



OFFICE OF THE CITY COUNCIL

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Council Member Reggie Gaffney Jr. (D8)
RETENTION POND & OTHER STORMWATER SAFETY DISCUSSION
2:00 p.m. – August 25, 2026
City Hall – Lynwood Roberts Room

Minutes

Attendees: Council Members Present: Reggie Gaffney Jr., Tyrone Clark-Murray, Matt Carlucci, Ron Salem, Mike Gay, Randy White, Ken Amaro, and Jason Teal.
Other Participants: Representatives from the Mayor's Office, Florida Legislature, City departments, Baptist/Wolfson Children's Hospital, Jacksonville Sheriff's Office, Florida Department of Health, autism and disability advocates, developers, subject-matter experts, parents, community members, and other stakeholders.

Meeting Purpose:

The primary focus of this meeting will be on preventing drownings of autistic children, given the nature of the two most recent tragedies.

The meeting agenda is structured as follows:

- Discuss the reasons for the meeting (the recent tragedies).
- Review data on retention pond deaths over the last five years.
- Examine the current prevention systems and methods used by the city and private entities.
- Discuss and identify viable solutions.

PURPOSE AND BACKGROUND

Council Member Gaffney Jr. convened the meeting following recent child drowning incidents involving retention/stormwater ponds in Jacksonville. The primary purpose was to examine potential measures to reduce drowning risks, particularly for young children and children with autism or other developmental disabilities who may wander toward bodies of water.

Council Member Gaffney Jr. emphasized that the discussion was not limited to mandatory fencing. The purpose was to identify practical, legally permissible and effective layers of



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protection, including physical barriers, maintenance standards, education, swimming instruction, warning systems, community awareness, and other preventative measures.

Data presented during the meeting identified six child drowning deaths involving retention/detention ponds between 2021 and August 25, 2026, with five occurring in retention ponds and one in a detention pond. All six children identified in the data presented were autistic. Participants emphasized that these figures do not include all drowning incidents involving adults or non-autistic children.

CURRENT STANDARDS AND IDENTIFIED GAPS

Public Works representatives explained current City practices and development standards for public and private stormwater ponds.

Under existing standards, ponds designed with slopes of 4:1 or flatter generally are not required to be fenced. Where a pond is designed with a slope steeper than 4:1, fencing is required as part of the design. Steeper ponds may also require additional means of egress.

Public Works explained that City-owned pond edges may intentionally maintain approximately five to six feet of unmowed or natural vegetation near the water's edge as a deterrent to access. Participants discussed vegetation and landscaping as possible components of a broader safety strategy.

The discussion identified a significant policy concern: existing engineering standards primarily address pond design and physical characteristics but may not adequately account for the behavior, mobility, judgment, or physical capabilities of young children and children with autism.

Participants also discussed:

- Lack of uniform warning signage at retention ponds.
- The need to evaluate maintenance and inspection requirements after development.
- Risks associated with erosion, steep slopes, muddy or unstable pond bottoms, and other conditions that may impede escape.
- The proximity of ponds to homes, apartment communities, schools, playgrounds and other areas frequented by children.



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- The need to address both newly constructed and existing stormwater facilities.
- Challenges involving ownership and responsibility where ponds are controlled by HOAs, private property owners, developers, multiple property owners, or governmental entities.

The discussion established that no single intervention is sufficient for every pond or every child. Participants generally supported evaluating multiple layers of protection based upon the characteristics and risks associated with individual sites.

LEGAL AND POLICY CONSIDERATIONS

The Office of General Counsel discussed the City's authority to regulate private property and the legal limitations that must be considered when developing new requirements.

Particular attention was given to Florida Senate Bill 180 and potential Bert J. Harris, Jr. Private Property Rights Protection Act implications. Further legal review was requested regarding the City's ability to impose additional or retroactive safety requirements on existing private stormwater facilities and whether proposed standards could conflict with current state restrictions.

The meeting also discussed whether voluntary programs, incentives, phased compliance, risk-based standards, or other mechanisms could advance safety improvements while legal questions are being evaluated.

Participants referenced Florida's prior use of retroactive safety requirements in other contexts and recommended researching comparable approaches used elsewhere in Florida and nationally.

