



# Sales and Use Tax

## Application for Refund

*Have Questions?*  
Call 850-617-8585

Use the enclosed form to request a refund for:

- Sales and Use Tax
- Surtax
- Local Option Tax
- Annual Registration Fees
- Amusement Machine Certificate Fees
- Cash Bonds
- Community Contribution Tax Credit
- Solid Waste Fees
  - Battery Fees
  - New Tire Fees
  - Rental Car Surcharge
  - Gross Receipts on Dry Cleaning
- Exemptions authorized by Florida Statutes
  - Lemon Law
  - Enterprise Zone
  - New or Expanding Business
  - Motion Picture

### *Inside*

Frequently Asked Questions ..... p. 2-3

For Information, Forms, and Online Filing ..... p. 3

Application Form ..... p. 4

Documentation Guide ..... p. 5-10



# Frequently Asked Questions (FAQs)

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- 1. Who can apply for a refund?**

Any business or individual who has made a payment directly to the Florida Department of Revenue or a county tax collector, which was not owed, was made in error, or was an overpayment, may apply for a refund. A refund for a payment made to a dealer or private tag agent must be requested from the dealer or private tag agent to whom the payment was made. Certain exceptions allow the Department to issue a refund to a business or individual who has paid tax to a dealer. See Page 8, Exempt Issues.
  - 2. Is there a time limit for claiming a refund?**

**Yes.** The time limit allowed for claiming a refund has changed several times. Your time limit is determined by the date you paid the tax.

    - Tax paid on or after July 1, 1999 - three (3)-year limit.
    - Bad debts have a unique statute of limitations. See Page 5.
    - Repossessed merchandise has a unique statute of limitations. See Page 10.
    - Enterprise zones have a unique statute of limitations. See Page 7.
  - 3. May I take a credit on my return instead of applying for a refund?**

**Yes.** Dealers should:

    - A. Refund the customer any overpayment of tax collected from the customer.
    - B. Document internal records to explain why the adjustment is being made.
    - C. Enter the amount on the **“Less Lawful Deductions”** line of the next return filed (Line 6 of the DR-15 or Line 5 of the DR-15EZ). **The amount entered can equal but should not exceed the amount reported on the “Total Tax Collected” line** (Line 5 of the DR-15 or Line 4 of the DR-15EZ). If the total amount to be recovered cannot be taken on three consecutive returns, you may want to apply for a refund instead of taking credit on the return(s).
- CREDIT MEMOS**
- If you have received a credit memo issued by the Florida Department of Revenue and you wish to take the credit on your return rather than applying for a refund, enter the credit amount on Line 8 of the DR-15 or Line 6 of the DR-15EZ.
- 4. What documentation should I submit with my application?**

Florida Statutes require that an application for refund must be supported by appropriate documentation to substantiate the validity of the claim. Accounting records for the time period involved are subject to audit verification. This application suggests examples of the types of documentation normally required to support these types of refund claims. Documentation may be submitted on a CD with your application. Each refund request is unique and you may be asked to provide additional items not listed. Upon receipt, the Department will review your Form DR-26S and supporting documents. Additional information may be needed; you will be notified of those requirements and of any proposed refund claim changes.
  - 5. How long will it take to process my refund?**

Your refund claim will be processed within 90 days if the application is complete. To be considered complete, all documentation needed to substantiate the refund claim must accompany the application.
  - 6. Am I entitled to interest on my refund claim?**

**Yes.** The Department pays interest on refunds of most taxes and fees. Interest will be paid on claims that have not been paid or credited within 90 days of receipt of a complete refund application. To be considered complete, all documentation needed to substantiate the refund claim must accompany the application. Interest paid by the Department will be computed beginning on the 91st day and will be based on a statutory floating rate that may not exceed 11 percent. The rates are updated January 1 and July 1 of each year.



