

**Rates, Rules & Regulations  
Governing  
Foreign Trade Zone 136**

**Tariff No. 6**



*Grantee: Canaveral Port Authority*

FOREIGN-TRADE ZONE NO. 136  
ZONE SCHEDULE (TARIFF) REVISION 6

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**TITLE PAGE**

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**ZONE SCHEDULE**  
**FOR THE**  
**BREVARD COUNTY FOREIGN-TRADE ZONE, FTZ NO. 136**

This Zone Schedule has been prepared by the Canaveral Port Authority, in its capacity as the Grantee for FTZ No. 136. Any questions concerning the contents of this Zone Schedule should be addressed to:

Canaveral Port Authority  
Business Development Department  
445 Challenger Road  
Ste 301  
Cape Canaveral, Florida 32920  
(321) 783-7831, Ext. 211

This Zone Schedule has been prepared in accordance with 15 C.F.R. 400.42 and is on file with the Foreign-Trade Zones Board and United States Customs and Border Protection in Cape Canaveral, FL.

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**ADMINISTRATION PAGE**

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(Grantee)

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**FOREIGN TRADE ZONE ADMINISTRATION**

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**AUTHORITY**

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**Grantee Authority:**

The Brevard County Foreign-Trade Zone, (FTZ No. 136) was established by Board Order No. 349 issued on March 16, 1987 with the Canaveral Port Authority functioning as the Grantee. General Purpose FTZ No. 136 was expanded once through Board Order No. 507 issued on January 29, 1991. There have been three Administrative Actions that have altered the boundaries of the General Purpose Zone Project – Administrative Actions A-31-91, A(27f)-26-92 and A(27f)-13-97. In addition, FTZ No. 136 was reorganized under the Alternative Site Framework by Board Order No. 1837 dated June 18, 2012. The Service Area for FTZ No. 136 is all of Brevard County and a description of the Sites is included below.

All persons doing business within FTZ No. 136 and all operations moving merchandise into or out of FTZ No. 136 must strictly conform to the Foreign-Trade Zones Act (FTZA), Foreign-Trade Zones Board (FTZB) Regulations, U.S. Customs and Border Protection (CBP) Regulations, this Zone Schedule and all other applicable federal, state and local laws, rules, and regulations. The following Zone Schedule has been adopted by the Canaveral Port Authority, acting in its capacity as of Grantee, and has been revised pursuant to FTZB Regulations (15 CFR 400.44). This Regulation directs that the Grantee shall submit to the Executive Secretary of the FTZB and the Port Director of CBP, a Zone Schedule which sets forth (1) Internal Rules and Regulations of the zone and (2) A statement of the rates and charges (fees) applicable to zone users.

This Zone Schedule may be modified, amended or replaced by the Canaveral Port Authority at any time if it is determined to be necessary or appropriate to do so. The Canaveral Port Authority shall, in its sole discretion, interpret the provisions of this Schedule and determine the applicability of any of its provisions.

**U.S. Customs & Border Protection Authority:**

The rules, rates and regulations provided in this Zone Schedule do not supersede Customs Statutes, Regulations and rules. Any new measures, rulings or determinations made by CBP will apply.

**Statutory and Regulatory Authority:**

Foreign-Trade Zone Act – 19 USC 81  
Foreign-Trade Zones Board Regulations – 15 CFR 400  
U.S. Customs & Border Protection Regulations – 19 CFR 146

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**AUTHORITY GRANTED/ACCEPTED**

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**Authority Granted:**

The Grantee grants the FTZ Operator the authority to utilize the Zone Site as a FTZ subject to the terms and conditions set forth within the Operating Agreement executed between the Grantee and the FTZ Operator.

**Authority Accepted:**

The FTZ Operator assumes responsibility for the operation and management of the Zone Site in accordance with the terms and conditions of the Operating Agreement during the term set within the Agreement and any extensions thereof.

