointed guardian.

DISPOSITION

affirmed

CASES CITED

- Beckford v. Beckford, 368 So. 3d 1061, 1062-64 (Fla. 2d DCA 2023)
- In re Guardianship of Beck, 204 So. 3d 143, 147-48 (Fla. 2d DCA 2016)
- McDade v. State, 154 So. 3d 292, 297 (Fla. 2014)

- Guardianship of Len Sanders and the Guardian, Cledith Sanders v. Ramona S. Chaplin, Esquire, In re Guardianship of Sanders v. Chaplin, 334 So. 3d 723, 728 (Fla. 1st DCA 2022)
- Schlesinger v. Jacob, 240 So. 3d 75, 79 (Fla. 3d DCA 2018) (Luck, J., concurring)

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