## Frequently Asked Questions (FAQs)

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7. **May I have my CPA, attorney, or consultant, handle the refund request?** **Yes.** A completed *Power of Attorney and Declaration of Representative* (DR-835), which authorizes the Department to discuss confidential tax matters with an alternate party, must accompany the refund application. To request Form DR-835, see below.
8. **Is it possible to have the audit performed at my location?** **Yes.** If the documentation needed to verify your claim is voluminous, you may attach a signed **Mutual Agreement** to the refund application to have the audit performed at your location. Call the Refunds Subprocess at 850-617-8585 to request this form.
9. **What is the status of my refund?** You can verify the status of your refund application by accessing our web site at [www.myflorida.com/dor/eservices/other/refunds/status/](http://www.myflorida.com/dor/eservices/other/refunds/status/)  
Or by contacting the Refund Sub-process at 850-617-8585 Please be prepared to provide the following information.
- Social Security Number
  - Federal Identification Number (FEIN)
  - Tax Type
  - Exact refund amount requested

## For Information, Forms, and Online Filing

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### Online Filing

You can file for a refund of tax overpayments via the Department's Internet site at [www.myflorida.com/dor/taxes/refunds.html](http://www.myflorida.com/dor/taxes/refunds.html)

### Online Refund Status Inquiry

You can view the current status of a refund application by accessing the Department's website at <http://www.myflorida.com/dor/eservices/other/refunds/status/>

Need information regarding Unemployment Tax?  
Contact the Florida Department of Revenue  
Unemployment Tax and Employer Information  
Center at 800-482-8293.

Information, forms, and tutorials are available on our Internet site:  
[www.myflorida.com/dor](http://www.myflorida.com/dor)

**To speak with a Department representative,** call Taxpayer Services, Monday through Friday, 8 a.m. to 7 p.m., ET, at 800-352-3671.

To find a **taxpayer service center** near you, go to: [www.myflorida.com/dor/contact.html](http://www.myflorida.com/dor/contact.html)

**For written replies to tax questions,** write to:

Taxpayer Services - Mail Stop 3-2000  
Florida Department of Revenue  
5050 W Tennessee St  
Tallahassee FL 32399-0112

**Subscribe to our tax publications** to receive due date reminders or an e-mail when we post:

- Tax Information Publications (TIPs).
- *Facts on Tax*, a quarterly publication.
- Proposed rules, notices of rule development workshops, and more.

Go to: [www.myflorida.com/dor/list/](http://www.myflorida.com/dor/list/)



**Application for Refund - Sales and Use Tax**

Important Note: Refund requests cannot be processed without complete documentation as suggested.

**STOP: YOU MAY TAKE A CREDIT ON YOUR NEXT RETURN INSTEAD OF APPLYING FOR A REFUND (See FAQ # 3)**

Your refund application will be rejected if the fields in red are not completed. Type or print clearly.

**Part 1** Fill in

Name of applicant: [Red boxes]

Mailing street address: [Red boxes]

Mailing city, state, ZIP: [Red boxes]

Location street address: [Red boxes]

Location city, state, ZIP: [Red boxes]

Business telephone number (include area code): [Red boxes] - [Red boxes] - [Red boxes]      Home telephone number (include area code): [Red boxes] - [Red boxes] - [Red boxes]

Fax number (include area code optional): \_\_\_\_\_      E-mail address (optional): \_\_\_\_\_

**Part 2**  
Sign and date this form.

Signature of Applicant/representative: \_\_\_\_\_      Date: \_\_\_\_\_

Print name: \_\_\_\_\_      Title: \_\_\_\_\_

**Important** - A Florida Department of Revenue Power of Attorney (Form DR-835) must be properly executed and included if the refund request is submitted by the applicant's representative.

Representative's phone number: ( \_\_\_\_\_ ) \_\_\_\_\_

**Part 3**  
Enter amount of refund.

\$ [Red boxes], [Red boxes], [Red boxes]. [Red boxes]

**Part 4**  
Provide the identification number of the applicant. If you do not have a Sales Tax Certificate Number or Federal Employer Identification Number, provide your Social Security Number.