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**DEFINITIONS**

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1. Foreign-Trade Zones Board (FTZB) -- comprised of the Secretary of Commerce and the Secretary of Treasury. These officials or their designee are empowered to issue to appropriate applicants the grant of authority to establish, maintain and operate a Foreign Trade Zone project 19 USC 81a(b); 15 CFR 400.2(d)
2. Foreign-Trade Zones Board staff -- Officials in the Department of Commerce, International Trade Administration responsible for overseeing the administration of Foreign Trade Zones. The Executive Secretary heads up this office 15 CFR 400.2(g)
3. Port Director of Customs and Border Protection (CBP) -- Customs official with responsibility for overseeing the activation and operations of zone projects within his customs port of entry.
4. Grantee -- Corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted." 19 USC 81a(h); 15 CFR 400.2(v) The Grantee of FTZ No. 136 is the Canaveral Port Authority.
5. FTZ Operator -- Corporation, partnership, or person that operates a zone or subzone under the terms of an Agreement with the Grantee. 15 CFR 400.2(w)
6. User -- A person or firm using a zone or subzone for storage, handling, or processing of merchandise. 15 CFR 400.2(aa)
7. FTZ Eligibility -- Issuance of a grant by the FTZB results in designated area obtaining FTZ eligibility.
8. Zone Site -- Each separate area comprising FTZ No. 136 and its subzones.
9. Activation -- Filing of an application with CBP by the FTZ Operator, with Grantee's concurrence, results in the actual utilization of an FTZ eligible site as an FTZ. 19 CFR 146.1(b)
10. Alternative Site Framework (ASF) – An optional approach to designation and management of zone sites allowing greater flexibility and responsiveness to serve single-Operator/User locations. 15 CFR 400.2(c)
11. Service Area – Jurisdiction(s) within which a Grantee proposes to be able to designate sites via minor boundary modifications under the ASF. 15 CFR 400.2(q)



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**DEFINITIONS (continued)**

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12. Magnet Site – A site intended to serve or attract multiple operators or users under the ASF. 15 CFR 400.2(j)
13. Usage Driven Site – A site tied to a single Operator or User under the ASF. 15 CFR 400.2(t)
14. Subzone -- A site (or group of sites) established for a specific use. 15 CFR 400.2(s)
15. Domestic Status Merchandise -- Merchandise produced in the United States or imported merchandise for which customs duties have already been paid. 19 CFR 146.43
16. Privileged Foreign Status Merchandise -- Imported merchandise that has not cleared Customs and for which the User wishes said merchandise to retain its identity, from a customs classification standpoint, regardless of its condition when it ultimately enters the customs territory of the United States. The privileged status must be affirmatively requested by User. 19 CFR 146.41
17. Non-Privileged Foreign Status Merchandise -- Imported merchandise that has not cleared Customs and for which the User does not wish said merchandise to retain its identity, from a customs classification standpoint, so that if altered, it will become classifiable in its condition when it enters the customs territory of the United States. All foreign merchandise properly in a zone which does not have status as privileged foreign or zone restricted is considered to be in non-privileged status. 19 CFR 146.42
18. Zone Restricted Merchandise -- Merchandise taken into the zone for the sole purpose of exportation, destruction or storage and which cannot re-enter the U.S. customs territory unless FTZB determines the return would be in the public interest. Zone-restricted status must be affirmatively requested by user. 19 CFR 146.44
19. CPB Form 214 -- Document prepared by the User, signed by the FTZ Operator and approved by CBP, which authorizes the admission of merchandise into a FTZ and designates the status of the merchandise.
20. CBP Form 216 -- Document prepared by the FTZ Operator and approved by CBP, which authorizes the User to engage in certain activities within the FTZ such as manipulation, repair, destruction and manufacture.
21. CBP Form 3461 -- Document prepared by the User, which must be approved by CBP and furnished to FTZ Operator prior to the physical removal of any merchandise from the FTZ into the customs territory of the United States.

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**DEFINITIONS (continued)**

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22. CBP Form 7512 -- Document prepared by the User, which must be approved by CBP and furnished to the FTZ Operator prior to the physical removal of any merchandise from the FTZ for exportation of merchandise from the United States.

23. Zone Schedule – This document constitutes the FTZ No. 136 Zone Schedule as required by 15 CFR 400.44. This document may also be referred to as the FTZ No. 136 Tariff.

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**LIABILITY**

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**Grantee Liability:**

A Grantee is the entity to which the privilege of establishing, operating and maintaining a FTZ has been granted. The grant shall not be sold, conveyed, transferred, set over or assigned. (19 USC 81q) CBP holds the FTZ Operator and its surety responsible for compliance with the Customs Statutes and Regulations through the conditions of the FTZ Operator Bond. (19 CFR 113.73) A grant of authority, per se, shall not be construed to make the Grantee liable for violations by zone participants. 15 CFR 400.46(a) A Grantee could create liability for itself that otherwise would not exist if the Grantee undertakes detailed operational oversight of or direction to zone participants. Examples of detailed operational oversight or direction include review of an operator's inventory-control or record-keeping systems, specifying requirements for such a system to be used by an operator, and review of CBP documentation related to an operator's zone receipts and shipments. 15 CFR 400.46(b)

**FTZ Operator Liability:**

An FTZ Operator agrees to terms and conditions set forth within the Operator's Agreement that covers the development and operational management of FTZ activities at their designated Zone Site(s). Operations will be consistent and in accordance with standards of operation required by CBP and the FTZB, including those related to occupancy and use.

