

By Senator Fine

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Senate Joint Resolution

A joint resolution proposing the repeal of Section 2 of Article IV of the State Constitution, relating to the creation of the office of Lieutenant Governor; the repeal of subsection (i) of Section 19 of Article III of the State Constitution, relating to the creation of the Government Efficiency Task Force; amendments to Section 2 of Article II, Sections 2 and 17 of Article III, Sections 3, 4, 5, and 6 of Article IV, Section 4 of Article VI of the State Constitution; and the creation of a new section in Article XII of the State Constitution to revise provisions relating to auditing and government efficiency, create the office of the Commissioner of Government Efficiency as a Cabinet officer, revise provisions relating to succession to the office of Governor if there is a vacancy or in the case of impeachment or incapacity, and to submit to the electorate, during a specified election year, a ballot question regarding whether to repeal the office of the Commissioner of Government Efficiency.

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

That the following repeal of Section 2 of Article IV and subsection (i) of Section 19 of Article III of the State Constitution; amendments to Section 2 of Article II, Sections 2 and 17 of Article III, Sections 3, 4, 5, and 6 of Article IV, Section 4 of Article VI of the State Constitution; and creation of a new section in Article XII of the State Constitution are

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30 agreed to and shall be submitted to the electors of this state  
31 for approval or rejection at the next general election or at an  
32 earlier special election specifically authorized by law for that  
33 purpose:

## ARTICLE II

## GENERAL PROVISIONS

36 SECTION 2. Seat of government.—The seat of government shall  
37 be the City of Tallahassee, in Leon County, where the offices of  
38 the governor, ~~lieutenant governor,~~ cabinet members, and the  
39 supreme court shall be maintained and the sessions of the  
40 legislature shall be held; provided that, in time of invasion or  
41 grave emergency, the governor by proclamation may for the period  
42 of the emergency transfer the seat of government to another  
43 place.

## ARTICLE III

## LEGISLATURE

46 SECTION 2. Members; officers.—Each house shall be the sole  
47 judge of the qualifications, elections, and returns of its  
48 members, and shall biennially choose its officers, including a  
49 permanent presiding officer selected from its membership, who  
50 shall be designated in the senate as President of the Senate,  
51 and in the house as Speaker of the House of Representatives. The  
52 senate shall designate a Secretary to serve at its pleasure, and  
53 the house of representatives shall designate a Clerk to serve at  
54 its pleasure. ~~The legislature shall appoint an auditor to serve~~  
55 ~~at its pleasure who shall audit public records and perform~~  
56 ~~related duties as prescribed by law or concurrent resolution.~~

57 SECTION 17. Impeachment.—

58 (a) The governor, ~~lieutenant governor,~~ members of the

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59 cabinet, justices of the supreme court, judges of district  
60 courts of appeal, judges of circuit courts, and judges of county  
61 courts shall be liable to impeachment for misdemeanor in office.  
62 The house of representatives by two-thirds vote shall have the  
63 power to impeach an officer. The speaker of the house of  
64 representatives shall have power at any time to appoint a  
65 committee to investigate charges against any officer subject to  
66 impeachment.

67 (b) An officer impeached by the house of representatives  
68 shall be disqualified from performing any official duties until  
69 acquitted by the senate, and, unless impeached, the governor may  
70 by appointment fill the office until completion of the trial.

71 (c) All impeachments by the house of representatives shall  
72 be tried by the senate. The chief justice of the supreme court,  
73 or another justice designated by the chief justice, shall  
74 preside at the trial, except in a trial of the chief justice, in  
75 which case the governor shall preside. The senate shall  
76 determine the time for the trial of any impeachment and may sit  
77 for the trial whether the house of representatives be in session  
78 or not. The time fixed for trial shall not be more than six  
79 months after the impeachment. During an impeachment trial  
80 senators shall be upon their oath or affirmation. No officer  
81 shall be convicted without the concurrence of two-thirds of the  
82 members of the senate present. Judgment of conviction in cases  
83 of impeachment shall remove the offender from office and, in the  
84 discretion of the senate, may include disqualification to hold  
85 any office of honor, trust or profit. Conviction or acquittal  
86 shall not affect the civil or criminal responsibility of the  
87 officer.

