

Expert Opinion **Personal Injury**

## Nearly \$8M Settlement Speaks to Larger Concern Regarding Statewide Retention Pond Safety

Florida leads the nation in childhood drownings and an alarming number of these fatalities occur in unsecured, poorly maintained residential retention ponds. While lawsuits can bring a semblance of solace to those affected, true justice will be obtained when we put an end to these drownings entirely.

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**Michael Haggard, left, and Adam Finkel, right, of The Haggard Law Firm. Courtesy photos.**

Retention ponds are manmade bodies of water scattered across Florida's neighborhoods, parks, apartment complexes, and commercial developments. Designed to manage stormwater runoff, they serve an important environmental function, but far too many become death traps for our most vulnerable citizens: children. Tragically, Florida leads the nation in childhood drownings and an alarming number of these fatalities occur in unsecured, poorly maintained residential retention ponds. While lawsuits can bring a semblance of solace to those affected, true justice will be obtained when we put an end to these drownings entirely.

For instance, The Haggard Law Firm represented The Estate of Jane Doe in the matter of the *Estate of Jane Doe v. ABC Corp.* in an alleged wrongful death civil lawsuit wherein a minor (gender unspecified) drowned in a pond at a Florida residential property and settled for nearly \$8 million in 2025. While the details of this specific drowning are confidential, the prevalence of these drownings requires us all to be concerned and demands action.

“What will it take?” asks Nathalie Martin, founder of Swim Global Project, an internationally renowned organization dedicated to drowning prevention on a global scale. “We know exactly what is needed to prevent these drownings: barriers, fences, signage, and oversight. The problem is not the absence of solutions, but the absence of political will to mandate them. Until we act, children will continue to die needlessly.”

Regardless of which side of the proverbial aisle you sit on, we can all agree that today’s news cycle is flooded with partisan opinions. It’s for that reason that areas of common interest should be highlighted. Nonpartisan problems should be attacked with vigor. It is, here, that it belies logic that retention ponds throughout Florida remain unsecured, especially as the relevant public agencies remain too overworked to be able to monitor them.

And let me be clear: the alarming number of childhood drownings is not a matter of bad parenting. It is a matter of bad policy. Time and time again, we see reports of the same heartbreaking pattern: a toddler wanders off for just a few moments, a child playing outside takes a wrong turn, and because there is no fence, no barrier, and the erosion around the pond was left unaddressed, the child dies. These are tragedies that are entirely preventable.

We have laws requiring fencing around swimming pools—and rightly so. Today, no one can imagine observing a pool within a residential complex left unfenced, and one day the same will be true for retention ponds. But with each day that we wait for those laws to be enacted, children remain in avoidable danger. Developers cut costs by ignoring local aquatic codes, deciding not to erect a fence, and failing to employ someone with actual training regarding pond safety. Ultimately, Florida’s families are left paying the ultimate price.

This cannot continue. Just as Martin of Swim Global Project and so many other advocacy groups call for, we must all call for mandatory fencing and barriers around all retention ponds located within residential communities, clear signage warning of drowning risks in multiple languages and using symbols understandable to children, funding to employ more public servants within local management districts that can apply stricter oversight and enforcement of safety regulations, and retrofitting of existing ponds in residential communities.

Some will argue these measures are too expensive or too burdensome for developers and municipalities. But what is the cost of a child’s life? Ask the parents who never got to say goodbye.

Ask the siblings who carry trauma for the rest of their lives. Ask the first responders who pull tiny bodies from murky water, time and time again. The fact is, the prudent safety *and financial* decision is for property owners and developers to erect fences. For instance, this year The Haggard Law Firm represented the parents of a young boy that drowned in a poorly maintained dry retention pond in Seminole County. Following a \$15.5 million settlement with the property owner and management company, we were told that the owner would work to construct fences around all stormwater management systems within the company's residential communities. It was clear that such was cheaper than facing another lawsuit, and it was simply the right thing to do for the community.

"No parent should ever have to bury a child because of a hazard we already know how to prevent. Florida's families don't need more studies or more excuses. They need action," says Martin. "Until policymakers find the courage to mandate the protections we know save lives, retention ponds will remain silent killers in our neighborhoods. The question is not *if* we can prevent these tragedies, but *when* we will choose to."

Simply put, Floridians can no longer tolerate the status quo. We need public pressure and legislation to push this issue to the forefront. If we have the means to build these ponds, we have the means to make them safe. Many of this publication's readers are in the legal or real estate business, and we can all agree that making these ponds safer is good business. Please demand better from your elected officials and demand that they enact new safety laws.

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