Contract Object Number: [Red boxes] - [Red boxes]      Sales Tax Certificate Number: [Red boxes] - [Red boxes] - [Red boxes] - [Red boxes] / [Red boxes]

Federal Employer Identification Number: [Red boxes] - [Red boxes]      Social Security Number: [Red boxes] - [Red boxes] - [Red boxes]

**Part 5**  
Enter the date paid or the collection period(s) on the tax return(s) used to report the tax.

Date Paid: [Red boxes] / [Red boxes] / [Red boxes]      Applied period: \_\_\_\_\_ to \_\_\_\_\_

**Part 6**  
Refer to the Page (pg) number indicated for appropriate documentation instructions.

**YOU MAY TAKE A CREDIT ON YOUR NEXT RETURN INSTEAD OF APPLYING FOR A REFUND (See FAQ #3)**

Explain the reason for this refund & check appropriate box below

\_\_\_\_\_

Amended Return (070) pg 5       Duplicate Payment (001) pg 6       Exempt Issues (071) pg 8       Rental of Real Property (1270) pg 10  
 Audit Overpayment (050) pg 5       Estimated Tax (1201) pg 6       Gross Receipts pg 8  
 Bad Debt (1300) pg 5       Enterprise Zone Brownfield pg 7       Lemon Law (1217) pg 8       Repossession (1350) pg 10  
 Community Contribution Tax Credit (1225) pg 6       Enterprise Zone Building Materials (1102) pg 7       Motor Vehicles/Boat/Mobile Home/Aircraft (1210) pg 9       Other pg 10 (attach explanation)  
 Credit Memos (065) pg 6       Enterprise Zone Equipment (1103) pg 7       New & Expanding Business (1105) pg 6

FOR FLORIDA DEPARTMENT OF REVENUE USE ONLY

Refund Approval Amount \$	Authorized By	Date	<b>MAIL TO:</b> <b>FLORIDA DEPARTMENT OF REVENUE</b> <b>REFUNDS SUB-PROCESS</b> <b>PO BOX 6490</b> <b>TALLAHASSEE FL 32314 - 6490</b> <b>FAX: 850-410-2526</b>
Review Refund Amount \$	Approved By	Date	

## Instructions:

In the following instructions, we have listed the most commonly occurring reasons for requesting a refund. Select your reason from one of the listed categories. Each category contains a suggested list of additional items or documentation needed to process your refund claim. Provide as much of this information as possible. You may submit this documentation on a CD. If additional information is needed, we will contact you within 30 days from postmark date.

## I. Amended returns

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### Suggested Documentation:

1. Detailed explanation for the error or overpayment.
2. Copy of original invoices or other relevant documents verifying the transaction(s).
3. Copy of the original return(s).
4. Copy of the amended return(s).
5. Explanation of how the refund amount is computed.
6. Proof the sales tax was refunded to customer.
  - A. Front and back of cancelled check refunding customer's payment.
  - B. Copy of customer's payment reflecting tax paid.
  - C. Signed acknowledgement from customer that credit memo was received.
7. Accounting records showing:
  - A. Gross, exempt, and taxable amounts.
  - B. Tax collected and tax paid.
8. Explain why the transactions are considered exempt and provide applicable items:
  - A. Copy of Florida Resale Certificate.
  - B. Copy of Florida Consumer's Exemption Certificate.
  - C. Copy of Florida Direct Pay Authority.
  - D. Copy of 501(C) (3) determination issued by the IRS.

## II. Audit Overpayments

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### Suggested Documentation:

1. Audit number(s).
2. Audit period.
3. Copy of the Notice of Proposed Assessment (DR-831).

## III. Bad Debt

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### Suggested Documentation:

1. Detailed explanation for the error or overpayment.
2. Explanation of how the refund amount is computed.
3. Accounting records showing:
  - A. Gross, exempt, and taxable amounts.
  - B. Tax collected and tax paid.
4. Copy of original source documents such as invoices, leases, contracts, etc.
5. Copy of federal return 1120.
6. A schedule of bad debts written off on the federal income tax return.
7. Copy of the customer payment history.

**Statute of limitations for bad debts:** Bad debts must be claimed within 12 months after they are charged off for federal income tax purposes.