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88 SECTION 19. State Budgeting, Planning and Appropriations  
89 Processes.—

90 (a) ANNUAL BUDGETING.

91 (1) General law shall prescribe the adoption of annual  
92 state budgetary and planning processes and require that detail  
93 reflecting the annualized costs of the state budget and  
94 reflecting the nonrecurring costs of the budget requests shall  
95 accompany state department and agency legislative budget  
96 requests, the governor's recommended budget, and appropriation  
97 bills.

98 (2) Unless approved by a three-fifths vote of the  
99 membership of each house, appropriations made for recurring  
100 purposes from nonrecurring general revenue funds for any fiscal  
101 year shall not exceed three percent of the total general revenue  
102 funds estimated to be available at the time such appropriation  
103 is made.

104 (3) As prescribed by general law, each state department and  
105 agency shall be required to submit a legislative budget request  
106 that is based upon and that reflects the long-range financial  
107 outlook adopted by the joint legislative budget commission or  
108 that specifically explains any variance from the long-range  
109 financial outlook contained in the request.

110 (4) For purposes of this section, the terms department and  
111 agency shall include the judicial branch.

112 (b) APPROPRIATION BILLS FORMAT. Separate sections within  
113 the general appropriation bill shall be used for each major  
114 program area of the state budget; major program areas shall  
115 include: education enhancement "lottery" trust fund items;  
116 education (all other funds); human services; criminal justice

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117 and corrections; natural resources, environment, growth  
118 management, and transportation; general government; and judicial  
119 branch. Each major program area shall include an itemization of  
120 expenditures for: state operations; state capital outlay; aid to  
121 local governments and nonprofit organizations operations; aid to  
122 local governments and nonprofit organizations capital outlay;  
123 federal funds and the associated state matching funds; spending  
124 authorizations for operations; and spending authorizations for  
125 capital outlay. Additionally, appropriation bills passed by the  
126 legislature shall include an itemization of specific  
127 appropriations that exceed one million dollars (\$1,000,000.00)  
128 in 1992 dollars. For purposes of this subsection, "specific  
129 appropriation," "itemization," and "major program area" shall be  
130 defined by law. This itemization threshold shall be adjusted by  
131 general law every four years to reflect the rate of inflation or  
132 deflation as indicated in the Consumer Price Index for All Urban  
133 Consumers, U.S. City Average, All Items, or successor reports as  
134 reported by the United States Department of Labor, Bureau of  
135 Labor Statistics or its successor. Substantive bills containing  
136 appropriations shall also be subject to the itemization  
137 requirement mandated under this provision and shall be subject  
138 to the governor's specific appropriation veto power described in  
139 Article III, Section 8.

140 (c) APPROPRIATIONS PROCESS.

141 (1) No later than September 15 of each year, the joint  
142 legislative budget commission shall issue a long-range financial  
143 outlook setting out recommended fiscal strategies for the state  
144 and its departments and agencies in order to assist the  
145 legislature in making budget decisions. The long-range financial

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146 outlook must include major workload and revenue estimates. In  
147 order to implement this paragraph, the joint legislative budget  
148 commission shall use current official consensus estimates and  
149 may request the development of additional official estimates.

150 (2) The joint legislative budget commission shall seek  
151 input from the public and from the executive and judicial  
152 branches when developing and recommending the long-range  
153 financial outlook.

154 (3) The legislature shall prescribe by general law  
155 conditions under which limited adjustments to the budget, as  
156 recommended by the governor or the chief justice of the supreme  
157 court, may be approved without the concurrence of the full  
158 legislature.

159 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general  
160 appropriation bills shall be furnished to each member of the  
161 legislature, each member of the cabinet, the governor, and the  
162 chief justice of the supreme court at least seventy-two hours  
163 before final passage by either house of the legislature of the  
164 bill in the form that will be presented to the governor.

165 (e) FINAL BUDGET REPORT. A final budget report shall be  
166 prepared as prescribed by general law. The final budget report  
167 shall be produced no later than the 120th day after the  
168 beginning of the fiscal year, and copies of the report shall be  
169 furnished to each member of the legislature, the head of each  
170 department and agency of the state, the auditor general, and the  
171 chief justice of the supreme court.

