



# North Port

FLORIDA



# **Geotechnical Report Timeline**

City Commission Workshop

March 2, 2026

# Florida Statutes 468.604

- (1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person.

# Florida Building Code

- 101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
  - Exceptions:
    - 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.

# Florida Building Code, Residential

- **R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

# What is “Engineered Fill?”

- Soil, sand, or other material that has been imported or excavated from on-site, placed, and compacted to specific engineering standards to support structural foundations, such as footings. It is designed to ensure stability, proper drainage, and to prevent excessive settlement.
- Used to raise site elevation to meet Base Flood Elevation (BFE) requirements, support concrete slabs, and provide a stable base for shallow foundations.

# Florida Building Code, Residential

- **R506.2 Site Preparation:** The area within the foundation walls shall have all vegetation, top soil and foreign material removed.
- **R506.2.1 Fill:** Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth.

# Florida Building Code, Residential

- **R401.4 Soil tests.** Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting or other questionable soil characteristics are likely to be present, the building official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method.

**NOTE:** North Port has a frequency for sandy shifting soils, a high water table, and repeated flooding.

# Florida Building Code

- 1803.5.8 Compacted Fill Material: Where shallow foundations will bear on compacted fill material more than 12 inches (305 mm) in depth, a geotechnical investigation shall be conducted and shall include all of the following:
  - Specifications for the preparation of the site prior to placement of compacted fill material.
  - Specifications for material to be used as compacted fill.
  - Test methods to be used to determine the maximum dry density and optimum moisture content of the material to be used as compacted fill.
  - Maximum allowable thickness of each lift of compacted fill material.
  - Field test method for determining the in-place dry density of the compacted fill.
  - Minimum acceptable in-place dry density expressed as a percentage of the maximum dry density determined in accordance with Item 3.
  - Number and frequency of field tests required to determine compliance with Item 6.

# Florida Building Code

- 1803.2 Investigations Required: Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.
  - Exception: The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

# Site Conditions and Damage

- North Port ground conditions:
  - Sandy soils that shift with heavy seasonal rain and dry periods
  - Repeated heavy flooding events
  - High water table
  - Buried vegetation from prior GDC clearing, paving, and dredging activities
- Additional factors that contribute to structural damage:
  - Improper fill material (rocks, debris)
  - Insufficient compaction
- Structural damage signs:
  - Cracked and/or bowing walls
  - Cracks in floors and foundations
  - Sloped floors
  - Windows and doors that stick or become hard to open and close

# Timeline

- **April 2023:** New Building Official
- **Summer 2023:** Building Official became concerned about increasing amounts of fill materials being placed on pre-platted residential lots, often 4 to 6 feet in depth, due to recent FEMA regulations and in response to heavy flooding from Hurricane Ian.

# Timeline

- **August 2023:** Building Official sent communication to all contractors, engineers, and builders on record that geotechnical surveys would be required starting October 1 for all sites when more than 12 inches of engineered fill would be used, because the amount of fill exceeded the maximum depth allowed under the Residential Code.
  - The Florida Building Code, Residential, states that fill depths shall not exceed 24 inches, except where approved.

# Timeline

- **October 2023:** Requirement for geotechnical surveys went into effect for sites with fill amounts exceeding the allowance under the Florida Building Code, Residential.
  - All subdivisions and large builders (Lennar, Pulte) had always provided geotechnical surveys for their properties. It was only pre-platted lots that previously had not submitted surveys.

# Timeline

- **October 5, 2023:** Building Official met with Mr. Drumm. The Building Official stated that the FBC, Residential, allows alternatives in lieu of providing a full geotechnical survey, and that engineers were invited and welcome to submit those alternatives.
- **October 2023 - Present:** Mr. Tim Drumm (Drumm Engineering) began calling and emailing the City Commission, City Manager's Office, and City staff regarding his disagreement with submitting geotechnical surveys.

# Timeline

- October 12, 2023: Mr Drumm email to City Manager's Office:

“North Port does not have homes settling due to bad soil, and they have been stable for years to decades, I would argue the data is historical and shows his actions to slow down the building process, require unnecessary testing and expenses and drive business out of North Port is unnecessary.”

- **NOTE:** In the last 5 years, 47 homes in North Port have received permits for foundation repairs due to settling, cracking, etc., often costing homeowners \$20k – 40+k.

# Timeline

- November 8, 2023: Deputy City Manager, Development Services Director, and Building Official met with Mr. Drumm.
  - Another engineer in attendance agreed that other jurisdictions require geotechnical surveys for excessive fill.
  - City Management informed Mr. Drumm that if the Florida Building Commission ruled that the Building Official could not require geotechnical surveys for single-family homes when fill is used in excess of the maximum specified by FBC, Residential; then the Building Official would abide by that ruling.

