

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

IGNACIO BEATO,

Appellant,

v.

Case No. 5D19-1399

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 13, 2020

Nonfinal Appeal from the
Circuit Court for Orange
County,
Frederick J. Lauten, Judge.

Robert Wesley, Public Defender,
and Robert Thompson Adams IV,
Assistant Public Defender,
Orlando, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Marjorie
Vincent-Tripp, Assistant Attorney
General, Daytona Beach, for
Appellee.

PER CURIAM.

Ignacio Beato surrendered his United States passport to the Orange County Clerk of Court as a condition of an appearance bail bond on a fugitive warrant from Pennsylvania. § 941.16, Fla. Stat. (2015). He appeals the circuit court's summary denial

of his motion for its return. We have jurisdiction over this nonfinal order. Fla. R. App. P. 9.130(a)(3)(C)(ii). The bond was discharged on March 3, 2016. Because the circuit court had no legal authority to hold the passport after the discharge of the appearance bond, Beato is entitled to the return of his passport in this case.¹ See *Chippas v. Midland Ins. Co.*, 456 So. 2d 495, 496 (Fla. 3d DCA 1984); *Gustafson v. State*, 251 So. 2d 689, 690 (Fla. 4th DCA 1971) (finding defendant was entitled to return of full amount of bail money after discharge of bond).

REVERSED.

GROSSHANS, SASSO and TRAVER, JJ., concur.

¹ Contrary to Beato's assertions, the surrender of a United States passport to the court clerk as an appearance bond condition is not analogous to the return of property seized by law enforcement or the disposition of tangible personal property lawfully seized in an investigation. See § 705.105, Fla. Stat. (2019); *Scott v. State*, 922 So. 2d 1024, 1026 (Fla. 5th DCA 2006); 22 C.F.R. § 51.7(b) (2019).