

By Senator DiCeglie

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A bill to be entitled

An act for the relief of Maximus Giannikos by the City of Clearwater; providing for an appropriation to compensate Maximus Giannikos for injuries sustained as a result of the negligence of the City of Clearwater; providing a limitation on the payment of compensation and attorney fees; providing an effective date.

WHEREAS, in the early evening of May 28, 2019, then 16-year-old Maximus Giannikos and his family were on vacation in Clearwater, visiting from Cape Town, South Africa, when, shortly after their arrival, Maximus Giannikos, his sister, and her husband left their hotel located near the northwest corner of the intersection of Gulf to Bay Boulevard and U.S. Highway 19 and walked to the nearby Clearwater Mall to eat dinner and shop for beach supplies, and

WHEREAS, the electronic traffic and pedestrian control devices located at the Gulf to Bay Boulevard and U.S. Highway 19 intersection were operated and maintained by the City of Clearwater, and had a documented history of malfunctioning from time to time, and

WHEREAS, the interchange where U.S. Highway 19 intersects with Gulf to Bay Boulevard is a significant, high-volume transportation corridor where U.S. 19 goes over Gulf to Bay Boulevard with service ramps, and is a complex design requiring continuous, regular inspections and maintenance of all signal devices and signage to move large volumes of traffic and pedestrians safely and efficiently, and

WHEREAS, Maximus Giannikos and his family members crossed

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30 from the northwest to the northeast corner of the intersection,
31 beneath the overpass of U.S. Highway 19, and then proceeded from
32 the northeast to the southeast corner of the intersection,
33 crossing Gulf to Bay Boulevard, without any problem using the
34 pedestrian control device, and

35 WHEREAS, approximately 2 hours later, as they returned,
36 they approached the southwest corner of the intersection at Gulf
37 to Bay Boulevard and pressed the button at the crosswalk to
38 activate the pedestrian control device, and

39 WHEREAS, unbeknownst to Maximus Giannikos and his family
40 members, who were pedestrians at the time, the crosswalk buttons
41 and devices were not operating because of defective,
42 malfunctioning wiring and negligent maintenance by the City of
43 Clearwater, thereby causing the pedestrian signal to be stuck on
44 "Do Not Walk" at that location, and so the signal never changed,
45 and

46 WHEREAS, they pressed the button multiple times and waited
47 numerous light cycles to give the signal a chance to change, but
48 it did not change, and

49 WHEREAS, they then walked to the southeast corner of the
50 intersection and tried to activate the pedestrian control system
51 there, with no success, and

52 WHEREAS, they looked east and west along Gulf to Bay
53 Boulevard to see if there was another crosswalk with active
54 pedestrian signals but did not see any visible crosswalks from
55 their vantage point, and

56 WHEREAS, after 30 to 45 minutes passed, they agreed they
57 had no other choice but to cross where they were, so the
58 brother-in-law timed the lights and, once he saw all the lights

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were red and traffic appeared to clear, all three stepped off the curb and walked into the road to cross, and

WHEREAS, they made it about halfway across the street when Maximus Giannikos was struck by a sport utility vehicle traveling at approximately 35 miles per hour and was catastrophically injured, and

WHEREAS, Maximus Giannikos was treated by emergency medical services personnel at the scene, then rushed by ambulance to St. Petersburg Bayfront Medical Center in stable but critical condition, and

WHEREAS, a traffic homicide investigation was conducted by the Clearwater Police Department, which determined that the pedestrian crosswalk device did, in fact, malfunction, and was not operating at the time that Maximus Giannikos was injured, and

WHEREAS, a fact that witnesses who worked nearby and used the crosswalks daily testified at trial that the subject pedestrian crosswalk signal malfunctioned at least 10 to 15 times per year and had been doing so for 10 years, and

WHEREAS, during trial, plaintiff's expert witness testified that the crosswalk buttons malfunctioned because the City of Clearwater failed to perform an adequate maintenance check during March 2019, and

WHEREAS, during discovery and at trial, documents in the Signal Cabinet Access Logs generated near the date that Maximus Giannikos was injured showed that the City of Clearwater rewired the button on the southeast corner of the intersection and replaced the button on the northwest corner 2 weeks and 4 weeks, respectively, after Maximus Giannikos was critically injured,

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88 and

89 WHEREAS, at trial, the plaintiff's attorneys proved that
90 the City of Clearwater was on notice regarding the problem and
91 was negligent in maintaining the signal, putting pedestrians in
92 unreasonable danger and being a legal cause of Maximus
93 Giannikos's injuries, and

