

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)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT In re Guardianship of Wayne Astor Beckford, an incapacitated person. CHARLES BECKFORD, Appellant, v. HAMDEN BASKIN, Appellee. No. 2D2023-2657 June 6, 2025 Appeal from the Circuit Court for Pinellas County; Pamela A.M. Campbell, Judge. Charles Beckford, pro se. Hamden H. Baskin, III, and Jeffrey A. Eisel, Clearwater, for Appellee Hamden Baskin.

LaROSE, Judge. Charles Beckford challenges an order awarding attorney's fees to Hamden H. Baskin, the attorney for Donna Beckford.¹ Donna² is the former guardian of Wayne Astor Beckford. Mr. Baskin is entitled to fees for rendering legal services to Donna on Wayne's behalf. See § 744.108, Fla. Stat. (2022).

Thus, we affirm. I. Background Charles is Wayne's son. Donna is Wayne's wife. After Wayne suffered an aneurysm in June 2020, Charles and Donna each petitioned the trial court to be Wayne's guardian. Donna is a convicted felon. See § 744.309(3), Fla. Stat. (2020) ("No person who has been convicted of a felony... shall be appointed to act as guardian."). Nonetheless, the trial court believed that it had discretion under section 744.312 to appoint her as guardian.

The trial court entered an order appointing Donna. Charles appealed. We reversed, holding that "section 744.309(3), Florida Statutes (2020), disqualifies any individual with a felony conviction from being appointed guardian." Beckford v. Beckford, 368 So. 3d 1061, 1062-64 (Fla. 2d DCA 2023).

On remand, Donna resigned as Wayne's guardian. The trial court appointed successor guardians. Mr. Baskin sought attorney's fees for past services. See § 744.108, Fla. Stat. (2022). Charles objected. He asserted that Mr. Baskin was not entitled to fees for representing an "illegal" guardian. Mr. Baskin responded that he was entitled to fees for representing Donna and performing services for Wayne's benefit.

¹ We have jurisdiction. See Fla. R. App. P. 9.030(b)(1)(A); see also Fla. R. App. P. 9.170(b)(23). ² For convenience, we refer to the Beckfords by their first names. ² Notably, Mr. Baskin did not seek fees "relating to the appeal or the guardianship litigation itself." Charles now appeals the trial court's award of fees to Mr. Baskin. II. Discussion "A guardian, or an attorney who has rendered services to the ward or to the guardian on the ward's behalf, is entitled to a reasonable fee for services rendered and reimbursement for costs incurred on behalf of the ward." § 744.108(1).

Section 744.102(9) defines "guardian" as "a person who has been appointed by the court to act on behalf of a ward's person or property, or both." We review questions of statutory construction de novo. See *In re Guardianship of Beck*, 204 So. 3d 143, 147 (Fla. 2d DCA 2016) (citing *McDade v. State*, 154 So. 3d 292, 297 (Fla. 2014)).

The trial court appointed Donna to act on Wayne's behalf. Thus, she was a "guardian" for purposes of sections 744.102(9) and 744.108(1). See *In re Guardianship of Beck*, 204 So. 3d at 148 ("[R]egardless of whether Ms. Yates is a guardian appointed upon a determination of incapacity, she is a guardian for the purposes of section 744.108(1) if she (1) is a person appointed by the court (2) to act on behalf of the person or property (3) of a ward.").

Of course, this result does not render section 744.309(3) meaningless. We reversed the appointment order, and Donna resigned as guardian. See *Beckford*, 368 So. 3d at 1062. 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).

See *In re Guardianship of Beck*, 204 So. 3d at 148. The legislature did not condition entitlement to fees on a person's qualifications to serve as guardian.³ Cf. *In re Guardianship of Sanders v. Chaplin*, 334 So. 3d 723, 728 (Fla. 1st DCA 2022) ("[T]here is no question the [l]egislature 'knows how to write attorney's fee statutes that require the lawsuit to end successfully.'")

The [l]egislature declined to do so in section 744.108, and instead, provided for attorney's fees where services were rendered to the ward. Section 744.108(1) is void of contingency or prevailing party semantics." (quoting *Schlesinger v. Jacob*, 240 So. 3d 75, 79 (Fla. 3d DCA 2018) (Luck, J., concurring))). III. Conclusion The trial court properly awarded attorney's fees to Mr. Baskin.

Accordingly, we affirm. Affirmed. BLACK and SMITH, JJ., Concur. Opinion subject to revision prior to official publication. ³ To the extent that legal services are unnecessary or unproductive, a trial court may reduce the amount of the requested fees based on the factors listed in section 744.108(2). Charles does not quibble about the fee amount under section 744.108(2).

Thus, we need not address this issue further. ⁴