

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

JULY TERM 2006

DEPARTMENT OF CHILDREN AND FAMILIES, ET AL.,

Appellant,

v.

Case No. 5D05-4400

SCHOOL BOARD OF OSCEOLA COUNTY, ET AL.,

Appellee.

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Opinion filed August 11, 2006

Non Final Appeal from the Circuit  
Court for Osceola County,  
R. James Stroker, Judge.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Joseph H. Lee, Assistant  
Attorney General, Tampa, for Appellant.

Usher L. Brown, Erin J. O'Leary and  
Joseph E. Blich of Brown, Garganese,  
Weiss & D'Agresta, P.A., Orlando, for  
Appellee.

PER CURIAM.

The Department of Children and Family Services appeals the trial court's denial of its motion to change venue to Leon County in accordance with the home venue privilege. *See Fla. Dep't of Children and Families v. Sun-Sentinel, Inc.*, 865 So. 2d 1278 (Fla. 2004). Because we conclude that the trial court properly applied the "Sword Wielder" exception to this privilege, we affirm the determination that venue is properly

laid in Osceola County. See *Fla. Pub. Serv. Comm'n v. Triple A Enters., Inc.*, 387 So. 2d 940 (Fla. 1980); *Nyberg v. Snover*, 604 So. 2d 894 (Fla. 1st DCA 1992).

AFFIRMED.

THOMPSON, MONACO and EVANDER, JJ., concur.