

By Senator Truenow

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1 A bill to be entitled
2 An act for the relief of Max Giannikos by the City of
3 Clearwater; providing for an appropriation to
4 compensate Max Giannikos for injuries sustained as a
5 result of the negligence of the City of Clearwater;
6 providing a limitation on compensation and the payment
7 of attorney fees; providing an effective date.

8
9 WHEREAS, in the early evening of May 28, 2019, then 16-
10 year-old Max Giannikos and his family were on vacation in
11 Clearwater, visiting from Cape Town, South Africa, when, shortly
12 after arrival, Max Giannikos, his sister, and her husband left
13 their hotel located near the northwest corner of the
14 intersection of Gulf to Bay Boulevard (S.R. 60) and U.S. Highway
15 19 and walked to the nearby Clearwater Mall, and

16 WHEREAS, the electronic traffic and pedestrian control
17 devices located at the Gulf to Bay Boulevard and U.S. Highway 19
18 intersection were owned, operated, and maintained by the City of
19 Clearwater, and

20 WHEREAS, Max Giannikos and his family members crossed from
21 the northwest to the northeast corner of the intersection,
22 beneath the overpass of U.S. Highway 19, and then proceeded from
23 the northeast to the southeast corner of the intersection,
24 crossing Gulf to Bay Boulevard, to visit local business
25 establishments to purchase dinner and shop for beach supplies,
26 and

27 WHEREAS, approximately 2 hours later, upon their return,
28 they approached the southwest corner of the intersection and
29 pressed the button at the crosswalk to activate the pedestrian

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30 control device, and

31 WHEREAS, unbeknownst to Max Giannikos and his family
32 members, who were pedestrians at the time, the crosswalk buttons
33 and devices were not operating because of defective,
34 malfunctioning wiring and negligent maintenance, thereby causing
35 the pedestrian signal to be stuck on "Do Not Walk," and

36 WHEREAS, when they pressed the button multiple times and
37 waited numerous light cycles to give the signal a chance to
38 change, it did not work, and

39 WHEREAS, they then walked to the southeast corner of the
40 intersection and tried to activate the pedestrian control system
41 there, with no success, and

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

46 WHEREAS, after 30 to 45 minutes passed, they agreed they
47 had no other choice but to cross where they were, so the
48 brother-in-law timed the lights and, once he saw all the lights
49 were red and traffic appeared to clear, all three stepped off
50 the curb and walked into the road to cross, and

51 WHEREAS, they made it about halfway across the street when
52 Max Giannikos was struck by a sports utility vehicle traveling
53 at approximately 40 miles per hour, and was catastrophically
54 injured, and

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

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

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

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

71 WHEREAS, during discovery and at trial, documents in the
72 "Signal Cabinet Access Logs" generated near the date that Max
73 Giannikos was injured showed that the City of Clearwater rewired
74 the button on the southeast corner of the intersection and
75 replaced the button on the northwest corner, respectively, 2
76 weeks and 4 weeks after Max Giannikos was critically injured,
77 and

78 WHEREAS, at trial, the plaintiff's attorneys proved that
79 the City of Clearwater was on notice regarding the problem and
80 was negligent in maintaining the signal, putting pedestrians in
81 unreasonable danger and being a legal cause of Max Giannikos's
82 injuries, and

83 WHEREAS, Max Giannikos remained hospitalized for more than
84 a month at St. Petersburg Bayfront Medical Center, 11 days of
85 which were spent in a coma, while his family lived at the Ronald
86 McDonald House, and

87 WHEREAS, Max Giannikos suffered life-altering traumatic

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88 brain injuries, bleeds, and swelling, skull and facial
89 fractures, multiple orthopedic fractures and injuries, including
90 spinal fractures from C6 to T4, rib fractures, left leg
91 fractures, compound fractures of the right arm, right shoulder
92 fractures and dislocation, a punctured lung, and other serious
93 traumatic injuries, and

94 WHEREAS, Max Giannikos underwent numerous surgeries, and
95 his recovery has been slow, difficult, and painful, with many
96 setbacks, and

97 WHEREAS, once Max Giannikos was released from the hospital,
98 he and his family lived at the Ronald McDonald House for 6
99 months while he engaged in treatment and therapy until they ran
100 out of funds to pay for his treatment, and

101 WHEREAS, Max Giannikos has incurred more than \$1.1 million
102 in medical bills and is facing \$4.9 million in future medical
103 care costs, and total economic damages amount to more than \$10
104 million, and

105 WHEREAS, Max Giannikos's current diagnosis includes
106 permanent brain injuries, posttraumatic epilepsy, severe
107 cognitive and behavioral impairments, disfigurement, severe
108 radiating neck and back pain, arthritis, limited range of
109 motion, and other orthopedic and neurological disorders, as well
110 as severe posttraumatic psychological injuries, and

111 WHEREAS, the City of Clearwater had a duty of care to
112 reasonably maintain and operate the pedestrian signals at the
113 subject intersection and failed to do so when Max Giannikos was
114 injured, and

115 WHEREAS, due to the City of Clearwater's negligence, Max
116 Giannikos was unreasonably left to cross the intersection

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117 unaided by operable crosswalk signals, which but for the
118 inoperable condition of the crosswalk signals, Max Giannikos
119 would not have been injured, and

120 WHEREAS, the City of Clearwater's negligent maintenance of
121 the crosswalk signals at the location where Max Giannikos was
122 injured was a legal cause of the collision that injured him, and

123 WHEREAS, Max Giannikos filed a lawsuit against the City of
124 Clearwater which was tried before a Pinellas County jury in the
125 circuit court for the Sixth Judicial Circuit beginning September
126 9, 2024, and on September 13, 2024, the jury found Max
127 Giannikos's total damages to be \$38,496,781.68, with the City of
128 Clearwater's negligence to be 45 percent and Max Giannikos to be
129 55 percent comparatively negligent, and

130 WHEREAS, based on the jury verdict, the court entered a
131 final judgment in the amount of \$17,323,551.76 in favor of Max
132 Giannikos and against the City of Clearwater, and

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

136 WHEREAS, before the trial began, Max Giannikos's attorneys
137 offered to settle the case for an amount within the policy
138 limits, but the insurance company refused to settle and made no
139 counteroffer, thereby exposing the City of Clearwater to an
140 excess judgment of \$17,323,551.76, plus taxable costs of
141 \$100,000, NOW, THEREFORE,

142
143 Be It Enacted by the Legislature of the State of Florida:

144
145 Section 1. The facts stated in the preamble to this act are

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146 found and declared to be true.

147 Section 2. The City of Clearwater is authorized and
148 directed to appropriate from funds not otherwise encumbered and
149 to draw a warrant in the sum of \$17,423,551.76 payable to Max
150 Giannikos as compensation for injuries and damages sustained.

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

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