# Timeline

- Mid-November 2023: City was informed that Mr. Drumm had applied for an informal ruling from the Building Officials Association of Florida (BOAF) for the following question:
  - Question: When a structure is designed under the Florida Building Code – Residential volume, per 101.2 Exception 1 of the Building volume, do sections of the FBC-B still apply? (e.g., Geotechnical Report for a Residential project)
- **NOTE 1: Mr. Drumm had been told the Building Official would abide by a formal ruling from the Florida Building Commission, not BOAF.**
- **NOTE 2: Mr. Drumm submitted a vague question, not the specific question relevant to the topic.**

# Timeline

- November 15, 2023: BOAF provided the following informal interpretation to Mr. Drumm's question:
  - Answer: NO. Please see the attached commentary.
  - Commentary: As a general rule, the Florida Building Code – Residential volume is a stand alone document. There are times or conditions when other volumes of the Florida Building Code may apply. Examples of this can be found in section 412.5 for residential aircraft hangars, or section 419 for live-work units. These are only a couple examples. While the Residential volume was intended to be a complete publication for residential structures and does apply to a typical residence, specific conditions may arise that require a reference to other volumes of the FBC. The reference to another volume needs to be specific and NOT covered by the Residential volume.]

# Timeline

- December 30, 2023: The Daily Sun reported on Mr. Drumm's disagreement with the City with the following excerpts:
  - Mr. Drumm: "the only local area that requires geotechnical surveys is Manatee County."
  - Punta Gorda's Chief Building Official: "officials can require a survey when quantifiable data is created by accepted soil science methods showing expansive, compressible, shifting or other questionable soil. I also would deem (it) necessary if there was evidence of an ongoing issue in a certain area...Such issues can include ones found by a building inspection process, or cracking foundations, sinking, or any other damage."
  - Creek Engineering: "North Port is one of "many" municipalities they serve which require a geotechnical examination."

# Timeline

- January 2024: The City communicated the following to Mr. Drumm:
  - During the November 8, 2023 meeting the City had stated a formal ruling from the Florida Building Commission would be accepted.
  - The question the City had agreed to was: May a Building Official require a geotechnical survey for a single-family home when fill is used in excess of the maximum specified by FBC, Residential.
  - The Building Official did agree with BOAF's informal ruling as to the general question asked by Mr. Drumm relating to structures designed under the FBC, Residential.

# Timeline

- April 22, 2024: Mr. Drumm filed a petition with the Florida Building Commission asking the following question:
  - If I design the residential home foundation and fill soil to meet the requirements for Chapter 4 of the Florida Building Code – Residential, am I still required to design the foundation and fill soils to meet the requirements of the Florida Building Code Building Chapter 18?

# Timeline

- June 21, 2024: The Florida Building Commission issued the following binding ruling:
  - “In response to the Petitioner’s question, the answer no Pursuant to sections 101 2, Florida Building Code, Building, 8<sup>th</sup> Edition (2023) and R101 2, Florida Building Code, Residential, 8<sup>th</sup> Edition (2023), the design and construction of the foundations and fill soils in question are subject to the construction requirements of chapter 4 of the Florida Building Code, Residential 8<sup>th</sup> Edition (2023)...”

# Timeline

- June 2024
  - The Building Official communicated to the City Manager's Office that he does not dispute the ruling of the Florida Building Commission, but that the question they were asked and the ruling do not address whether he can require a geotechnical survey when fill soils are being used in excess of those specified under the Florida Building Code, Residential.

# Timeline

- October 31, 2024: The Building Official spoke to the City Manager regarding geotechnical surveys.
- November 1, 2024: The Building Official waived requiring a geotechnical survey for every permit with excess fill soils.
  - Enhanced language is being used on plans.
  - Surveys provided during the previous 12-months provided valuable data.
  - Surveys would still be required when necessary.
  - Consistent with nearby jurisdictions that retain the right to require surveys, but in practice do not most of the time.

# Timeline

- October 2023 – Present
  - In numerous emails to the City Commission, City Manager's Office, and City Staff, Mr. Drumm has made repeated written statements accusing the Building Official of “incompetence, arrogance, lying, being a threat to the well being of the city” and other defamatory language.
  - The City continues to provide customer service to Mr. Drumm for business he conducts in the City, but staff is not engaging with Mr. Drumm regarding this topic.