94 WHEREAS, Maximus Giannikos remained hospitalized for more
95 than a month at St. Petersburg Bayfront Medical Center, 11 days
96 of which were spent in a coma, while his family lived at the
97 Ronald McDonald House, and

98 WHEREAS, Maximus Giannikos suffered life-altering traumatic
99 brain injuries, bleeds, and swelling, skull and facial
100 fractures, multiple orthopedic fractures and injuries, including
101 spinal fractures from C6 to T4, rib fractures, left leg
102 fractures, compound fractures of the right arm, right shoulder
103 fractures and dislocation, a punctured lung, and other serious
104 traumatic injuries, and

105 WHEREAS, Maximus Giannikos underwent numerous surgeries,
106 and his recovery has been slow, difficult, and painful, with
107 many setbacks, and

108 WHEREAS, once Maximus Giannikos was released from the
109 hospital, he and his family lived at the Ronald McDonald House
110 for 6 months while he engaged in treatment and therapy until
111 they ran out of funds to pay for his treatment, and

112 WHEREAS, Maximus Giannikos has incurred more than \$1.1
113 million in medical bills and is facing \$4.9 million in future
114 medical care costs, and total economic damages amount to more
115 than \$10 million, and

116 WHEREAS, Maximus Giannikos's current diagnosis includes

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117 permanent brain injuries, posttraumatic epilepsy, severe
118 cognitive and behavioral impairments, disfigurement, severe
119 radiating neck and back pain, arthritis, limited range of
120 motion, and other orthopedic and neurological disorders, as well
121 as severe posttraumatic psychological injuries, and

122 WHEREAS, the City of Clearwater had a duty of care to
123 reasonably maintain and operate the pedestrian signals at the
124 subject intersection and had failed to do so at the time Maximus
125 Giannikos was injured, and

126 WHEREAS, due to the City of Clearwater's negligence,
127 Maximus Giannikos was unreasonably left to cross the
128 intersection unaided by operable crosswalk signals, which but
129 for the inoperable condition of the crosswalk signals, Maximus
130 Giannikos would not have been injured, and

131 WHEREAS, the City of Clearwater's negligent maintenance of
132 the crosswalk signals at the location where Maximus Giannikos
133 was injured was a legal cause of the collision that injured him,
134 and

135 WHEREAS, Maximus Giannikos filed a lawsuit against the City
136 of Clearwater which was tried before a Pinellas County jury in
137 the circuit court for the Sixth Judicial Circuit beginning
138 September 9, 2024, and on September 13, 2024, the jury found
139 Maximus Giannikos's total damages to be \$38,496,781.68, with the
140 City of Clearwater's negligence to be 45 percent and Maximus
141 Giannikos's negligence to be 55 percent, comparatively, and

142 WHEREAS, based on the jury verdict, the court entered a
143 final judgment in the amount of \$17,323,551.76 in favor of
144 Maximus Giannikos and against the City of Clearwater, and

145 WHEREAS, on January 6, 2025, following post-trial motions

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and oral arguments, the trial court entered an Amended Final Judgment in the amount of \$15,687,889.50, and

WHEREAS, pursuant to a negotiated agreement by the parties, on January 6, 2025, the trial court entered an Agreed Order to claimant's motion to entitlement to attorney fees in the amount of \$249,460, taxable costs in the amount of \$99,832.99, and the parties' agreement to taxable post-judgment interest at the rate of 9.46 percent annually, all of which the parties negotiated and agreed to, and

WHEREAS, the City of Clearwater is insured with a Lloyd's of London policy having a limit of \$7 million for this claim, and

WHEREAS, before the trial began, Maximus Giannikos's attorneys offered to settle the case for an amount within the policy limits, but the insurance company refused to settle and made no counteroffer, thereby exposing the City of Clearwater to an excess judgment of \$16,037,182.49, plus interest of 9.46 percent annually, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The City of Clearwater is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$16,037,182.49, plus post-judgment interest at the rate of 9.46 percent annually, as agreed to by the parties and to be calculated by the trial court, payable to Maximus Giannikos as compensation for injuries

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and damages sustained due to the negligence of the City of
Clearwater.

Section 3. The amount paid by the City of Clearwater
pursuant to s. 768.28, Florida Statutes, and the amount awarded
under this act are intended to provide the sole compensation for
all present and future claims arising out of the factual
situation described in this act which resulted in injuries and
damages to Maximus Giannikos. The total amount paid for attorney
fees relating to this claim may not exceed 25 percent of the
total amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.