## IV. Community Contribution Tax Credit

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### Suggested Documentation:

1. Copy of the approval letter from the Office of Tourism, Trade, and Economic Development (OTTED).
2. Copy of the Application for a Community Contribution Tax Credit (form 8E-17TCA#01 revised 7/2001) approved by OTTED.

**NOTE:** If you are a consolidated filer, provide your consolidated sales tax registration number. If you are not a consolidated filer, provide a list of sales tax registration numbers to which the credit is to be applied.

## V. Credit Memo

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### Suggested Documentation:

1. Detailed explanation for the error or overpayment.
2. Copy of the credit memo.

## VI. Duplicate Payments

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### Suggested Documentation:

1. Copy of front and back of cancelled checks or copy of electronic funds transfer (EFT) confirmations.
2. Copy of the bank statement showing the duplicate payment.
3. Explanation of how the duplicate payment occurred such as:
  - A. Two payments made for the same applied periods or month.
  - B. Same tax paid in two separate months.
  - C. Any other reason for the duplicate payment.

## VII. Estimated Tax

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### Suggested Documentation:

#### Estimated Tax (Individual Account)

1. Copy of previous month return.
2. Explanation of how the refund amount is computed.
3. Copy of returns for the periods in which the overpayment occurred. Please indicate final return if applicable.

#### Estimated Tax (Consolidated Accounts)

1. Copy of returns (DR-15s and DR-7s for all locations) for the periods in which the overpayment occurred. Please indicate final return if applicable.
2. Copy of previous month returns (DR-15s and DR-7s for all locations).
3. Explanation of how the refund amount is computed.

## VIII. New and Expanding Business

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### Suggested Documentation:

1. The Letter of Determination (LOD) issued by Technical Assistance and Dispute Resolution.
2. The application for refund (DR-26S) is not considered complete until verification audit is complete (site visit).

# IX. Enterprise Zone

## Suggested Documentation:

### For Business Property

1. Form EZ-E signed and dated by both the taxpayer and the EZ Coordinator. (Faxes or copies are not acceptable.)
2. Invoices that list the vendor's name and address, the date of purchase and the amount of sales tax paid.
3. Detailed description of the business property.
4. If the taxpayer accrued tax, provide verification that tax was paid.
5. Copy of the sales and use tax return for the period tax was paid.
6. Copy of the accrual journal that shows the paid invoices included in the refund.
7. Serial/Identification numbers for all applicable items.
8. Location of the property (i.e. "Ship To" address on the invoice or a statement).
9. If the refund is greater than \$5,000, a list of permanent, full-time employees residing in and outside the Enterprise Zone. (The EZ Coordinator must certify this list.)

### Statute of limitations for business property:

Application for Refund - Sales and Use Tax (DR-26S) must be postmarked within six (6) months from the purchase invoice date or ship date.

### For Building Materials

1. Form EZ-M signed and dated by both the taxpayer and the EZ Coordinator. (Faxes or copies are not acceptable.)
2. Parcel number.
3. Copy of the building permit.
4. Copy of the Certificate of Occupancy or Certificate of Completion.
5. Proof applicant is the owner, lessee, or lessor of the property at the time of application.
6. Copy of covenants and declaration of condominium if applicable.
7. If using the assessed method:
  - A. A copy of the property appraiser's assessment before and after rehabilitation.

8. If using the invoice method:
  - A. Copies of invoices showing vendor's name, address, purchase date, and amount of sales tax paid.
  - B. Sworn statement from the general contractor listing the building materials used, cost of materials, and the amount of sales tax paid.
9. If the refund is greater than \$5,000, provide a list of permanent, full-time employees residing in and outside the Enterprise Zone. (The EZ Coordinator must certify this list.)

### Statute of limitations for building materials:

Application for Refund- Sales and Use Tax (DR-26S) must be postmarked within six (6) months from date the certificate of occupancy is issued or within six (6) months from the date, the local building inspector has certified the project(s) substantially complete. If using assessed values, the application should be mailed before September 1 after the property is subject to assessment.