172 (f) TRUST FUNDS.

173 (1) No trust fund of the State of Florida or other public  
174 body may be created or re-created by law without a three-fifths

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175 vote of the membership of each house of the legislature in a  
176 separate bill for that purpose only.

177 (2) State trust funds shall terminate not more than four  
178 years after the effective date of the act authorizing the  
179 initial creation of the trust fund. By law the legislature may  
180 set a shorter time period for which any trust fund is  
181 authorized.

182 (3) Trust funds required by federal programs or mandates;  
183 trust funds established for bond covenants, indentures, or  
184 resolutions, whose revenues are legally pledged by the state or  
185 public body to meet debt service or other financial requirements  
186 of any debt obligations of the state or any public body; the  
187 state transportation trust fund; the trust fund containing the  
188 net annual proceeds from the Florida Education Lotteries; the  
189 Florida retirement trust fund; trust funds for institutions  
190 under the management of the Board of Governors, where such trust  
191 funds are for auxiliary enterprises and contracts, grants, and  
192 donations, as those terms are defined by general law; trust  
193 funds that serve as clearing funds or accounts for the chief  
194 financial officer or state agencies; trust funds that account  
195 for assets held by the state in a trustee capacity as an agent  
196 or fiduciary for individuals, private organizations, or other  
197 governmental units; and other trust funds authorized by this  
198 Constitution, are not subject to the requirements set forth in  
199 paragraph (2) of this subsection.

200 (4) All cash balances and income of any trust funds  
201 abolished under this subsection shall be deposited into the  
202 general revenue fund.

203 (g) BUDGET STABILIZATION FUND. Subject to the provisions

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204 of this subsection, an amount equal to at least 5% of the last  
205 completed fiscal year's net revenue collections for the general  
206 revenue fund shall be retained in the budget stabilization fund.  
207 The budget stabilization fund's principal balance shall not  
208 exceed an amount equal to 10% of the last completed fiscal  
209 year's net revenue collections for the general revenue fund. The  
210 legislature shall provide criteria for withdrawing funds from  
211 the budget stabilization fund in a separate bill for that  
212 purpose only and only for the purpose of covering revenue  
213 shortfalls of the general revenue fund or for the purpose of  
214 providing funding for an emergency, as defined by general law.  
215 General law shall provide for the restoration of this fund. The  
216 budget stabilization fund shall be comprised of funds not  
217 otherwise obligated or committed for any purpose.

218 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND  
219 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide  
220 for a long-range state planning document. The governor shall  
221 recommend to the legislature biennially any revisions to the  
222 long-range state planning document, as defined by law. General  
223 law shall require a biennial review and revision of the long-  
224 range state planning document and shall require all departments  
225 and agencies of state government to develop planning documents  
226 that identify statewide strategic goals and objectives,  
227 consistent with the long-range state planning document. The  
228 long-range state planning document and department and agency  
229 planning documents shall remain subject to review and revision  
230 by the legislature. The long-range state planning document must  
231 include projections of future needs and resources of the state  
232 which are consistent with the long-range financial outlook. The



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233 department and agency planning documents shall include a  
234 prioritized listing of planned expenditures for review and  
235 possible reduction in the event of revenue shortfalls, as  
236 defined by general law.

237 ~~(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than~~  
238 ~~January of 2007, and each fourth year thereafter, the president~~  
239 ~~of the senate, the speaker of the house of representatives, and~~  
240 ~~the governor shall appoint a government efficiency task force,~~  
241 ~~the membership of which shall be established by general law. The~~  
242 ~~task force shall be composed of members of the legislature and~~  
243 ~~representatives from the private and public sectors who shall~~  
244 ~~develop recommendations for improving governmental operations~~  
245 ~~and reducing costs. Staff to assist the task force in performing~~  
246 ~~its duties shall be assigned by general law, and the task force~~  
247 ~~may obtain assistance from the private sector. The task force~~  
248 ~~shall complete its work within one year and shall submit its~~  
249 ~~recommendations to the joint legislative budget commission, the~~  
250 ~~governor, and the chief justice of the supreme court.~~

