

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

PENELOPE JEAN JONES,

Appellant,

v.

Case No. 5D19-1564

IN RE: GUARDIANSHIP OF WILLIAM  
EDWARD JONES, ADULT WARD AND  
TAMMY JONES HAYNES,

Appellee.

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Opinion filed February 14, 2020

Appeal from the Circuit Court  
for Orange County,  
Janet C. Thorpe, Judge.

Beth Kathryn Roland, of Family First Firm,  
Orlando, for Appellant.

No Appearance for Appellee.

PER CURIAM.

Penelope Jones appeals a guardianship order denying her request for guardian compensation. The sole basis for the trial court's denial of the request was that Jones had "an obligation to provide such services for the ward without compensation due to the father/daughter familial relationship between the Ward and the guardian." We reverse.

A guardian is entitled to a reasonable fee for services rendered to the ward. § 744.108(1), Fla. Stat. (2018). The criteria to be considered by the court in determining an award of fees to a guardian are set forth in section 744.108(2). Where, as in the instant case, there is a close familial relationship between the guardian and the ward, the guardian is not entitled to compensation for “merely doing what any family member would do for their relative under the circumstances.” *In re Guardianship of Sapp*, 868 So. 2d 687, 694 (Fla. 2d DCA 2004). However, a guardian in a close familial relationship with the ward is entitled to compensation for reasonable and necessary services performed “within the scope of his or her duties as a guardian.” *Id.*

On remand, the trial court should determine the services that would reasonably be performed by a professional or other non-family member guardian necessary to discharge a guardian’s duty to the ward. The guardian would be entitled to compensation to the extent those services were actually performed and properly documented. *Id.* at 698. The guardian would not be entitled to compensation for services “that would not generally be undertaken by a professional or other non-family member guardian, i.e., ‘for merely doing what any daughter does.’” *Id.*

REVERSED and REMANDED.

EVANDER, C.J., EDWARDS and HARRIS, JJ., concur.