### For Brownfield Building Materials

1. Form DR-26RP signed and dated by both the taxpayer and the Brownfield Coordinator.
2. Copy of the building permit.
3. Copy of the Certificate of Occupancy or Certificate of Completion.
4. Proof applicant is the owner, lessee, or lessor of the property at the time of application.
5. Copy of invoices showing vendor's name, address, purchase date, and the amount of sales tax paid.
6. Sworn statement from the general contractor that lists the building materials used, cost of materials, and the amount of sales tax paid.
7. Copy of blueprints highlighting areas that have been set aside for low to moderate-income housing.
8. Sworn statement, under penalty of perjury, from the owner of the project, showing that at least 20 percent of the housing units of the project are set aside for low-income and moderate-income housing.
9. Copy of contract with housing authority or loan agreement verifying 20 percent of the housing units are set aside for low-income to moderate-income persons.



## X. Exempt Issues

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### Suggested Documentation:

1. Detailed explanation for the error or overpayment.
2. Copy of exemption certificate or resale certificate.
3. Copy of the invoices.
4. Copy of the original return(s).
5. Copy of the amended return(s).
6. Explanation of how the refund amount is computed.
7. Assignment of Rights (if tax was paid to the vendor).
8. Proof the tax was refunded to customer.
  - A. Front and back of cancelled check refunding the customer's payment.
  - B. Copy of customer's payment reflecting tax not paid.
  - C. Signed acknowledgement from customer that credit memo was received.
9. Accounting records showing:
  - A. Gross, exempt, and taxable amounts.
  - B. Tax collected and tax paid.
10. A summary listing each invoice claimed with the amount of sales tax requested or paid.

**NOTE:** Certain exemption issues require special exemption certificates. Refer to the Taxpayer Information Publication (TIP) or the Administrative Code for the exemption certificate suggested for the issue or call Refunds Sub-Process at 850-617-8585.

## XI. Gross Receipts

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### Suggested Documentation

1. Detailed explanation for the error or overpayment.
2. Copy of the amended return(s).
3. Copy of exemption certificate or resale certificate.
4. Copy of the invoices.
5. Other billing or statement documents.
6. Accounting records showing:
  - A. Gross, exempt, and taxable amounts.
  - B. Tax collected/Tax paid.

## XII. Lemon Law

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### Suggested Documentation:

1. Legible copy of the bill of sale, purchase order, or buyer's order. (Retail installment agreements are not acceptable.)
2. Copy of at least three repair orders showing the name, mileage, and Vehicle Identification Number (VIN).
3. Copy of the arbitration agreement by the State of Florida, Attorney General's Board may be used in lieu of repair orders. (Better Business Bureau Auto Line in lieu of repair orders is not acceptable.)
4. Acceptance letter signed by the customers agreeing to the buy back terms.
5. Copy of the cancelled checks reimbursing the customer and/or lien holder.
6. Calculation sheet verifying what mileage is being used to reimburse the customer.



## XIII. Motor Vehicles/Boat/Mobile Home/Aircraft

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### Suggested Documentation:

1. Detailed explanation for the refund request
2. Copy of the bill of sale
3. Copy of the Florida registration is paid to Florida (Tax Collector)
4. Cancelled check showing the tax was paid to Florida (Tax Collector)

**Rule 12A-1.013(7): "A taxpayer who has overpaid tax to a dealer, or who has paid tax to a dealer when no tax is due, must secure a refund of the tax from the dealer and not from the Department of Revenue."**

Locate your reason for requesting a refund from the most commonly occurring reasons listed below. Provide as much of this information as possible. If additional information is needed, we will contact you within 30 days from the postmark date.

**A. Tax was paid to Florida but vehicle was taken out of state.**

- 1) Proof of registration in another state or territory.
- 2) Sworn Affidavit for Partial Exemption of Motor Vehicle Sold for Licensing in Another State (DR-123) showing intent to remove vehicle from Florida.

**B. Tax was paid to another state.**

- 1) Proof of tax legally imposed and paid to another state.

**C. Vehicle was used six (6) months or more prior to entering Florida.**

- 1) Proof of registration and tax paid to another state.