251 (i) ~~(j)~~ JOINT LEGISLATIVE BUDGET COMMISSION. There is  
252 created within the legislature the joint legislative budget  
253 commission composed of equal numbers of senate members appointed  
254 by the president of the senate and house members appointed by  
255 the speaker of the house of representatives. Each member shall  
256 serve at the pleasure of the officer who appointed the member. A  
257 vacancy on the commission shall be filled in the same manner as  
258 the original appointment. From November of each odd-numbered  
259 year through October of each even-numbered year, the chairperson  
260 of the joint legislative budget commission shall be appointed by  
261 the president of the senate and the vice chairperson of the

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262 commission shall be appointed by the speaker of the house of  
263 representatives. From November of each even-numbered year  
264 through October of each odd-numbered year, the chairperson of  
265 the joint legislative budget commission shall be appointed by  
266 the speaker of the house of representatives and the vice  
267 chairperson of the commission shall be appointed by the  
268 president of the senate. The joint legislative budget commission  
269 shall be governed by the joint rules of the senate and the house  
270 of representatives, which shall remain in effect until repealed  
271 or amended by concurrent resolution. The commission shall  
272 convene at least quarterly and shall convene at the call of the  
273 president of the senate and the speaker of the house of  
274 representatives. A majority of the commission members of each  
275 house plus one additional member from either house constitutes a  
276 quorum. Action by the commission requires a majority vote of the  
277 commission members present of each house. The commission may  
278 conduct its meetings through teleconferences or similar means.  
279 In addition to the powers and duties specified in this  
280 subsection, the joint legislative budget commission shall  
281 exercise all other powers and perform any other duties not in  
282 conflict with paragraph (c) (3) and as prescribed by general law  
283 or joint rule.

## ARTICLE IV

## EXECUTIVE

286 ~~SECTION 2. Lieutenant governor. There shall be a lieutenant~~  
287 ~~governor, who shall perform such duties pertaining to the office~~  
288 ~~of governor as shall be assigned by the governor, except when~~  
289 ~~otherwise provided by law, and such other duties as may be~~  
290 ~~prescribed by law.~~

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291 SECTION 3. Succession to office of governor; acting  
292 governor.—

293 (a) ~~Upon vacancy in the office of governor, the lieutenant~~  
294 ~~governor shall become governor. Further~~ Succession to the office  
295 of governor shall be prescribed by law when there is a vacancy  
296 in the office of governor. A successor shall serve for the  
297 remainder of the term.

298 (b) Upon impeachment of the governor and until completion  
299 of trial thereof, or during the governor's physical or mental  
300 incapacity, general law shall prescribe who ~~the lieutenant~~  
301 ~~governor~~ shall act as governor. Further succession as acting  
302 governor may ~~shall~~ be prescribed by law. Incapacity to serve as  
303 governor may be determined by the supreme court upon due notice  
304 after docketing of a written suggestion thereof by three cabinet  
305 members, and in such case restoration of capacity shall be  
306 similarly determined after docketing of written suggestion  
307 thereof by the governor, the legislature or three cabinet  
308 members. Incapacity to serve as governor may also be established  
309 by certificate filed with the custodian of state records by the  
310 governor declaring incapacity for physical reasons to serve as  
311 governor, and in such case restoration of capacity shall be  
312 similarly established.

313 SECTION 4. Cabinet.—

314 (a) There shall be a cabinet composed of an attorney  
315 general, a chief financial officer, ~~and~~ a commissioner of  
316 agriculture, and a commissioner of government efficiency. In  
317 addition to the powers and duties specified herein, they shall  
318 exercise such powers and perform such duties as may be  
319 prescribed by law. ~~In the event of a tie vote of the governor~~

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320 ~~and cabinet, the side on which the governor voted shall be~~  
321 ~~deemed to prevail.~~

322 (b) The attorney general shall be the chief state legal  
323 officer. There is created in the office of the attorney general  
324 the position of statewide prosecutor. The statewide prosecutor  
325 shall have concurrent jurisdiction with the state attorneys to  
326 prosecute violations of criminal laws occurring or having  
327 occurred, in two or more judicial circuits as part of a related  
328 transaction, or when any such offense is affecting or has  
329 affected two or more judicial circuits as provided by general  
330 law. The statewide prosecutor shall be appointed by the attorney  
331 general from not less than three persons nominated by the  
332 judicial nominating commission for the supreme court, or as  
333 otherwise provided by general law.