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**SITES COMPRISING FTZ NO. 136**

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**List of Magnet Sites:**

Site 1: Canaveral Port Authority Complex at Port Canaveral (884 acres).

Site 2: Titusville-Cocoa Space Center Executive Airport Industrial Park in Titusville (1,372 acres).

Site 3: Melbourne Regional Airport Industrial Park in Melbourne (1,820 acres).

Site 4: Tate Industrial Park in Cocoa (24 acres),

Site 6: Ellis Road Technology Center (24 acres).

**List of Usage Driven Sites:**

Site 5: Telecommunications Support Services in Melbourne (5 acres).

**List of Subzones:**

Subzone 136A: Flite Technology, Inc. (FTI) located in Cocoa, Florida. Subzone approved by Board Order No. 528 dated July 19, 1991 – GRANT TERMINATED.

Subzone 136B: American Digital Switching, Inc. located in Melbourne, Florida. Subzone approved by Board Order No. 583 dated June 29, 1992 – GRANT LAPSED

Subzone 136C: Harris Corporation-Electronic Systems Sector=s facilities located at four sites in Brevard County, Florida. Subzone approved by Board Order No. 1007 dated November 16, 1998 – IN DEACTIVATED STATUS

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**LIST OF OPERATORS**

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<b>OPERATOR</b>	<b>SITE LOCATION</b>	<b>STATUS</b>
<b>American Cruise-Aid Logistics 405 Atlantis Road, Suite 101 Cape Canaveral, FL 32920</b>	<b>Magnet Site No. 1</b>	<b>Activated November 7, 2007</b>
<b>Seaport Canaveral 555 Hwy. 401 Cape Canaveral, FL 32920-4438</b>	<b>Magnet Site No. 1</b>	<b>Activated May 4, 2010</b>
<b>Telecommunication Support Services 720 North Drive Melbourne, FL 32934</b>	<b>Usage Driven Site No. 5</b>	<b>Activated September 2010</b>

\*All above sites are approved by FTZ Board standards, however, for Grantee rate schedule purposes, activated means engaged in business with international cargo.

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**RATES AND FEES**

Property Owners and FTZ Operators shall pay the Canaveral Port Authority for services rendered at the rate published in the following charts. Fees are based upon staff time and services involved and exclude additional out-of-pocket expenses including FTZB application fees, legal expenses, and engineering and/or surveying services.

**Magnet Site/Usage Driven Site Foreign-Trade Zone**

<b>Sponsorship of Submissions to FTZB (Fee to FTZB to be paid by Applicant – Property Owner or FTZ Operator):</b>	
Expansion/Reorganization Application of Existing Magnet Site	\$7,500
Establishment of a new Magnet Site	\$15,000
Minor Boundary Modification Request Seeking Usage Driven Site Designation	\$5,000 (per site)
Request for Production Notification/Authority	\$2,500
<b>Sponsorship of Requests to CBP:</b>	
Activation Request	\$1,500 (per site)
Alteration Request	\$750 (per site)
Deactivation Request	\$500 (per site)
<b>Annual Fees:</b>	
Annual Fee to Entity functioning as FTZ Operator for Multiple Users at an activated Single Site (billed annually in January)	\$2,500 (per site)
Annual Fee to Entity functioning as its own FTZ Operator at an activated Site (billed annually in January)	\$5,000 (per site)
Annual Fee to Entity functioning as FTZ Operator for Multiple Users at a non-activated Single Site (billed annually in January)	\$1,250 (per site)
Annual Fee to Entity functioning as its own FTZ Operator at a non-activated activated Site (billed annually in January)	\$2,500 (per site)

\*Property owners with land in designated FTZ areas prior to January 1, 2009 are exempt from this fee.