**D. Title was cancelled, vehicle was declared stolen, or vehicle was returned to the seller.**

- 1) Proof of title cancellation issued by the Florida Department of Highway Safety and Motor Vehicles.
- 2) Copy of the stolen vehicle police report.
- 3) Proof of full refund from the seller for the full purchase price.

**E. Taxpayer is exempt from paying tax.**

- 1) Annual Resale Certificate or Exemption Certificate.
- 2) Proof tax is being paid on a monthly basis for lease.
- 3) Medical prescription for special attachments and itemized cost for attachment.

**F. Trade-in or dealer discount was not deducted.**

- 1) Proof discount was a dealer discount and not a manufacturer discount.
- 2) Proof of trade-in allowed.

**G. Motor vehicle was direct shipped or exported out of Florida by the dealer or did not enter Florida.**

- 1) Proof of direct shipment by the dealer, such as a bill of lading or other shipping document.

**H. Non-taxable title transfer**

- 1) Description of type of exempt title transfer.
- 2) Proof of exempt transfer.
  - a) Sworn statement stating the property was an even trade or was received as a gift.
  - b) Proof of marital status (for spouses added to or deleted from a title and/or lien).
  - c) Court documents showing divorce settlement.
  - d) Proof of dissolution of partnership.
  - e) Proof corporations are 100 percent commonly owned.

**I. Mobile home was purchased as real property.**

- 1) Purchase contract and closing statement.
- 2) Proof seller owned both land and mobile home and that the county property appraiser assessed the property as real property prior to purchase.

**J. Tax was paid on furnishings or attachments to mobile home or boat.**

- 1) List of accessories and furnishings with price for each item, signed and notarized by the seller.
- 2) Copy of the itemized bill of sale from the selling individual for the boat showing separate cost for the boat, motor, and trailer.

## XIV. Rental of Real Property

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### Suggested Documentation:

1. Detailed explanation for the error or overpayment.
2. Copy of the lease(s), sublease(s), and addendum.
3. Proof the sales tax was refunded to tenant.
  - A. Front and back of cancelled check refunding the customer's payment.
  - B. Copy of customer's payment reflecting tax not paid.
  - C. Signed acknowledgement from customer that credit memo was received.
4. Detailed accounting records showing:
  - A. Gross, exempt, and taxable amounts.
  - B. Tax collected/Tax paid.

### Other documentation sometimes needed:

1. Copy of the amended return(s) for the period(s) included in the refund request.
2. Copy of the exemption certificate or resale certificate.
3. If the property was sold, a copy of the settlement or closing agreement.
4. Detailed map of property for verification of the square footage.
5. Copy of operating expenses.
6. Copy of electric bills for common areas.
7. Copy of covenants and declaration of condominium.

## XV. Repossession

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### Suggested Documentation:

1. Copy of the bill of sale.
2. Copy of invoices.
3. Copy of the DR-95A.
4. Copy of the Schedule of Florida Sales or Use Tax Credits Claimed on Repossessed Motor Vehicles (DR-95B).
5. Retail installment contract, loan agreement, finance agreement or other documentation.

6. Copy of accounting records.
7. Copy of the Repossession Title or Certificate of Repossession (for a motor vehicle).
8. Copy of the customer payment history.
9. Proof of repurchase of the loan.

**Statute of limitations for repossessions:** Refunds of tax paid on repossessed merchandise must be claimed within 12 months after repossession.

## XVI. Other (Penalties, Voluntary Disclosure, Self-Audit etc.)

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### Suggested Documentation:

1. Detailed explanation for the error or overpayment.
2. Copy of original return(s).

### Other documentation sometimes needed:

1. Proof of payment.
2. A copy of the tax return that generated the Notice of Tax Action or penalty.
3. Justification for request of waiver of penalty.

4. Documentation to support penalty waiver.
5. Sales and Use Tax account number, DTA number, or any other number used to identify the overpayment for a self-audit, self-analysis, stipulation agreement, or voluntary disclosure.
6. Copy of a letter from Department of Revenue stating amount of overpayment of stipulation payments.
7. Copy of self-analysis or self-audit report.
8. Copy of voluntary disclosure information.