334 (c) The chief financial officer shall serve as the chief  
335 fiscal officer of the state, and shall settle and approve  
336 accounts against the state, and shall keep all state funds and  
337 securities.

338 (d) The commissioner of agriculture shall have supervision  
339 of matters pertaining to agriculture except as otherwise  
340 provided by law.

341 (e) The commissioner of government efficiency shall have  
342 the power to audit, investigate, and report on fraud, waste, and  
343 abuse exclusively within the executive branch of state  
344 government and within counties, municipalities, and special  
345 districts as provided by law.

346 (f)~~(e)~~ The governor as chair, the chief financial officer,  
347 ~~and the attorney general,~~ and the commissioner of government  
348 efficiency shall constitute the state board of administration,

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349 which shall succeed to all the power, control, and authority of  
350 the state board of administration established pursuant to  
351 Article IX, Section 16 of the Constitution of 1885, and which  
352 shall continue as a body at least for the life of Article XII,  
353 Section 9(c).

354 (g)~~(f)~~ The governor as chair, the chief financial officer,  
355 the attorney general, ~~and~~ the commissioner of agriculture, and  
356 the commissioner of government efficiency shall constitute the  
357 trustees of the internal improvement trust fund and the land  
358 acquisition trust fund as provided by law.

359 (h)~~(g)~~ The governor as chair, the chief financial officer,  
360 the attorney general, ~~and~~ the commissioner of agriculture, and  
361 the commissioner of government efficiency shall constitute the  
362 agency head of the Department of Law Enforcement. The Office of  
363 Domestic Security and Counterterrorism is created within the  
364 Department of Law Enforcement. The Office of Domestic Security  
365 and Counterterrorism shall provide support for prosecutors and  
366 federal, state, and local law enforcement agencies that  
367 investigate or analyze information relating to attempts or acts  
368 of terrorism or that prosecute terrorism, and shall perform any  
369 other duties that are provided by law.

370 SECTION 5. Election of governor, ~~lieutenant governor~~ and  
371 cabinet members; qualifications; terms.—

372 (a) At a state-wide general election in each calendar year  
373 the number of which is even but not a multiple of four, the  
374 electors shall choose a governor ~~and a lieutenant governor~~ and  
375 members of the cabinet each for a term of four years beginning  
376 on the first Tuesday after the first Monday in January of the  
377 succeeding year. ~~In primary elections, candidates for the office~~

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378 ~~of governor may choose to run without a lieutenant governor~~  
379 ~~candidate. In the general election, all candidates for the~~  
380 ~~offices of governor and lieutenant governor shall form joint~~  
381 ~~candidacies in a manner prescribed by law so that each voter~~  
382 ~~shall cast a single vote for a candidate for governor and a~~  
383 ~~candidate for lieutenant governor running together.~~

384 (b) When elected, the governor, ~~lieutenant governor~~ and  
385 each cabinet member must be an elector not less than thirty  
386 years of age who has resided in the state for the preceding  
387 seven years. The attorney general must have been a member of the  
388 bar of Florida for the preceding five years. No person who has,  
389 or but for resignation would have, served as governor or acting  
390 governor for more than six years in two consecutive terms shall  
391 be elected governor for the succeeding term.

392 SECTION 6. Executive departments.—All functions of the  
393 executive branch of state government shall be allotted among not  
394 more than twenty-five departments, exclusive of those  
395 specifically provided for or authorized in this constitution.  
396 The administration of each department, unless otherwise provided  
397 in this constitution, shall be placed by law under the direct  
398 supervision of the governor, ~~the lieutenant governor,~~ the  
399 governor and cabinet, a cabinet member, or an officer or board  
400 appointed by and serving at the pleasure of the governor,  
401 except:

402 (a) When provided by law, confirmation by the senate or the  
403 approval of three members of the cabinet shall be required for  
404 appointment to or removal from any designated statutory office.

405 (b) Boards authorized to grant and revoke licenses to  
406 engage in regulated occupations shall be assigned to appropriate

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407 departments and their members appointed for fixed terms, subject  
408 to removal only for cause.