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**RATES AND FEES (continued)**

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**SUBZONES**

<b>Sponsorship of Submissions to FTZB (Fee to FTZB to be paid by Subzone Applicant):</b>	
Subzone Establishment	\$5,000 (per site)
Subzone Expansion of Area	\$2,500 (per site)
Subzone Request for Production Notification/Authority	\$2,500
<b>Sponsorship of Requests to CBP:</b>	
Activation Request	\$1,500 (per site)
Alteration Request	\$750 (per site)
Deactivation Request	\$500 (per site)
<b>Annual Fees:</b>	
Annual Fee for Activated Subzone (billed annually in January)	\$5,000 (per site)
Annual Fee for Non-Activated Subzone (billed annually in January)	\$2,500 (per site)

**Other Fees and Charges**

<b>Special Grantee Assistance</b>	<b>\$100 per hour</b>
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\*Property owners with land in designated FTZ areas prior to January 1, 2009 are exempt from this fee.

**Late Fee Assessment:**

All invoices unpaid on the 30<sup>th</sup> calendar day following the day on which the invoice was issued or the debt was due are delinquent. Delinquent accounts shall incur (as liquidated damages) a late charge of one and one-half percent (1-½%) for each month, eighteen percent (18%) per year, simple interest, on any portion of said bill which remains delinquent.

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**RATES AND FEES (continued)**

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**Non-Payment of Fees:**

The Canaveral Port Authority reserves the right to terminate any Operator Agreement or Property Owner Agreement or otherwise deny any Operator or Property Owner the use of FTZ No. 136 as a result of the failure of the Operator or Property Owner to pay fees due Grantee.

**FTZ Operator Fees:**

Each FTZ Operator that has a clause in its FTZ Operating Agreement to provide FTZ services to the public at large shall publish its own schedule of FTZ-related services offered with rates and fees to be charged to Users. This schedule must be made available at the FTZ Operator's Zone Site and at the office of the Grantee.



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**INTERNAL RULES**

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The following rules governing procedures within FTZ No. 136 are issued in conformity with and supplementary to the FTZ Statute and Regulations and such of the United States Statutes and Regulations relating to the Port of Entry that are applicable to FTZ Operations.

The Internal Rules section of this Zone Schedule (Revision 5) is divided as follows:

General Operations

Improvements

Record Keeping

Advertising

Administrative Expense

Indemnification

Insurance

Recognition of Successor

Each FTZ Operator at FTZ No. 136 (whether Multiple User, Single User, Usage Driven or Subzone) will have an Operating Agreement (Agreement) in place before activation. Each Operating Agreement shall be renewable annually in January. The following Internal Rules section of this Zone Schedule supplements but does not supersede the terms and requirements of the Operating Agreement.

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**INTERNAL RULES (continued)**

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**GENERAL OPERATIONS**

**Qualifications:**

Persons and business entities may qualify as an FTZ Operator of FTZ No. 136 provided that they have satisfied all requirements imposed by CBP, executed the necessary Operating Agreement with the Grantee, filed a Schedule of Rates and Charges with the Grantee (this is needed if the Operator has a clause in its FTZ Operating Agreement to provide FTZ services to the public at large), and met all additional laws and regulations imposed by agencies having jurisdiction over their activities.

**FTZ Operations Manual:**

The FTZ Operator shall establish standards of operation and management and will document them in a FTZ Operations Manual. The manual will conform to requirements of the FTZB and CBP and will apply to the admittance of all persons, firms and corporations to such premises.

**Right of Entry:**

Representatives of the Grantee, FTZB, CBP and other authorized U.S. Government Officers, shall have the right to enter the Zone Site at any time for the authorized and lawful purpose of examining the Zone Site, conferring with the FTZ Operator, its agents, invitees and employees on the premises, inspecting and checking operations, supplies, equipment and merchandise, and determining whether the business is being conducted in accordance with the procedures established in the Operations Manual, the Operating Agreement and pursuant to CBP and FTZB regulations. All such entries shall be in accordance with the established security procedures and with reasonable advance notice to the FTZ Operator.

**Performance:**

The FTZ Operator agrees to promptly undertake its best efforts to initiate FTZ operations. The Grantee agrees to provide necessary support for the FTZ Operator's efforts.

**Expansion:**

The FTZ Operator will respond, in a timely manner, to future growth in market demand for leased space and facilities within the Zone Site including requesting expansion of facilities as deemed necessary and economically practicable by the FTZ Operator in consultation with Grantee.

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**INTERNAL RULES (continued)**

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**Application to FTZB:**

The Grantee shall have the sole ability to file applications with the FTZB requesting modifications to Grants of Authority. Requests to modification of a Grant may include expansions, boundary modifications, subzone applications and/or changes in scope of authority.