SAFETY STRATEGIES AND RECOMMENDATIONS

Participants recommended that the City consider a risk-based, layered approach rather than requiring the same intervention at every stormwater pond.

Potential measures discussed included fencing or other physical barriers; natural/vegetative barriers; warning signage; erosion and maintenance inspections; emergency/rescue equipment; alarms and other technology; proximity-based risk assessments; swimming and water-safety education; wandering-prevention education; and targeted outreach to families of children at increased risk.



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Particular emphasis was placed on ponds located near residential developments, apartment communities, schools, playgrounds, autism programs, and other areas where children regularly congregate.

Health and behavioral-health representatives emphasized that autistic individuals may have heightened vulnerability to drowning because of wandering behavior, attraction to water, communication challenges, limited swimming ability, and difficulty recognizing danger. Participants stressed that prevention should involve multiple layers of protection, including supervision, physical safeguards, home safety measures, swimming instruction, community education, and appropriate emergency-response planning.

The Florida Department of Health discussed an existing swimming-lesson voucher program serving children with autism and other eligible families. Participants encouraged greater promotion of the program, recruitment of additional swimming instructors/providers, and expansion of accessible one-on-one or small-group swimming instruction.

Community members and advocates also recommended increased public awareness regarding retention pond dangers, water safety, wandering prevention, home alarms/locks, and available community resources.

STATE AND COMMUNITY PARTNERSHIPS

A State Representative emphasized the importance of coordinated City and State action and expressed willingness to explore potential state-level measures addressing water safety and protections for children with special needs.

Another State Representative recommended examining statewide drowning data and potential insurance incentives or other mechanisms that could encourage safety improvements.

Participants encouraged continued collaboration among City Council, the Mayor's Office, Public Works, Development Services, OGC, JSO/JFRD, health care providers, autism advocates, developers, HOAs, families, state legislators, and community organizations.

Developers participating in the meeting expressed willingness to remain engaged in discussions regarding feasible safety measures and future standards.



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DIRECTION AND NEXT STEPS

Council Member Gaffney Jr. stated that the City must take meaningful action while ensuring that any proposed policy is legally sound, practical, and supported by adequate research. No legislation was directed for immediate filing. Additional legal, technical and policy information will first be gathered to determine the most effective course of action.

The following next steps were identified:

1. Council Committee: Council Member Gaffney Jr.'s Office will coordinate with the Council President regarding creation of a Council committee focused on retention pond and other residential stormwater safety issues.
2. Legal Review: OGC will be asked to provide guidance regarding City authority over existing and future private stormwater facilities, including potential impacts of SB 180 and the Bert Harris Act.
3. Best-Practices Research: Staff will research Florida and other jurisdictions for retention pond safety standards, risk-assessment models, fencing/barrier requirements, inspection programs, incentive programs, and other proven approaches.
4. Risk-Based Assessment: The City will explore using existing data to identify and prioritize higher-risk retention ponds, including proximity to residential areas and locations frequented by children.
5. Near-Term Prevention: City departments and community partners will explore opportunities for public education, water-safety outreach, drowning-prevention resources, swimming lessons, home safety measures, and awareness initiatives for families of children at increased risk.
6. Stakeholder Participation: Developers, HOAs, health professionals, autism advocates, parents, public-safety agencies, state officials and community organizations will continue to be engaged as potential policy recommendations are developed.
7. Potential State Action: State legislative partners will explore whether statewide standards, funding, incentives, or statutory changes may be appropriate to complement local efforts.

CONCLUSION

Council Member Gaffney Jr. reiterated that the issue is fundamentally one of public safety and protection of children and should not be approached as a partisan matter. While fencing remains one potential tool, the meeting demonstrated the need for a broader strategy that considers pond design, location, maintenance, accessibility, education, individual vulnerability, legal authority, and shared responsibility.



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The Councilman's Office will continue coordinating with City officials, Council leadership, state partners, subject-matter experts, families, advocates, developers and community stakeholders to develop recommendations for both immediate prevention efforts and longer-term legislative action

Minutes prepared by:

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Executive to Jacksonville City Council Member Reggie Gaffney Jr.