## ARTICLE VI

## SUFFRAGE AND ELECTIONS

## SECTION 4. Disqualifications.—

412 (a) No person convicted of a felony, or adjudicated in this  
413 or any other state to be mentally incompetent, shall be  
414 qualified to vote or hold office until restoration of civil  
415 rights or removal of disability. Except as provided in  
416 subsection (b) of this section, any disqualification from voting  
417 arising from a felony conviction shall terminate and voting  
418 rights shall be restored upon completion of all terms of  
419 sentence including parole or probation.

420 (b) No person convicted of murder or a felony sexual  
421 offense shall be qualified to vote until restoration of civil  
422 rights.

423 (c) No person may appear on the ballot for re-election to  
424 any of the following offices:

- 425 (1) Florida representative,  
426 (2) Florida senator,  
427 ~~(3) Florida Lieutenant governor,~~  
428 (3)~~(4)~~ any office of the Florida cabinet,  
429 (4)~~(5)~~ U.S. Representative from Florida, or  
430 (5)~~(6)~~ U.S. Senator from Florida

431  
432 if, by the end of the current term of office, the person will  
433 have served (or, but for resignation, would have served) in that  
434 office for eight consecutive years.

## ARTICLE XII

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## SCHEDULE

Implementation of amendments relating to the office of the commissioner of government efficiency.-

(a) The amendments to Section 19 of Article III and Section 4 of Article IV and the creation of this section shall take effect upon approval by the electors.

(b) Appointment to the office of the commissioner of government efficiency is not subject to Section 1(f) of Article IV, relating to the appointment of any vacancy in state or county office, but the office shall remain vacant until legislative appointment pursuant to subsection (c).

(c) No later than March 2, 2027, the president of the senate and the speaker of the house of representatives shall convene the legislature to appoint a person to the office of the commissioner of government efficiency, who shall serve until such time as a person is elected to the office at the 2028 general election. The person appointed to the office of the commissioner of government efficiency may not seek election to fill such office as described in subsection (e). The commissioner shall be appointed by the legislature by concurrent resolution.

(d) Following legislative appointment of a commissioner of government efficiency pursuant to subsection (c), the office becomes subject to Section 1(f) of Article IV.

(e) At the 2028 general election, the office of the commissioner of government efficiency shall be filled by election pursuant to subsection (c), and, beginning with the 2030 general election, the office of the commissioner of government efficiency shall be filled by election pursuant to



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465 Section 5(a) of Article IV.

466 (f) At the 2044 general election, the following question  
 467 shall be placed on the ballot:

468  
 469 ARTICLE IV, SECTION 4

470 REPEAL OF OFFICE OF COMMISSIONER OF GOVERNMENT EFFICIENCY.—

471 Shall the office of the commissioner of government efficiency be  
 472 repealed from the constitution?

473  
 474 If the repeal of the office of the commissioner of government  
 475 efficiency is approved by the electorate, the office shall be  
 476 repealed on December 31, 2046, and all references to the office  
 477 of the commissioner of government efficiency shall be removed  
 478 from the constitution.

479  
 480 BE IT FURTHER RESOLVED that the following statement be  
 481 placed on the ballot:

482 CONSTITUTIONAL AMENDMENTS

483 ARTICLE II, SECTION 2

484 ARTICLE III, SECTIONS 2, 17, AND 19

485 ARTICLE IV, SECTIONS 2, 3, 4, 5, AND 6

486 ARTICLE VI, SECTION 4

487 ARTICLE XII

488 CREATION OF OFFICE OF COMMISSIONER OF GOVERNMENT EFFICIENCY  
 489 AND REPEAL OF OFFICE OF LIEUTENANT GOVERNOR.—Proposing  
 490 amendments to the State Constitution to repeal the creation of  
 491 the office of Lieutenant Governor, the office of Legislative  
 492 Auditor, and the Government Efficiency Task Force, to create the  
 493 office of the Commissioner of Government Efficiency as a Cabinet

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494 officer, and to revise provisions relating to government  
495 efficiency and succession to the office of Governor if there is  
496 a vacancy or in the case of impeachment or incapacity.