**Prohibited Use:**

FTZ No. 136 shall not be used to circumvent trade laws and directives of the United States nor shall it be used for any activities that do not comply with other laws and regulations.

No retail trade shall be conducted within any activated areas except as approved by the FTZB and CBP with concurrence from the Grantee.

No persons shall reside within any activated areas of FTZ No.136.

**IMPROVEMENTS**

**Immediate Improvements:**

The FTZ Operator agrees to construct the improvements and facilities at the Zone Site required by the FTZB and to conform with CBP physical security requirements for activation of the Zone Site. The FTZ Operator further agrees to commence business as soon as practicable following the completion of such improvements.

**Improvements Generally:**

The FTZ Operator agrees not to construct any additional Zone Site facility or make any substantial alterations to the improvements referred to above in Immediate Improvements, unless plans and specifications are first concurred with by the Grantee, FTZB, and CBP as required by law.

**Repairs and Maintenance:**

The FTZ Operator will repair and maintain the premises in a clean and orderly condition consistent with the nature of the operations at the Zone Site.

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**INTERNAL RULES (continued)**

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**RECORDKEEPING**

The Grantee is responsible for preparing and filing with the FTZB an Annual Report summarizing all Zone activity from January 1 through December 31 of each year. The report shall be filed by March 31 of each year pursuant to current requirements of the FTZB. In order for the Grantee to meet its responsibility in this regard, each Operator shall electronically submit its data to the Grantee through the Online FTZ Information System (OFIS) that has been created by the FTZB. Failure of an Operator to timely submit such data may result in penalties assessed by both the Grantee and the FTZB. The FTZ Operator shall be responsible for preparing a narrative and supplying photographs, as required, for the Annual Report to the FTZB. All financial and operations information concerning zone operations shall be kept confidential except that which is required to be made public by the FTZB. Any and all FTZ operations manuals, computer programs, computer reports and system designs developed by the FTZ Operator shall be kept confidential and will not be disclosed to any other entity.

All financial and accounting records concerning Zone Site operations shall be retained for five (5) years after the act or occurrence recorded or after the merchandise covered by such records has been forwarded from the zone, whichever is longer.

Details of business operations of individual firms operating and using the Zone Site shall be kept confidential except for such information as shall be determined to be public information under federal, state or local laws.

**ADVERTISING**

The FTZ Operator may advertise that its operations are within a Foreign Trade Zone. However, no designs, advertising signs or forms of publicity referring to the zone shall be used unless approved in writing by the Grantee as meeting standards which include wording, forms, color, number, location and size. The Grantee may advertise that the FTZ Operator operations are within a Foreign Trade Zone. However, the Grantee agrees to consult with the FTZ Operator to assure the accuracy of published data concerning the Zone Site. If the Grantee or FTZ Operator fail to approve or disapprove, in writing, any advertising materials within fourteen (14) days after submission, such materials shall be deemed approved.

**ADMINISTRATIVE EXPENSES**

**Administrative Charges:**

The FTZ Operator agrees to pay or cause to be paid all costs, expenses and taxes (if any) incurred by the Zone Site operation including, but not limited to, construction, installation, improvements, security, maintenance, personnel and as otherwise provided herein. The FTZ Operator also agrees to pay the Grantee an annual fee. This fee shall be examined each January as to changes required by either party.

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**INTERNAL RULES (continued)**

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**U.S. Customs & Border Protection Administration Expenses:**

The FTZ Operator shall pay or cause to be paid the full cost of all CBP administrative fees attributable to the Zone Site operation via direct billing.

**U.S. Customs & Border Protection Bond Expense:**

The FTZ Operator shall pay the full cost of any CBP Bond required by CBP for operation of the Zone Site and will file directly with the Port Director of CBP.

**INDEMNIFICATION**

The FTZ Operator agrees to protect, indemnify and hold harmless the Grantee, its elected officials, employees and agents from and against any and all loss, damage and liability including attorney fees and costs, whether insured or not, arising out of or incident to the operations of the FTZ Operator at the Zone Site.. This includes, but is not limited to, FTZ Operator liabilities under the FTZ Operator's Bond, including liquidated damages, as well as all other penalties and/or fines for violations of Customs laws or regulations governing FTZ activities.

**INSURANCE**

The FTZ Operator is required to have an insurance policy for the benefit of the Grantee and show the Grantee as an additional insured covering public liability for the Zone Site for bodily injury and property damage liability. The FTZ Operator needs to furnish the Grantee certificates of any such insurance.



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