

**IN THE TENTH JUDICIAL CIRCUIT  
COURT FOR HARDEE, HIGHLANDS  
AND POLK COUNTY, FLORIDA**

**County Case No.: TT02-02752-XX**

**Appeal No.: EE-29**

**VICTOR R. BAEZ,**

**Appellant,**

**v.**

**STATE OF FLORIDA,**

**Appellee.**

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**OPINION OF THE COURT**

This is an appeal from the county court of Polk County, Judge Mary Catherine Green presiding. Appellant, Victor Baez, argues on appeal that the trial court erred in admitting his statement into evidence after he refused a urine test. This court has jurisdiction. Fla. R. App. P. 9.030(c). The ruling of the county court is affirmed.

The Appellant was charged with one count of careless driving with alcohol or a controlled substance as a contributing factor, in violation of §316.192, Florida Statutes (2001). Following a trial, the jury convicted Appellant of simple reckless driving and did not find that alcohol was a contributing factor.

Appellant first argues that the trial court erred in admitting evidence that he refused a urine test and stated “I’ll get screwed” due to the highly prejudicial nature of the comment. The trial court has broad discretion in determining relevance of evidence and such determination will not be disturbed absent abuse of discretion. Heath v. State, 648 So.2d 660 (Fla. 1994). Florida’s implied consent law holds in part: “[t]he refusal to submit to a chemical or physical breath test or to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.” §316.1932(1)(a)(1), Florida Statutes (2002). The Court, having reviewed the record and having considered the context in which the statements were made, finds that the statement had such probative value so as to outweigh any unfair prejudice to Appellant. §90.401, Fla. Stat. (2002). Therefore, the trial court did not abuse its discretion in admitting the statements into evidence.

Second, Appellant argues that the trial court erred in sentencing him by entering a blanket of costs. Since the Appellee concedes that the trial court is required to enter an order listing each cost along with its appropriate statutory authority, this cause is remanded to the trial court. Vandiver v. State, 779 So.2d 289 (Fla. 2d DCA 1998).

Accordingly, it is ORDERED and ADJUDGED that the judgment is AFFIRMED and REMANDED to the trial court to enter an order delineating each cost with a citation to statutory authority.

DONE and ORDERED November 7, 2003.

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**RONALD HERRING**, Chief Judge