



INSTITUTE FOR JUSTICE

June 16, 2026

**Via Email and USPS**

Aventura Mayor and City Council  
City of Aventura  
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*Re: Aventura's violation of state law regarding food trucks.*

To Mayor Weinberg and City Councilmembers:

Hello, I am James Odell, an attorney at the Institute for Justice (IJ). I am writing today to express IJ's concern about Aventura's illegal ban on food trucks. In 2020, Florida passed a food truck reform law that was written specifically to end the exact practice Aventura is engaged in: banning food trucks from operating anywhere in the city unless the operation is tied to a temporary special event permit. Aventura city officials are aware of this law. They are just, unfortunately, choosing to break it.

IJ is a national public interest, civil liberties law firm that advocates in courts, statehouses, and city councils to protect the right to earn an honest living. That includes bringing successful litigation on behalf of food truck owners nationwide, including in Florida. In 2018, IJ brought a lawsuit against the city of Fort Pierce for its ordinance that banned food trucks from operating within 500 feet of any restaurant or business that sells food. In 2019, a Florida circuit court declared the ban unconstitutional, and Fort Pierce signed a consent decree where they conceded the ban was illegal. You can read about that litigation [here](#).

IJ has continued to fight for reforms that allow aspiring entrepreneurs to break through local governments' unconstitutional barriers that keep food trucks from bringing jobs and the joy of discovering new food to the people of Florida. In fact, IJ worked with the Florida legislature to pass the legislation that your city is now violating.

That law is Florida Statute Section 509.102, which prohibits<sup>1</sup> any local government entity from prohibiting food trucks “from operating within the entirety of the entity’s jurisdiction.” But your city does exactly that due to an overly broad zoning ordinance that states that anything that is not specifically authorized is prohibited. *See* Aventura, Florida, Code of Ordinances § 31-151(a). Food trucks are not specifically authorized to operate *anywhere* in Aventura’s zoning scheme which means, under the catch-all provision in § 31-151, food trucks are banned *everywhere*.

This is a good example of how these catch-all provisions in zoning codes tend to cause problems. When state law changes to forbid a city from banning something like food trucks, unless the local government updates their ordinances, the ban stays in place. And now the city has an illegal ordinance on their books.

Of course, a municipality can always stop enforcing their catch-all ban in those situations where a new state law makes applying it illegal. Just recently, IJ reached out to the city of Miami Gardens because they were enforcing a “catch-all” ban against food trucks despite § 509.102. You can read that letter [here](#). Miami Gardens was taking the same position that Aventura currently does: limiting food truck operations to temporary occasions tied to special events permits.

Miami Gardens’ decision to ignore Florida law and continue to ban food trucks drew media attention. Thankfully, this convinced Miami Gardens to reverse its position and to start following Florida law. We hope Aventura will agree to do the same.

Aventura’s food truck ban doesn’t just violate Florida state law. It also raises a host of constitutional concerns. The Florida Supreme Court has issued multiple decisions holding that local governments are not allowed to pass ordinances that are designed to protect local businesses from competition. *See Chicago Title Ins. v. Butler*, 770 So. 2d 1210, 1220 (Fla. 2000); *Eskin v. City of Vero Beach*, 159 So. 2d 209, 211 (Fla. 1963); *Liquor Store v. Continental Distilling Corp.*, 40 So. 2d 371 (Fla, 1949). The United States Supreme Court has also ruled that a law justified on economic protectionism violates the U.S. Constitution. *See Metro. Life Ins. Co. v. Ward*, 470 U.S. 869, 877-83 (1985).

This is particularly concerning here, as our understanding is that your Community Development Director Keven Klopp told a food truck operator that Aventura’s decision to defy the food truck law is out of a desire to protect restaurants from competition.

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<sup>1</sup> This is one of many reforms in the statute limiting the authority of local governments to regulate food trucks. The law also prohibits imposing additional fees or permitting requirements on food truck owners. § 509.102(2)(a).

But one of the reasons the Florida legislature passed § 509.102 was to help local businesses, not to hurt them. Food trucks attract new customers to the locations where they set up. As customers make their way to a food truck's location, the foot traffic brings new attention to local businesses, including restaurants. IJ's [2022 food truck study](#) found that "more food trucks today do *not* lead to fewer restaurants tomorrow."

The Florida legislature passed § 509.102 as an acknowledgement that a vibrant food truck industry lifts a city up. Food trucks put people to work, create economic opportunities, and allow entrepreneurs to bring their dreams of cooking for their communities to life. A [study](#) conducted by IJ even found that food trucks lower crime and increase safety in the neighborhoods where they are located. And they do this all while bringing new customers to local businesses in underused public spaces.

IJ works with state and local governments to assist in crafting legislation that achieves the goals Florida sought to accomplish by passing § 509.102. Please feel free to contact me if you have questions or would like to discuss IJ's model food truck [legislation](#). In addition to the telephone number listed on this letterhead, you are welcome to email me at [JOdell@IJ.org](mailto:JOdell@IJ.org). We stand ready to work with you to revise your ordinances to come into compliance with state law while increasing safety, dining choices, and economic opportunity in the city of Aventura.

Very truly yours,



James Odell